

**NOT APPROVED**



**Agenda Packet - DRAFT  
Village of Clemmons Council  
Regular Meeting**

**November 13, 2023**

**AGENDA  
REGULAR MEETING OF THE  
VILLAGE OF CLEMMONS COUNCIL  
NOVEMBER 13, 2023 at 6:00 p.m.**

- I. Call to Order & Pledge of Allegiance – Mayor Pro Tempore Barson
- II. Public Comments
- III. Minutes - Approval of Minutes – October 23, 2023 Regular Meeting
- IV. Changes and/or Approval of the Agenda
- V. Announcements
  - A. Village of Clemmons will be closed for Thanksgiving on Thursday & Friday, November 23 & 24, 2023 (Trash pickup Thursday & Friday will be delayed 1 day)
- VI. **Business – Action Items**
  - A. Public Hearings
    1. Zoning Map Amendment for PMA I Holdings, LLC for real property owned by Jasper L. Harper, Sr. and Jasper L. Harper, Jr. from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) for property addressed 0 Harper Rd, located east of Michelle Drive and north of Lismore Street and Dunmore Court, PINs 5883-39-7339 and 5883-49-6486, consisting of 26.76± acres **(Zoning Docket C-255)**
    2. Street Closing/ROW Abandonment - Resolution 2023-R-16 Street Closing Order with Certification - Lasater Road

**Business – Information/Review Items for Future Action**

  - B. Marketing & Communications Director’s Report / Events Update
    - The Clemmons Farmers Market Holiday Pop Up will be Sunday, November 19<sup>th</sup>, 2-5pm at the Jerry Long Family YMCA located at 1150 South Peace Haven Road.
    - The annual Village Tree Lighting Ceremony will take place on Tuesday, November 28<sup>th</sup>. The festivities will start at 5:30pm with the tree lighting taking place at 6:30pm. Rain date is scheduled for Thursday, November 30<sup>th</sup>.

*Details are available on the Village website and Facebook page regarding all our events.*
  - C. Manager’s Report
    1. CMAQ Application Submittal Update
    2. Historic Marker Update
  - D. Council Comments
- VII. Adjournment



DRAFT

## REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL October 23, 2023

The Village of Clemmons Council met on Monday, October 23, 2023, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Rogers, Council Members Barson, Combest, Taylor and Wrights. Council Member Cameron was remote. Attorney Al Benshoff was also present. Roll-call votes were taken.

### Call to Order & Pledge of Allegiance

Mayor Rogers called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

### Public Comments

There were two citizens in attendance. There were no individuals that spoke during public comments.

### Approval of the Minutes

Council Member Taylor moved to approve the minutes of the October 9, 2023 regular meeting as presented. The motion was seconded by Council Member Barson and unanimously approved.

### Additions and/or Approval of the Agenda

Council Member Taylor moved to approve the agenda as presented. The motion was seconded by Council Member Barson and unanimously approved.

### Announcements

There were none.

### Business – Action Items

- A. Call for Public Hearing – Zoning Map Amendment for PMA I Holdings, LLC for real property owned by Jasper L. Harper, Sr. and Jasper L. Harper, Jr. from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) for property addressed 0 Harper Rd, located east of Michelle Drive and north of Lismore Street and Dunmore Court, PINs 5883-39-7339 and 5883-49-6486, consisting of 26.76± acres (Zoning Docket C-255).

Council Member Taylor made a motion to Call for a Public Hearing on Zoning Map Amendment for PMA I Holdings, LLC for real property owned by Jasper L. Harper, Sr. and Jasper L. Harper, Jr. from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) for property addressed 0 Harper Rd, located east of Michelle Drive and north of Lismore Street and Dunmore Court, PINs 5883-39-7339 and 5883-49-6486, consisting of 26.76± acres (Zoning Docket C-255) on Monday, November 13, 2023 at 6pm at Village Hall. The motion was seconded by Council Member Combest and unanimously approved.

- B. Greendale Way Culvert Replacement Project Bids - The following bids were received for Greendale Way Culvert Replacement and Manager Gunnell advised the bid from BW Infrastructure LLC was the lowest. This project was awarded

funds from Golden LEAF in the amount of \$250,000 so that would leave approximately \$500,000 as the Village’s responsibility. Manager Gunnell will reach out to Golden LEAF to determine if there is additional funding that could be awarded as the cost is so much higher than the original estimate or if awarded funds from another project can be utilized toward this one.

Company	Quote
<b>BW Infrastructure LLC</b>	<b>\$749,000.00</b>
Breece Enterprises, Inc.	\$817,000.00
Mountaineer Contractors, Inc.	\$785,420.00

Council Member Barson made a motion to accept the bid from BW Infrastructure LLC for Greendale Way Culvert Replacement in the amount of \$749,000.00 as presented (attached hereto as Exhibit A and incorporated as a part of the minutes) and authorize a Budget Amendment (attached hereto as Exhibit B and incorporated as a part of the minutes) for the Greendale Way Culvert Bid Replacement Project. The motion was seconded by Council Member Combest and unanimously approved.

**Business – Information/Review Items for Future Action**

- C. Marketing & Communications Director’s Report / Events Update – Marketing & Communications Director Ford thanked everyone who came out to the Monster Dash & Goblin Hop, along with Lynette Fox and the Public Works Staff, vendors and Clemmons United Methodist Church for the shuttle service provided.
- The Clemmons Farmers Market Holiday Pop Up will be Sunday, November 19<sup>th</sup>, 2-5pm at the Jerry Long Family YMCA located at 1150 South Peace Haven Road.
  - The annual Village Tree Lighting Ceremony will take place on Tuesday, November 28<sup>th</sup>. The festivities will start at 5:30pm with the tree lighting taking place at 6:30pm. Rain date is scheduled for Thursday, November 30<sup>th</sup>.
  - Leaf updates will be provided every Monday at [Clemmons.org/leaves](http://Clemmons.org/leaves)
  - Stormwater had two very successful events last weekend with the Fall Cleanup and Medicine Drop
  - The Friends of the Library Booksale was a success

Details are available on the Village website and Facebook page regarding all our events.

- D. Manager’s Report.
1. Fieldview Court Cost-Share Project Update – Manager Gunnell advised Council that the property owner for the project they approved at their last meeting has withdrawn their application as an alternative solution (another way to discharge the pipe) was found which saved all parties money.
  2. Harper Road Sewer Extension Update – Manager Gunnell advised Council the bids received for this project came in at \$737,000 (the original estimate was \$320,000 which consisted of \$250,000 from the Sewer Fund and \$50,000 from the City of Winston-Salem and the additional \$20,000 being design costs).

Council consensus was to direct Staff to reach out to the Utilities Commission to rebid the Harper Road Sewer Extension Project after the first of the year.

3. *Harper Road Landscaping Project Update* – Assistant Manager Flyte advised Council that notice was received that the work has begun and should be completed by May 2024. NCDOT will maintain it for a year for it to become established before the Village takes over the maintenance.
4. *CMAQ Call for Projects* – Assistant Manager Flyte advised Council that the MPO has put out the call for projects for CMAQ (congestion mitigation and air quality improvement program) and CPR (carbon reduction program) FY25. The entire MPO has approximately \$3.8 million to fund projects this year. The application is due by November 10. Staff suggested two projects for Council to choose from: 1) Extend Springfield Farm Road to Lewisville Clemmons Road (approximately 1,000 feet) Total project estimated cost = \$1,180,000 with Village 20% match commitment = \$236,000; or 2) Sidewalks on one side of Marty Lane from Lewisville-Clemmons Road to King Richard Drive (approximately 2,500 feet) total project estimated cost = \$1,250,000 with Village 20% match commitment = \$250,000. Council discussion ensued with all members agreeing that both are good project submittals for different reasons and made their recommendations based on how many people might benefit from each as traffic is a major issue in Clemmons and easier access is desired. Council Members Taylor, Cameron, Wrights and Combest all supported the Springfield Farm Road extension and Council Member Barson supported the sidewalk on Marty Lane.

Council Member Combest made a motion to submit the application for Springfield Farms Road Connection to the MPO for CMAQ Grant Funding in this year's Call for Projects and commit to the 20% match as appropriate. The motion was seconded by Council Member Taylor and approved by a 4-1 vote with Council Member Barson voting in opposition.

5. *Haywood Street Traffic Calming* – Manager Gunnell advised Council that Jonathan Guy from Kimley-Horn did a field study of the intersection of Haywood Street and Arden Street and determined that there was a sight distance issue and recommended a three-way stop be implemented. This should also help to reduce speed on those streets.

Council consensus was to direct Staff to place stop signs (3-way stop) at the intersection of Haywood Street and Arden Street as recommended by Kimley-Horn due to a sight-distance safety issue.

6. *Retreat Dates* – Assistant Manager Flyte advised Council that the Robert L. Neill Boardroom at the WS Foundation has been reserved for January 22 (9am-4pm) and January 23 (9am-noon) for their Annual Retreat (this will take the place of the second January meeting).
- E. *Stormwater Quarterly Report* - Stormwater Tech II Harrison presented the Stormwater Quarterly Report (July – September 2023) to Council (attached hereto)

as Exhibit C and incorporated as a part of the minutes).

- F. Council Comments – Council Member Taylor spoke of his amazement at the turnout to the Monster Dash & Goblin Hop, the work of Staff and the positive feedback he received about the Greenway.
- G. Closed Session for Attorney-Client Privilege in Accordance with NCGS 143-318.11(a)(3) - Council Member Taylor a motion to enter Closed Session for Attorney-Client Privilege Discussion in Accordance with NCGS 143-318.11(a)(3) at 7:01 p.m. The motion was seconded by Council Member Wrights and unanimously approved.

At 7:30 p.m., Mayor Rogers stated that by unanimous vote Council chose to reconvene the open session with no action taken.

**Adjournment**

Council Member Barson moved to adjourn the meeting at 7:30 p.m. The motion was seconded by Council Member Taylor and unanimously approved.

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Michael Rogers  
Mayor

ATTEST:

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Lisa Shortt, NCCMC  
Village Clerk



## GOVERNING BOARD STATEMENT

Per G.S. §160D-605 “When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. Additionally, when adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. The statement of reasonableness and the plan consistency statement required by §160D-605 may be approved in a single statement.”

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*On October 17, 2023, the Planning Board unanimously recommended approval of Zoning Docket C-255. Zoning Docket C-255 proposes a zoning map amendment changing tax PINs 5883-39-7339 and 5883-49-6486 from RS-30 (Residential Single Family) to RS-20 (Residential Single Family). The following is a written recommendation from the Planning Board to the Village Council addressing Community Compass plan consistency:*

### **Consistency Statement for Zoning Map Amendment: Docket # C-255**

The proposed Zoning Docket C-255 zoning map amendment petition for tax PINs 5883-39-7339 and 5883-49-6486 from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) is consistent with the Village of Clemmons Community Compass:

- Applicable Clemmons Community Compass themes, goals, and objectives
  - Goal 1: Managed Growth and Balanced Land Use – “A continuum of development forms will be found in Clemmons – from rural, to suburban, to village core.” The RS-20 district allows for the extension of the suburban continuum of development that is present directly to the south and west of the site.
  - Goal 4: Wide Range of Housing Opportunities – “Housing opportunities for all members of our community will be provided in Clemmons: apartments, starter, mid-level, and upscale homes, as well as senior housing. Housing stock in the Village will provide options for various lifestyles and household preferences and particularly provide more opportunities for in-town living.” The RS-20 district could allow for more housing than what the existing RS-30 district allows since the minimum lot size requirements are less stringent.
- Future Land Use Map
  - Cluster Residential Future Land Use Designation – The Future Land Use Plan designates the proposed development area as Cluster Residential. Cluster residential areas should serve as a transitional area between rural preservation and neighborhood residential uses. The 20,000 square foot minimum lot sizes of the RS-20 district provide a transition between the denser, suburban/urban residential districts like RS-15 and the more rural districts of RS-30 and RS-40 which are intended for areas without water and sewer access.

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*Following are two statements for Village Council to consider. The first may be used, partially or in its entirety if the proposed map amendment is found to be consistent and reasonable by Village Council. The second statement may*

*be used, partially or in its entirety if Village Council finds the proposed map amendment to be inconsistent and unreasonable. Note: The Village Council may also find the zoning map amendment request inconsistent with the future land use plan but still reasonable and approve the request as noted above in NC G.S. 160D-604(d).*

### **Consistency Statement for Zoning Map Amendment: Docket # C-255**

The proposed Zoning Docket C-255 zoning map amendment petition for tax PINs 5883-39-7339 and 5883-49-6486 from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) is consistent with the Village of Clemmons Community Compass:

- Applicable Clemmons Community Compass themes, goals, and objectives
  - Goal 1: Managed Growth and Balanced Land Use – “A continuum of development forms will be found in Clemmons – from rural, to suburban, to village core.” The RS-20 district allows for the extension of the suburban continuum of development that is present directly to the south and west of the site.
  - Goal 4: Wide Range of Housing Opportunities – “Housing opportunities for all members of our community will be provided in Clemmons: apartments, starter, mid-level, and upscale homes, as well as senior housing. Housing stock in the Village will provide options for various lifestyles and household preferences and particularly provide more opportunities for in-town living.” The RS-20 district could allow for more housing than what the existing RS-30 district allows since the minimum lot size requirements are less stringent.
- Future Land Use Map
  - Cluster Residential Future Land Use Designation – The Future Land Use Plan designates the proposed development area as Cluster Residential. Cluster residential areas should serve as a transitional area between rural preservation and neighborhood residential uses. The 20,000 square foot minimum lot sizes of the RS-20 district provide a transition between the denser, suburban/urban residential districts like RS-15 and the more rural districts of RS-30 and RS-40 which are intended for areas without water and sewer access.

The proposed zoning map amendment is reasonable and in the public interest because it supports the Clemmons Community Compass goals above and because:

1. The minimum lot size in the requested RS-20 district is similar to lot sizes of adjacent properties and will allow buildings of a similar size and use.
2. The property is currently zoned RS-30 which requires that lots have at least 10,000 more square feet than RS-20. Rezoning the property to RS-20 is consistent with the cluster residential future land use intent of creating a transition to more rural areas of Forsyth County while also allowing the possibility of additional housing stock with single-family residential lot development.
3. This amendment adds to the tax base and provides the potential to develop needed housing supply.

### **Inconsistency Statement for Zoning Map Amendment: Docket # C-255**

The proposed Zoning Docket C-255 zoning map amendment petition for tax PINs 5883-39-7339 and 5883-49-6486 from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) is inconsistent with the Village of Clemmons Community Compass:

- Applicable Clemmons Community Compass themes, goals, and objectives
  - Objective #6: Protect Critical Environmental Assets – “New development should be located to reduce development footprints on undeveloped lands to protect critical environmental assets in the community.” The subject parcels of land are currently undeveloped with environmental assets such as large existing tree stands, streams, floodplain, floodway, and tributaries.



- Objective #48: Provide Incentives to Further Protect Riparian Buffers – “Discourage construction and land disturbance activities within 100 feet of streams, lakes, or wetlands. Explore incentives for protecting these areas, such as increased densities on more appropriate areas of development sites.” The eastern portion of this site includes a stream with adjacent floodplain as well as a tributary. Allowing more density there than what is allowed currently may negatively affect the existing water features.
- Future Land Use Map
  - Cluster Residential Future Land Use Designation – The Future Land Use Plan designates the subject parcels as Cluster Residential. Appropriate development for Cluster Residential should include residential units designed in a cluster-style pattern at a minimum of 2 units per acre. Since the request is for a general use district, all possible uses for the RS-20 zoning district must be considered. This includes the possibility of traditional single-family residential uses with minimum lot sizes of 20,000 square feet which creates sprawl by allowing a maximum density (rather than a minimum density) of 2 units an acre. Development patterns, including cluster-style, cannot be guaranteed with a general use district.

The proposed zoning map amendment is unreasonable and not in the public interest because it is not consistent with the objectives and future land use intent as stated above and because:

1. The additional traffic that would be allowed with the smaller lot sizes of RS-20, with no connection to a minor thoroughfare, could put an undue burden on the existing local roads in the adjacent neighborhoods.
2. The RS-20 district is not as capable as the current RS-30 district of preserving the open space and natural resources, that this particular site needs, especially the floodplain and stream.

**ORDINANCE AMENDING THE VILLAGE OF CLEMMONS ZONING ORDINANCE  
OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) AND  
ZONING MAP OF THE VILLAGE OF CLEMMONS, NORTH CAROLINA**

Zoning Petition of PMA I Holdings, LLC  
Ordinance Number 2023-08

Section 1. The Village of Clemmons Ordinance of the Unified Development Ordinance (UDO) and the Official Zoning Map of the Village of Clemmons are hereby amended by changing the zoning classification of real property owned by Jasper L. Harper, Sr. and Jasper L. Harper, Jr. from RS-30 (Residential Single Family) to RS-20 (Residential Single Family) for property addressed 0 Harper Rd, located east of Michelle Drive and north of Lismore Street and Dunmore Court, PINs 5883-39-7339 and 5883-49-6486, consisting of 26.95± acres (**Zoning Docket C-255**) of the following described property located in Forsyth County, North Carolina (AS SURVEYED 11/12/2021):

BEGINNING at an iron pipe found at the southeasterly corner of property owned, now or formerly by Andrew Sundy Winburn and Heather Leeray Hough (Deed Book 3474, Page 688, Forsyth County Register of Deeds), said iron having North Carolina State Plane Grid Coordinates (NAD 83/2011) of North(y) = 839,729.86 feet and East(x) = 1,584,212.36 feet; running thence with the easterly line of Winburn & Hough North 00 deg. 06' 35" West a distance of 133.87 feet to an iron pipe set at the southwesterly corner of property owned, now or formerly by Gay Harper Hunter (Deed Book 1821, Page 2855, Forsyth County Register of Deeds; thence with the southerly line of Hunter South 88 deg. 42' 02" East a distance of 904.05 feet to a bent iron pipe found; thence South 00 deg. 52' 49" East a distance of 358.34 feet (passing an iron pipe set at a distance of 348.34 feet) to a point in a ditch, being a corner in the easterly line of property owned, now or formerly by New Hope Presbyterian Church (Deed Book 2505, Page 3669 and Deed Book 2505, Page 3672, Forsyth County Register of Deeds); thence with the line of New Hope Presbyterian Church the following two (2) courses and distances:

- 1) North 89 deg. 44' 01" West a distance of 54.06 feet (passing an iron pipe set at a distance of 39.06 feet) to a point in a branch; and
- 2) South 20 deg. 32' 34" East a distance of 367.28 feet to an iron pipe found at the northeasterly corner of Lot 37 of the Waterford Subdivision, Section 5, Phase 2 (Plat Book 38, Page 142, Forsyth County Register of Deeds);

Thence with the northerly line of said Waterford Section 5 Phase 2 the following four (4) courses and distances:

- 1) North 88 deg. 41' 42" West a distance of 981.85 feet to a solid iron pin found;
- 2) North 89 deg. 43' 09" West a distance of 18.18 feet to an iron pipe found;
- 3) North 89 deg. 54' 37" West a distance of 100.10 feet to an iron pipe found; and
- 4) North 89 deg. 56' 04" West a distance of 100.02 feet to an iron pipe found at the northeasterly corner of Lot 15 of the Waterford Subdivision, Section 5, Phase 1 (Plat Book 37, Page 143, Forsyth County Register of Deeds);

Thence with the northerly line of said Waterford Section 5 Phase 1 the following three (3) courses and distances:

- 1) North 89 deg. 56' 47" West a distance of 164.88 feet to an iron pipe found at the northeasterly terminus of Lismore Street;

- 2) North 89 deg. 52' 05" West a distance of 50.16 feet to an iron pipe found at the northwesterly terminus of Lismore Street; and
- 3) North 89 deg. 54' 36" West a distance of 169.91 feet to an iron pipe found at the northeasterly corner of property owned, now or formerly by Robert S. Harper (Deed Book 688, Page 351, Forsyth County Register of Deeds);

Thence with the northerly line of Harper North 89 deg. 54' 08" West a distance of 330.17 feet to a metal rebar found at the southeasterly corner of Lot 82 of the Waterford Subdivision, Section 4, Phase 2 (Plat Book 39, Page 10, Forsyth County Register of Deeds); thence with the easterly line of said Waterford Section 4 Phase 2 the following four (4) courses and distances:

- 1) North 01 deg. 49' 14" West a distance of 199.11 feet to an iron pipe found at the southeasterly terminus of Michelle Drive;
- 2) North 01 deg. 48' 18" West a distance of 50.20 feet to an iron pipe found at the northeasterly terminus of Michelle Drive;
- 3) North 01 deg. 49' 06" West a distance of 211.72 feet to an iron pipe found; and
- 4) North 01 deg. 52' 31" West a distance of 110.95 feet to a metal rebar found in the southerly line of property owned, now or formerly by James T. and Cheryl W. Fink (Deed Book 2048, Page 3043, Forsyth County Register of Deeds);

Thence with the southerly line of Fink South 89 deg. 33' 45" East a distance of 263.72 feet to an iron pipe found at the southwesterly corner of property owned, now or formerly by Nathan A. and Jennifer M. Chrisawn (Deed Book 3507, Page 4029, Forsyth County Register of Deeds); thence with the southerly line of Chrisawn South 89 deg. 33' 18" East a distance of 222.47 feet (passing a metal rebar found at a distance of 72.11 feet) to an iron pipe found at the southwesterly corner of property owned, now or formerly by Walter H. and Nancy C. Craver (Deed Book 1914, Page 578, Forsyth County Register of Deeds); thence with the southerly line of Craver South 89 deg. 33' 18" East a distance of 231.55 feet to an iron pipe found at the southwesterly corner of property owned, now or formerly by Andrew Sundry Winburn and Heather Leeray Hough (Deed Book 3474, Page 688, Forsyth County Register of Deeds); thence with the southerly line of Winburn & Hough South 89 deg. 39' 43" East a distance of 231.68 feet to the point and place of BEGINNING, containing 26.946 acres, more or less, BEING ALL of that same property described in Deed Book 3263, Page 4275, together with all of Tracts 2 and 3 of that property described in Deed Book 2428, Page 3110, Forsyth County Register of Deed Office.

Section 2. This ordinance shall be effective from and after its adoption.

Adopted this the \_\_\_ day of \_\_\_\_\_, 2023.

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Michelle N. Barson  
Mayor Pro Tempore

ATTEST:

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Lisa Shortt  
Village Clerk