



AGENDA

MEETING CALLED TO ORDER

PLEDGE

Notes on Pledge: Remain Standing for the invocation

INVOCATION – Chaplain

ANNOUNCEMENTS

- **City Offices** will be **CLOSED** on **Monday, September 1, 2025**, in observance of the Labor Day holiday
- **CHANGED:** **King City Council**, Regular Meeting: **Tuesday, September 2, 2025**, 6 p.m., City Hall Council Chambers, 229 S. Main Street
- **Parks/Recreation Advisory Board**, Regular Meeting, **Thursday, September 11, 2025**, 6 p.m., Parks/Rec Community Building Parlor Room, 107 White Road
- **King Planning Board**, Regular Meeting: **Monday, September 22, 2025**, 6 p.m. at City Hall Council Chambers, 229 S. Main Street
- **King City Council**, Regular Meeting: **Monday, October 6, 2025**, 6 p.m., City Hall Council Chambers, 229 S. Main Street
- **Stokes Co Fair:** **Tuesday-Saturday, September 9-13, 2025**, American Legion 290;
<http://stokescountyfair.org/>
- **Community Appearance Committee**, Regular Meeting, **Thursday, September 18, 2025**, 2 p.m., City Hall Council Chambers, 229 S. Main Street
- **KingFest:** **Saturday, October 4, 2025**, 10:00 a.m. – 5:00 p.m., King Central Park
- **Oktoberfest:** **Saturday, October 18, 2025**; 2 p.m. – 9 p.m.; *Route Description:* Dalton Road from Pulliam Street to Maple Street, South Main Street from Felts Drive to King Street (Old Hwy 52) (Event 4 pm - 8 pm)
- **Downtown Safe Trick or Treating:** **Friday, October 31, 2025**, 5:30 p.m. – 8:00 p.m., *Route Description:* Dalton Road from Pulliam Street to Maple Street, South Main Street from Felts Drive to King Street (Event 6 pm-8 pm)

Notes on Announcements:

1. ADJUSTMENTS TO AGENDA

2. APPROVAL OF MINUTES

A. Approval of Minutes

a. 07.28.2025 City Council Regular Meeting

3. ITEMS FOR PRESENTATION

4. DISCUSSION ITEMS

A. Variance Request V-060 by D R Horton (Travis Tuttle)

B. Proposed Amendment to Chapter 32, Article III, Sec. 32-163 and Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261

ITEMS OF GENERAL CONCERN

ADJOURNMENT



CITY OF KING PLANNING BOARD

MEETING DATE:

08/25/2025

PART A

Subject:	APPROVAL OF MINUTES
Action Requested:	Unless any corrections are made, I recommend adopting the minutes of July 28, 2025, Planning Board meeting as presented.
Attachments:	1. Draft copy of minutes from July 28, 2025, Planning Board meeting

Nicole Branshaw Nicole Branshaw, City Clerk	This abstract requires review by:	
	City Manager	City Attorney

PART B

Introduction and Background:
Discussion and Analysis:
Budgetary Impact:
Recommendation:
Adoption of July 28, 2025, Planning Board minutes as presented.

MINUTES
King Planning Board
Regular Session
July 28, 2025

The King Planning Board held a regular session at King City Hall on Monday, July 28, 2025, at 6:00 p.m. Chairman Jeff Walker, Joe Ramsey, Darrin Koone, Von Robertson, City Engineer Ben Marion, City Planner Intern Emerson Wright, City Clerk Nicole Branshaw, Mayor Pro Tem Jane Cole, and Mayor Rick McCraw were present at the meeting. Absent from the meeting were Vice Chairman David Hudson and Jerry Messick.

Vice Chairman Jeff Walker called the meeting to order.

Chaplain Tracey Collins offered the invocation.

Motion

Joe Ramsey moved to excuse David Hudson and Jerry Messick from the meeting and seat Alternates Darrin Koone and Von Robertson. Chairman Jeff Walker seconded the motion, which passed by a unanimous vote of 2-0.

Chairman Jeff Walker noted the announcements on the agenda and read a statement regarding public comment procedures.

PUBLIC COMMENT

Chairman Jeff Walker opened the public comment period at 6:10 pm.

1. Steve Preston, 310 Holly Ridge Dr, King, addressed the Planning Board with concern about traffic flow, noting that the addition of 183 homes would significantly increase traffic on Whispering Creek Road. He is also concerned about the stormwater runoff once you start clearing the trees. States there are already water issues in this area. Mr. Preston asked if there would be a stormwater management plan in place before this is approved, and whether his property will be protected.

- ***Developers Responded to Question: Yes, storm water will be diverted.***

2. Matilda McGhee, 135 Fosstorall Rd, King, addressed the Planning Board with a lot of the same issues that Mr. Preston had with the water runoff issues, stating that over the past several years, there have been maybe 6–7 houses built behind her house. Hence, she is concerned because there is a small creek behind her house. She also questions how someone can come through and make the private road on Fosstorall public.
3. Tom Ulsenheimer, 118 Elinor Ct, King, addressed the Planning Board concerning traffic at the Whispering Creek Road/Brown Road intersection, noting that the development could add approximately 400 cars per day. He suggested having the developer improve the 400-foot section of road from Brook Avenue to Brown Road by expanding it to four lanes with dedicated turn lanes.
4. Terry Frye, 126 Fosstorall Rd, King, addressed the Planning Board concerning water runoff that already floods the road, road improvements, and potential impacts to their properties.
5. Neal Bowman, 306 Holly Ridge Dr, King, addressed the Planning Board, echoing the concerns about stormwater run-off affecting his property. Mr. Bowman provided pictures of a flood at his property that occurred in May 2018. He stated that this was the second time he had experienced a flood of this severity since moving into the home in 1997, and it has not happened since.



6. James Twedt, 125 Fosstorall Rd, King, NC, addressed the Planning Board, questioning why this road needed to be used as a secondary exit, expressing concern about the current gravel road becoming paved and how that would affect existing properties, trees, and structures near the roadway.

With no one else signed up to speak for public comment. Chairman Jeff Walker closed the public comment at 6:43 pm. ****SEE DOCUMENT #1****

1. ADJUSTMENTS TO AGENDA

No adjustments were made to the agenda.

2. APPROVAL OF MINUTES

A. Approval of Minutes – June 28, 2025

MOTION: *Von Robertson moved to approve the minutes of June 28, 2025, as presented. Joe Ramsey seconded the motion, which passed unanimously with a vote of 4-0.*

3. DISCUSSION ITEMS

A. SPR-470 Preliminary Plat Review for Hickory Heights Subdivision

This subdivision is being submitted by Garry Merritt (7G's, LLC) for preliminary plat approval of 183 lots on 93.17 acres located off the entrance of Whispering Creek Road (Country Place) with a secondary entrance on Fosstorall Street (off Scenic Drive). The development, if approved, will be constructed by Arden Group, LLC of Winston-Salem, NC. The subdivision is located in the city's WS-IV watershed, and they have decided to use the clustering section of our ordinance (Sec. 32-275) due to the topography of the land. The minimum lot sizes may vary, but will still have an average of 3 d.u./acre for the overall project (93 ac. x 3 d.u. = 279 potential d.u.). The Clustering section allows for a variety of lot widths and setbacks, if approved by the planning board. The main entrance will be off Whispering Creek Road, across from Brookvalley Road. The project has access to water from Whispering Creek Road and Fosstorall Street. Sewer will be accessed from the Danbury Creek outfall line that runs along Country Place S/D's south side. The property is currently in the city limits, and the zoning is R-15 (Residential-Medium Density) and vacant.

In reviewing this subdivision, Staff has received comments from the City Engineer on access to Whispering Creek Road, and he sees no problems there. The project is required to improve Fosstorall Street up to Scenic Drive as a secondary entrance to the subdivision. This will ensure that adequate access flow will be achieved for ingress/egress to the project. We do have an issue with Fosstorall Street being a private drive right now, and the developer will need to ensure that once the street is upgraded to NCDOT standards, the state takes over the maintenance of this street. The city can't take control of the street at this time because the middle section falls

outside the corporate limits; therefore, NCDOT must commit to taking it over.

As stated above, the planning board can allow the developer to vary their setbacks and lot width from what the ordinance requires for an R-15 district. The developer has shown varying lot widths (60' as opposed to 80'), but they have kept the R-15 lot setbacks of 30' front/rear and 10' on sides. You will need to decide if this is something that would be in keeping with the spirit of Sec. 32-275, Clustering. The difference between 60' lot widths and 80' lot widths is approximately 40 to 45 lots (183 with 60' widths and 141 to 145 with 80' widths).

The state governs the Danbury Creek crossing, and the developer will have to get permits from them before the construction phase. As with any of the city's subdivision projects, this will be developed over time, and the impact on our city and county services will be at a manageable level.

Sec. 32-289. – Cluster development.

Cluster development is allowed in all watershed areas under the following conditions:

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in section 32-286 (3/ac.), and minimum setbacks and lot widths may be applied. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed, or protected area, whichever applies.

(2) All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

(3) Areas of concentrated density development shall be located in upland areas and as far as practicable from surface waters and drainageways.

(4) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowner's association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.

(5) Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

Staff would recommend reviewing the subdivision against the subdivision checklist to make sure everything is shown per the ordinance requirements. This is a technical review by the board to ensure that the clustering and subdivision ordinance is being met, and as long as it is, approval should be given. This does not go to the city council.



Gary Merritt explained that the 93-acre development was designed to follow the ridges with roads and leave the creek area in its natural state. He noted they chose to put 183 lots instead of the maximum 239 lots allowed under the R-15 zoning (3 dwelling units per acre). He explained that the lot sizes reflect what today's builders and buyers want.

The developer's representative clarified that the secondary access via Fosstorall Street is required by the 2018 NC Fire Code Appendix D, which mandates two access points at a certain distance apart. He stated that improvements to Fosstorall Street would be within the existing right-of-way, and the road would be upgraded to NCDOT standards (minimum 18 feet wide). He also noted that stormwater management plans would be implemented to ensure no additional stormwater would affect neighboring properties.

Regarding traffic concerns, the developer acknowledged the issue and stated they would work with the city on appropriate mitigation measures, including potentially adding a left-turn lane at the entrance.

Chairman Walker clarified to the public that this was not a zoning request, as the property was already zoned R-15, and this meeting was for a preliminary plat review.

Board members engaged in discussion about stormwater management, road improvements, and notification procedures for affected residents. Nicole Branshaw, City Clerk, explained that notification is not required for preliminary plat reviews as they are technical reviews.

MOTION: *Von Robertson moved to approve the SPR-470 Preliminary Plat Review for Hickory Heights Subdivision with two modifications: (1) Work with the Country Place HOA concerning the entrance sign to Country Place, if needed, and (2) Communicate, by letter, with residents on Fosstorall Street concerning the upcoming changes to that road. Darrin seconded the motion, which passed unanimously with a vote of 4-0.*

B. Proposed Amendment to Chapter 32, Article III, Sec. 32-163 And Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261

Chairman Walker opened the public hearing at 7:20 pm.

1. Luke Dickey, Representative for the project.
2. Milt Hurley, Representative for the project.

3. Julieane Hurley, 205 Timmys Lane, King, addressed the Planning Board, asking them to explain further what is being proposed and to break it down in such a way that the public could understand it.

There being no one else to give written or verbal requests wishing to speak. Chairman Walker closed the public hearing at 7:23 pm.

City Planner Intern Emerson Wright presented the proposed zoning text amendment. He explained that the Arden Group Incorporated was proposing a zoning text amendment that would add a new zoning use district, Mixed-Use (M-U), to the zoning ordinance in Sec. 32-163,164, and in Sec. 32-261. We currently have in Sec. 32-248 Planned Unit Development (PUD), and it mainly applies to residential uses and is used to create a mixed-use site plan. In the past, our PUDs have consisted of single-family, multi-family apartments or townhomes with up to 20% of the total tract that could be used for business-type uses that would service the residential uses.

The new proposed M-U district would apply to almost all uses listed in Sec. 32-198 to 206, with a few uses excluded, such as agriculture and heavy-industrial. If approved, this would be a CZ M-U district only, and it would be reviewed and approved or denied based on the requirements of Sec. 32-164 and the newly adopted requirements of Sec. 32-261. This request comes to the city to broaden the existing PUD in Sec. 32-248. This text amendment would enable the designer/developer to create a more conceptual site plan with fewer restrictions.

Luke, the architect representing the applicant, explained that they had been working on this proposal for over a year. He noted the current PUD ordinance is primarily residential-focused, and no provision adequately addresses adding residential to commercial areas as part of mixed use. The proposed amendment would allow for a more conceptual site plan approval process before investing in detailed design.

Luke explained that, unlike the PUD, which follows a special use permit process with specific findings of fact, the proposed mixed-use district would use conditional zoning, allowing for more collaboration between the town, developer, and community with voluntary conditions regarding density, uses, buffering, and setbacks.

Staff have reviewed this request at length and interpreted the first version as a commercial type of PUD, rather than a mixed-use district, for any use listed in the ordinance. This is why the item was postponed at the June meeting. Since then, we have the correct proposal for the planning board to review.

Staff has included a review of this proposed text amendment against using our existing PUD (see below), as it is very similar to what our PUD is used for – mixed-use development. Our attorney has also been in communication with our staff from a defensible perspective. Staff see some merits to having a mixed-use district in our ordinance, but the Interim Planner T. Cox does not feel that this is the best approach. Several aspects of this proposal lack the specific details necessary to protect the citizens of King. Perhaps this district could be revisited in the future and studied by the planning board, allowing for the development of another version that better satisfies the health, welfare, and safety of King's citizens.

Staff recommends – planning board review and make a recommendation to the city council on the Proposed Amendment to Chapter 32, Article III, Sec. 32-163 and Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261.

Board members concurred that while they saw merit in the proposal, they had concerns about some specifics and felt it needed further refinement. After much discussion with the requesting party, it was determined that the ordinance still needed some changes. It was agreed that the Planning Department would work in conjunction with the Arden Group to narrow down more specifics to this Ordinance text amendment change request with the group.

MOTION: *Joe Ramsey moved to recommend continuing the Public Hearing for Proposed Amendment to Chapter 32, Article III, Sec. 32-163 and Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261, as presented. Von Robertson seconded the motion, which passed unanimously with a vote of 4-0. **SEE DOCUMENT #2***

ITEMS OF GENERAL CONCERN

Darrin Koone, a Planning Board member, explained that board members are limited in what they can discuss outside of agenda items to maintain proper procedure.

None

ADJOURNMENT

Von Robertson moved to adjourn the meeting at 8:01 pm. Joe Ramsey seconded the motion. The motion was carried unanimously with a vote of 4-0.

***** Clerk's Note: See document 2 for supporting documents. *****

{SEAL}

Approved by:

Jeff Walker, Chairman

Attest:

Nicole Branshaw, City Clerk



CITY OF KING PLANNING BOARD

MEETING DATE:
08/25/2025

PART A

Subject: **VARIANCE REQUEST V-060 BY D R HORTON (TRAVIS TUTTLE)**

Action Requested: Applicant is requesting a 9-foot variance on a 30-foot front yard setback.

Attachments: 1. Site plan map showing site conditions

G. Todd Cox, Int. Planning & Zoning Official	This abstract requires review by:	
	City Manager	City Attorney

PART B

Introduction and Background:

This variance request from D R Horton Homes is in the High Meadows S/D being phase II of this project. This request for the 9' variance is on lot 17, which is found on Red Leaf Lane off Maverick Trail Drive. The lot is vacant and being surveyed for a home when they discovered they were too close to the creek's riparian buffer. The home will be a basement home which will allow use of the lower grades.

Discussion and Analysis:

Staff has reviewed the request and would ask that the BOA review the following ordinance requirements for granting a variance. See below –

Sec. 32-127. - Powers and duties.

The zoning board of adjustment shall have the following powers and duties:

(2) *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d.** The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

This action by the BOA is a quasi-judicial procedure and all person speaking/giving testimony must be sworn in per the below requirements –

Sec. 32-124. - Quasi-judicial procedure.

Process required. Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision per 160D-406. (See this section for a continuance of the rest of the ordinance requirements.)

- No discussion of this case may be made by any member of the planning board with either the applicant, other members, or the public. Decisions must be made on the merits and evidence submitted at the hearing.

Budgetary Impact:

N/A

Recommendation:

Staff has reviewed the applicants request and would recommend it for approval based on the findings of item a, b, c, and d listed above. The BOA has the final say in this case.





What are you looking for?

1

Customer Payment Information

2

Payment Options

3

Payment Confirmation

Payment Processed Successfully

PRINT

Thank you for making an IC E-Payment. **Trusted, secure e-payments.**

Please review the transaction results below.

Payment Made To:	City of King, NC (336) 985-1100
Transaction Date/Time:	8/14/2025 11:45:12 AM
Payment Message:	Approved 09607Z
Invoice Number:	INV2025814104447552
Payment Amount	\$500.00
Service Fee	\$16.25
Total Amount	\$516.25
Name:	Ephrain Davis
Address:	1341 Horton Circle Arlington TX 76011
Email Address:	
Payment Method:	Mastercard
Card Number	XXXXXXXXXXXX0594
Payment Type:	Planning & Inspection



Cloud Store Details

INV2025814104447552 Details:

Date:	08/14/2025
Name:	Ephrain Davis
Business Name:	D R Horton
Street Address:	1341 Horton Circle
City:	Arlington
State:	TX
Zip:	76011
Permit Number:	Zoning request# V-060
Amount Due:	500.00

CITY OF KING ZONING ACTION REQUEST/PERMIT REQUEST NO. **V-060**

I. APPLICANT D R Horton **DATE OF REQUEST:** 8-4-2025
ADDRESS: 4150 Mendenhall Oaks Parkway **COUNTY:** Stokes **TOWNSHIP:** Yadkin
High Point, NC 27265 **DEED BOOK:** **PAGE:**
TELEPHONE: 336.843-5492 **TAX MAP:** 6902-75- **PARCEL:** 5402
ZONING DISTRICT: R-20 **SUBDIVISION LOT NO.:**
OWNERS (SUBJECT & ABUTTING PROPERTIES): See Site Plan

II. APPLICATION IS HEREBY MADE FOR THE HEREIN DESCRIBED ZONING ACTION ON
PROPERTY LOCATED: 119 Red Leaf Lane (Lot #17)

THE REQUESTED ACTION IS: Variance request of 9' off the front setback line of 30'

IS THE PROPERTY LOCATED IN THE WATERSHED PROTECTION AREA? YES **No:** X
IF YES SEE ATTACHMENT A

IS THE PROPERTY LOCATED IN A FLOOD PLAIN? YES **NO** X **IF YES SEE ATTACHMENT B**

III. INDICATE TYPE REQUEST:

<u> </u> REZONING PERMIT	<u> </u> TEMPORARY PERMIT (NO SITE INSP.)
<u>X</u> VARIANCE PERMIT	<u> </u> MINOR SUBDIVISION PLAT REVIEW
<u> </u> CONDITIONAL USE PERMIT	<u> </u> MAJOR SUBDIVISION PLAT REVIEW
<u> </u> SPECIAL EXCEPTIONAL PERMIT	<u> </u> PLAT FILING FEE
<u> </u> TEMPORARY PERMIT(SITE INSP.)	<u> </u> WATERSHED REVIEW

[Signature]
 APPLICANT'S SIGNATURE

[Signature]
 ZONING ENFORCEMENT OFFICER

(SEE FEE SCHEDULE) **TOTAL FEE DUE:** \$500.00

IV. PLANNING BOARD WILL REVIEW (IF REQUIRED): N/A
BOARD OF ADJUSTMENT WILL REVIEW (IF REQUIRED): August 25, 2025 at 6:00 pm at City Hall
COUNCIL WILL REVIEW & HOLD PUBLIC HEARING (IF REQUIRED): N/A
PROPERTY POSTED BY:
NOTIFICATIONS MAILED BY:
NEWSPAPER ADVERTISEMENT: N/A & N/A

V. ACTION BY PLANNING BOARD/BOARD OF ADJUSTMENT

APPROVAL **DISAPPROVAL** **APPROVAL WITH MODIFICATIONS:**

 DATE

 CHAIRMAN

VI ACTION BY CITY COUNCIL

APPROVAL **DISAPPROVAL** **APPROVAL WITH MODIFICATIONS:**

COMMENTS: N/A

 DATE

 MAYOR

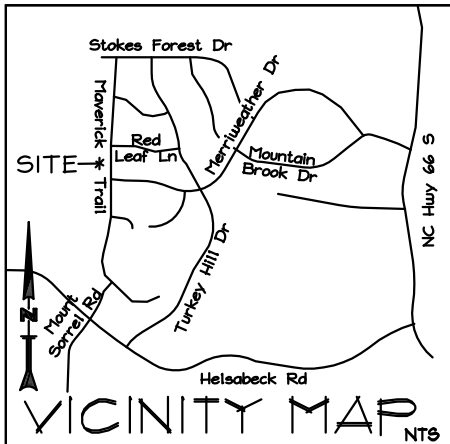
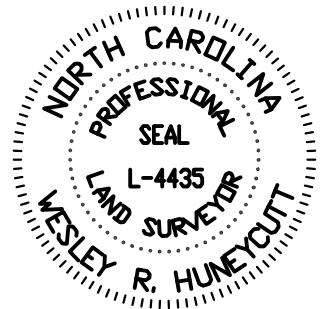




Control Point, Inc.
PO Box 19149
Charlotte, NC 28219
1464 Center Park Dr.
Charlotte, N.C. 28217
Phone: (704)599-1010
cpoffice@controlpointinc.com
NC: C-2725
SC: COA 3459

NO FIELD WORK HAS BEEN PERFORMED BY CONTROL POINT, INC. AT THIS TIME. THIS PLOT PLAN IS A CONCEPTUAL DRAWING AND CONTENTS SHOWN HEREON ARE SUBJECT TO VARIATION UPON FINAL CONSTRUCTION. THIS IS NOT A BOUNDARY SURVEY.

Wesley R. Huneycutt
Wesley R. Huneycutt L-4435 8/07/2025



PROPERTY LINE	—————
R/W	—————
ADJOINER	—————
SETBACK	—————
ADDRESS	(XX)
UE	—————
UTILITY EASEMENT	—————
PSDE	—————
PRIVATE STORM DRAINAGE EASEMENT	—————
STREAM	—————
RIPARIAN BUFFER	—————
#4 REBAR - UNLESS NOTED OTHERWISE	●

PROPOSED HOUSE PLAN

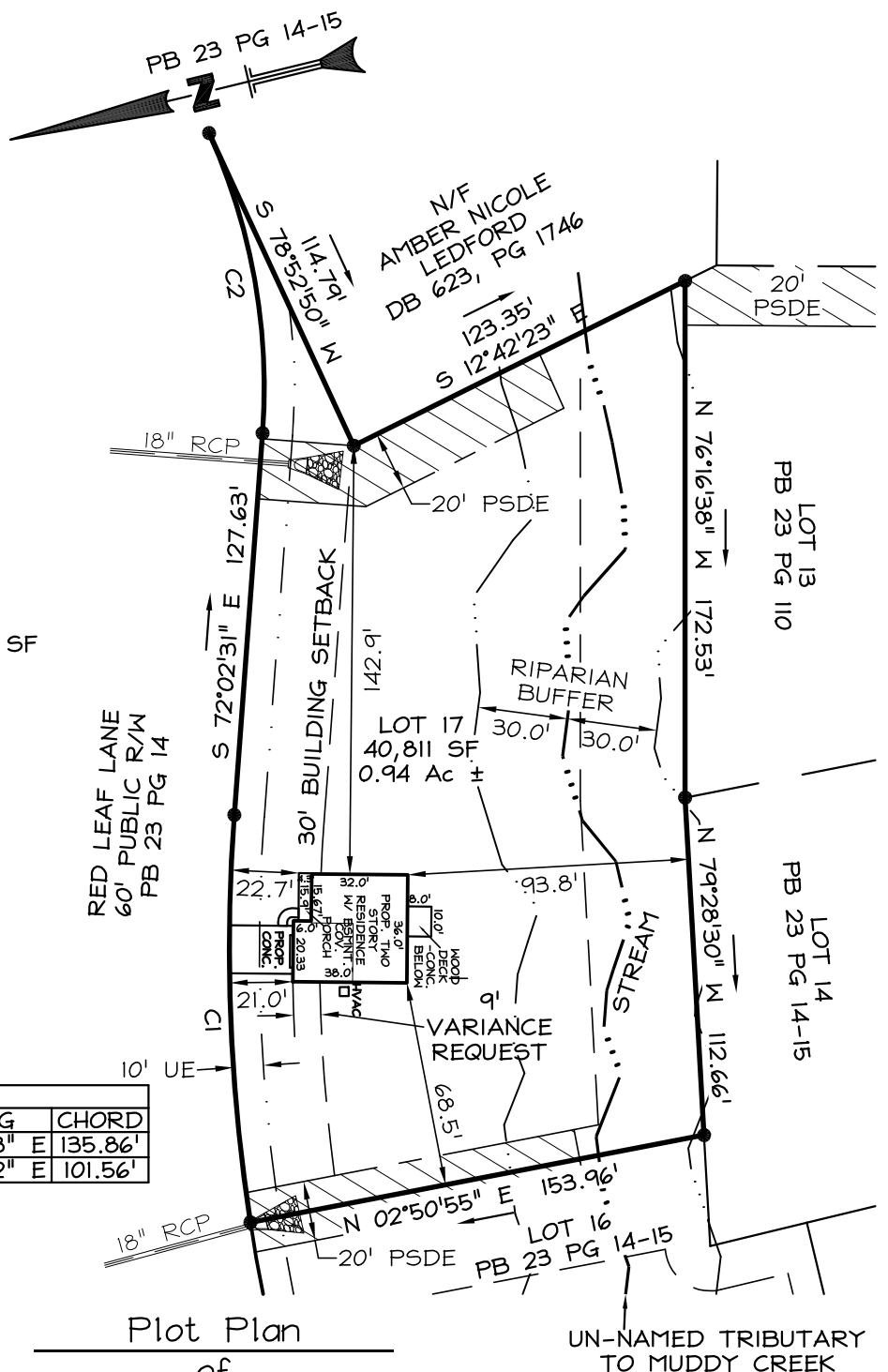
#2163/2164
THE PENWELL
W/BASEMENT
ELEV. J

PROP. IMPERVIOUS AREA=1,795 SF

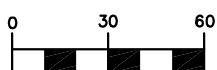
1. HOUSE=1,342 SF
2. CONC. PATIO=80 SF
3. CONCRETE DRIVE=339 SF
4. SIDEWALK=25 SF
5. HVAC PAD=9 SF

CURVE TABLE				
CURVE	RADIUS	ARC	BEARING	CHORD
C1	600.00'	136.15'	S 78°32'33" E	135.86'
C2	205.43'	102.62'	S 86°23'02" E	101.56'

ZONING: R-20
SETBACK DATA:
FRONT: 30'
SIDE: 10'
SIDE AT CORNER: 15'
REAR: 35'



Plot Plan
of
Lot #17, High Meadows, Section 2
Yadkin Township
Stokes County, North Carolina
Plat Recorded in Book 23 at Page 14-15.



Scale: 1"=60'

I. APPLICANT D R Horton **DATE OF REQUEST:** 8-4-2025
ADDRESS: 4150 Mendenhall Oaks Parkway **COUNTY:** Stokes **TOWNSHIP:** Yadkin
High Point, NC 27265 **DEED BOOK:** _____ **PAGE:** _____
TELEPHONE: 336.843-5492 **TAX MAP:** 6902-75- **PARCEL:** 5402
ZONING DISTRICT: R-20 **SUBDIVISION LOT NO.:** _____
OWNERS (SUBJECT & ABUTTING PROPERTIES): See Site Plan

II. APPLICATION IS HEREBY MADE FOR THE HEREIN DESCRIBED ZONING ACTION ON
 PROPERTY LOCATED: 119 Red Leaf Lane (Lot #17)

THE REQUESTED ACTION IS: Variance request of 9' off the front setback line of 30'

IS THE PROPERTY LOCATED IN THE WATERSHED PROTECTION AREA? YES _____ NO: X

IF YES SEE ATTACHMENT A

IS THE PROPERTY LOCATED IN A FLOOD PLAIN? YES _____ NO X IF YES SEE ATTACHMENT B

III. INDICATE TYPE REQUEST:

_____ REZONING PERMIT	_____ TEMPORARY PERMIT (NO SITE INSP.)
<u>X</u> VARIANCE PERMIT	_____ MINOR SUBDIVISION PLAT REVIEW
_____ CONDITIONAL USE PERMIT	_____ MAJOR SUBDIVISION PLAT REVIEW
_____ SPECIAL EXCEPTIONAL PERMIT	_____ PLAT FILING FEE
_____ TEMPORARY PERMIT(SITE INSP.)	_____ WATERSHED REVIEW

APPLICANT'S SIGNATURE _____

ZONING ENFORCEMENT OFFICER _____

(SEE FEE SCHEDULE) **TOTAL FEE DUE:** \$500.00

IV. PLANNING BOARD WILL REVIEW (IF REQUIRED): N/A

BOARD OF ADJUSTMENT WILL REVIEW (IF REQUIRED): August 25, 2025 at 6:00 pm at City Hall

COUNCIL WILL REVIEW & HOLD PUBLIC HEARING (IF REQUIRED): N/A

PROPERTY POSTED BY: _____

NOTIFICATIONS MAILED BY: _____

NEWSPAPER ADVERTISEMENT: N/A & N/A

V. ACTION BY PLANNING BOARD/BOARD OF ADJUSTMENT

APPROVAL _____ DISAPPROVAL _____ APPROVAL WITH MODIFICATIONS: _____

DATE

CHAIRMAN

VI ACTION BY CITY COUNCIL

APPROVAL _____ DISAPPROVAL _____ APPROVAL WITH MODIFICATIONS: _____

COMMENTS: N/A

DATE

MAYOR



CITY OF KING PLANNING BOARD

MEETING DATE:
AUGUST 25, 2025

PART A

Subject:	PROPOSED TO AMENDMENT TO CHAPTER 32, ARTICLE III, SEC. 32-163 AND SEC. 32-164; PROPOSED ADDITION TO CHAPTER 32, ARTICLE V, DIVISION 1, SEC. 32-261
Action Requested:	To review and approve or deny requested amendments.
Attachments:	• Proposed changes to Art. III, Sec. 32-163, 164, and add to Art. V, Sec. 32-261. • Paper public notice. • Ordinance 2025-04, for proposed amendment.

Todd Cox

**G. Todd Cox, Int. Planning & Zoning
Official**

This abstract requires review by:

City Manager

City Attorney

PART B

Introduction and Background:

We have an applicant, Arden Group, Inc., who is proposing a zoning text amendment that would add a new zoning use district Mixed-Use (M-U) to the zoning ordinance in Sec. 32-163, 164, and in Sec. 32-261. We currently have in Sec. 32-248 Planned Unit Development (PUD) and it mainly applies to residential uses and is used to create a mixed-use site plan. In the past our PUD's have consisted of single-family, multi-family apartments or townhomes with up to 20% of the total tract that could be used for business type uses that would service the residential uses.

The new proposed M-U district would apply to almost all uses listed in Sec. 32-198 to 206, with a few uses excluded such as agriculture and heavy-industrial. If approved, this would be a CZ M-U district only and reviewed and approved or denied based on the requirements of Sec. 32-164 and the newly adopted requirements of Sec. 32-261. This request comes to the city as a way to broaden the existing PUD in Sec. 32-248. This text amendment would allow the designer/developer the means to do a more conceptual site plan with less restrictions on it and expand the commercial percentage of the site from 20% in a PUD to 37% in the proposed M-U district.

Discussion and Analysis:	
Pro's *Would aid developers to have another tool besides using the PUD to develop a tract of land that isn't geared towards mostly residential development. *The proposed amendment does give us a nice mixture of mixed development which eventually will come to King. *The proposed amendment is set up as a conditional zoning for approval as opposed to a SUP/quasi-judicial process. This makes the process much easier.	Con's *Staff doesn't see a big push to use this district in the near future. *Some of the language in the proposed amendment is not as defined as what we have in our existing PUD and other use districts which could cause various legal issues. *
Budgetary Impact:	
Cost of adding to our codified ordinance.	
Recommendation:	
Staff have reviewed this request at length, and I interpreted the first version as a commercial type of PUD versus a mixed-use district for any use listed in the ordinance. This is why the item was postponed at the June meeting. Since then, we have the correct proposal for the planning board to review. I've included a review of this proposed text amendment against using our existing PUD (see below) since this is very similar to what our PUD is used for – mixed-use development. Our attorney has also included his thoughts from a defensible perspective (see below). I do see some merits to having a mixed-use district in our ordinance, I do not feel that this is the way to go. There are too many things in this proposal that do not give specifics that are needed to protect the citizens of King. Maybe this district could be revisited in the future and studied by the planning board and another version could be developed that would better satisfy the health, welfare, and safety of the citizens of King. <u>8-18-2025 – Planning board chairman Jeff Walker and staff met with the applicant's land planners and worked through a few of the issues we found in the first version. We were able to negotiate some of the proposed sections for a more functioning ordinance that would benefit King in the long run. One major point was to define the maximum percentages of commercial and residential uses. At a worst case, we would always have a project with at least 37% commercial use (commercial and mixed-use) and no more than 67% residential use (single family, attached residential {townhomes}, multi-family {apartments and condos}). So, this would ensure that we have a true mixed-use project. The applicants' land planners will go over the various points of their proposal at the meeting.</u> Staff recommends – planning board review and make a recommendation to city council on ordinance amendment 2025-04. If the board is making a favorable recommendation, please also include a statement that you feel the amendment would be in keeping with the spirit of our comp plan.	

CZ – MIXED USE DISTRICT PROPOSED TEXT AMENDMENT

Date: July 11, 2025

Updated: August 18, 2025

Modify Sec. 32-163. - Statement of intent of districts.

Add – (16) *M-U mixed-use district*. allows for the development of properties with a combination of different uses, such as residential, multi-family, commercial, and office, within the same area. This type of zoning aims to create more integrated and vibrant communities by blending various land uses in a single zone. See Sec. 32-261.

Modify Sec. 32-164. – Conditional districts.

Add – item (c) CZ M-U mixed-use.

Applicant's Proposed Amendment

CZ – MIXED USE DISTRICT PROPOSED TEXT AMENDMENT

Date: July 11, 2025

Updated: August 7, 2025

Updated: August 15, 2025

Add: Mixed Use district (M-U)

Sec. 32-261 Mixed Use

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mixed Use. The M-U District is intended to accommodate a Unified Development Plan (UDP) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site. The size and intensity of M-U developments may vary based on their physical context and location. Appropriate setbacks, street yards, buffer yards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis and shall be, if approved, a Conditional Zoning district.

(b) *Minimum Size.* 5 acres

(c) *Permitted Uses.* Within an M-U district, all uses are permitted except agricultural uses, as found in Sec. 32-197, and those uses permitted only within the L-I district or H-I district.

(d) *Dimensional requirements.* The dimensional requirements of section 32-241 are waived except for the following:

(1) *Minimum Lot Size.* Provisions governing minimum lot size are established by the Unified Development Plan.

(2) *Minimum Interior Setbacks.* The minimum interior setback is zero feet, however if a setback is provided, it must be at least 5 feet pending applicable fire and building codes.

(3) *Minimum Perimeter Setback.* For portions of the development adjoining any R-district, the interior setback standards of the adjoining district apply along the adjoining lot line and in no case shall be less than 20-feet.

(4) *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the Unified Development Plan.

(5) *Maximum Height.* The maximum height of a building may not exceed 50 feet or 3 stories. *(Additional height above the specified limits for every foot or fraction thereof of building height specified if one additional foot of front, side, and rear setback is provided. However, in no case shall a building exceed three stories above ground level.)*

(6) *Density.* Provisions governing the maximum residential density of the development are established by the Unified Development Plan. Exception – any tract(s) found within the city’s WS-IV watershed must meet the requirements of Sec. 32-288 for density and/or built upon area provisions. Percentages of proposed uses shall be a combination of the following with a minimum of 37% commercial uses and maximum of 63% residential uses:

	Minimum	Maximum
Commercial Uses:	25%	50%
Vertical Mixed-Use:	12%	50%
Multifamily Residential:	0%	25%
Attached Residential:	0%	25%
Detached Residential:	0%	25%

Exception: For smaller tracts the developer may choose to use one of the two commercial uses (commercial or vertical mixed-use) along with a combination of one or two residential uses (multifamily, attached residential,

or single family) per city council approval. A minimum ratio of 37% commercial uses and maximum of 63% residential uses shall be maintained.

- (e) *Landscape & Buffering.* Provisions governing landscaping are established by the Unified Development Plan. Perimeter buffering shall meet the minimum requirements per sec. 32-259.
- (f) *Commercial areas.* Commercial areas and adjacent residential and office areas must be arranged to provide pedestrian access and circulation between and within such areas. In mixed use and nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.
- (g) *Common Open Space and Common Recreation Areas.* A minimum of five percent (5%) of the total land area within a commercial area of the proposed mixed-use district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas/courtyards, public squares, public seating areas, and focal features such as fountains, clocktowers, art installations. Common recreation areas shall be provided based on 100 SF per residential unit within the proposed development. Common recreational areas may contain amenities such as athletic courts or swimming pools, open grassed play areas, playgrounds, pocket parks, community clubhouses, and community gardens. Common open space and common recreation areas with proposed amenities to be provided shall be established by the Unified Development Plan.
- (h) *Conveyance and maintenance of common open space and common recreation areas.* A common open space or common recreation area shall be conveyed in accordance with one of the following methods:
 - (1) By dedication to the city and maintained as common open space or a public recreation facility; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.
- (i) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall comply with the standards set forth in other chapters of the ordinance, city construction manual, or per state requirements. M-U's with more than 100 single

family lots and/or multifamily units shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section. Proposed street cross sections shall be outlined in the Unified Development Plan.

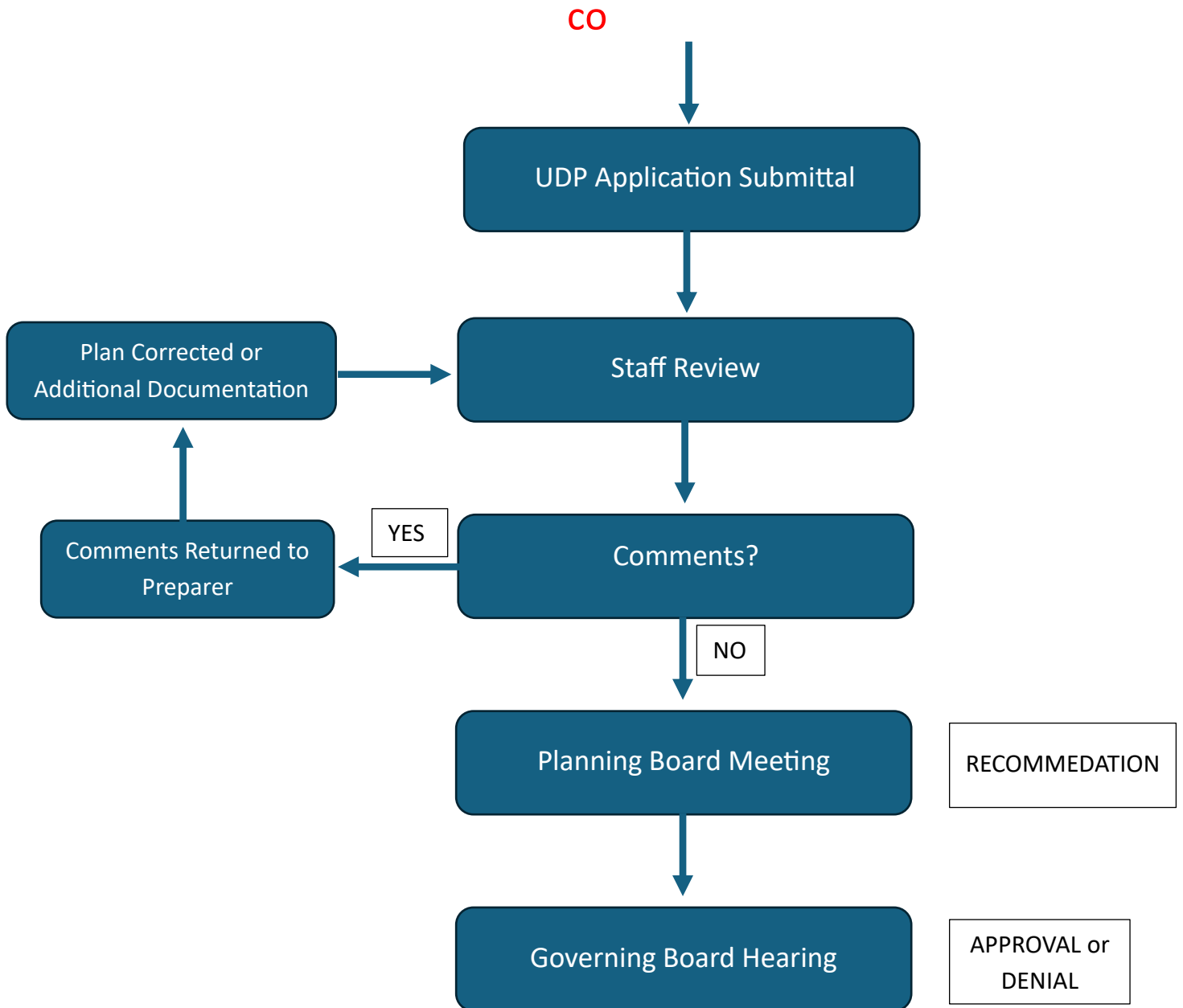
- (j) *Parking and Loading.* Off-street parking and loading must be provided in accordance with Sec. 32-359 and Sec. 32-392. For any permitted use in a M-U district the required amount of parking may be reduced by up to thirty percent (30%). This reduction may not be applied to detached and attached residential units and shall not affect the required disabled parking or loading spaces. On-street parking that serves commercial areas can count towards meeting parking requirements.
- (k) *Signage.* A common sign plan shall be required as part of the Unified Development Plan specifying the size, type, height, setback, location and number of signs. Specifications must be at least as restrictive as the regulations per Sec. 32-433.
- (l) *Utilities.* All M-U districts shall provide underground utilities for proposed new utilities. All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the city, public utilities companies, or the state. Public water and sanitary sewer systems shall be required.
- (m) *Mixed use district review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a mixed-use district. The city governing board shall review the request and set a public hearing date for the conditional rezoning of the tract. Prior to the governing board reviewing and taking action on the request, the city planning board shall review the request and make a recommendation to the governing board who will in turn review the technical requirements of the Unified Development Plan and then make a ruling on the proposal. Unified Development Plans shall be good for 24 months from the date of approval as long as work is progressing on the project. Expired Unified Development Plans or major plan amendments can be renewed/approved by the governing board. Minor amendments will be reviewed by the city staff prior to construction documents being submitted for compliance with Chapters 26 and 32.

(n) *Unified Development Plan*. The Unified Development Plan must contain the following materials:

- (1) *Concept Plan*. Concept plan showing proposed public roads, street cross sections, development tracts with list of proposed uses, maximum permitted density and/or building square footage for non-residential uses, proposed amount of common open space and common recreation areas, impervious surface coverage if in a watershed, schematic water and sewer service layouts to serve the development, general locations for stormwater control measures, and proposed phase lines, if any.
- (2) *Common Sign Plan*. Common Sign Plan per Sec. 32-261(k).
- (3) *Documentation and CZ regulations*. Documents which specify proposed setbacks or other regulations governing building placement, and/or volunteered conditions may be provided. The applicant may use district regulations provided by this ordinance or may propose regulations unique to the development. In no case may the Unified Development Plan leave any area proposed for development unregulated. Proposed documentation and regulations can be included as notes on the Concept Plan.
- (4) *Phases*. All phases must be shown on the Unified Development Plan and numbered in the expected order of development. The phasing must be consistent with the open space, traffic, circulation, drainage, and utilities (water & sanitary sewer) plans for the overall planned development.
- (5) *Traffic Impact Statement*. A traffic impact statement prepared by a licensed traffic engineer showing the anticipated traffic generation of the project and evaluate the proposed access points for recommended traffic improvements shall be provided. As applicable, a full Traffic Impact Analysis for review by the city engineer and/or NCDOT shall be provided prior to the issuance of driveway permits.

CZ-M-U Mixed Use Zoning District / Unified Development Plan

Unified Development Plan w/ All Development
Regulations Proposed & Concept Plan





July 17, 2025

David Bankhead
North Carolina Department of Transportation
Division 9, District 2
375 Silas Creek Parkway
Winston-Salem, North Carolina 27127
Phone: (336) 747-7900
Email: dpbankhead@ncdot.gov

Reference: [REDACTED] – Forsyth County, North Carolina

Subject: Turn Lane Warrant Analysis

Dear Mr. Bankhead:

RFK Engineers PLLC (RFK) has performed a turn lane warrant analysis for Phases 1 and 2 of the proposed residential development that is to be located on Ketner Road in Forsyth County, North Carolina. As discussed during our meeting on July 8, 2025, Phases 3 and 4 will not be developed until a stream crossing is constructed, but a turn lane warrant analysis was performed for those phases as well. Access to the development is initially proposed to be provided via the intersection of Shallowford Road and Ketner Road, until a connection is made to an approved development [to the north] that will provide access to Robinhood Road.

This letter summarizes the trip generation potential of the proposed development and compares the peak traffic volumes at the intersection of Shallowford Road and Ketner Road to the NCDOT turn lane warrants.

Existing Traffic Volumes

Existing traffic volumes were obtained from turning movement counts that were conducted in May of 2025 at the subject intersection during typical weekday AM (7:00 to 9:00) and PM (4:00 to 6:00) peak periods while school was in session. Refer to the attached appendix for a copy of all raw traffic count data, as well as an illustration of the existing (2025) peak hour traffic volumes.

Trip Generation and Assignment

Average weekday AM and PM peak hour site trips were calculated utilizing methodology contained within the 11th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, which is the current edition. Traffic was generated utilizing equations for the peak hour of adjacent street traffic based on the number of dwelling units as the independent variable for the following ITE land uses: Low-Rise Multifamily Housing (ITE Code 220) and Single-Family Detached Housing (ITE Code 210). Refer to the attached appendix for a copy of the site plan and table summarizing the trip generation results for Phases 1-4.

For this study, site trip distribution percentages were developed based on existing traffic patterns and engineering judgment. The site trips for each phase were assigned to the subject intersection using the trip distribution percentages. Refer to the attached appendix for an illustration of the site trip distribution as well as illustrations of the site trip assignment under Phases 1-4.

Build Traffic Volumes

Based on a review of the historical daily traffic volumes obtained from NCDOT's AADT data, traffic volumes have not changed much over the years, so the site-generated trips were added to the existing (2025) traffic volumes to determine the future build traffic volumes. Refer to the attached appendix for an illustration of the build volumes under Phases 1-4.

Turn Lane Warrant Analysis

Utilizing the turn lane warrants contained within the NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" and Roadway Design Manual, the existing and build traffic volumes were evaluated to identify if a turn lane is warranted at the intersection. Refer to the attached appendix for a table summarizing the peak hour traffic volumes and results of the turn lane warrant analysis, including the turn lane warrant exhibits with the weekday AM and PM peak hour volumes graphed.

Findings and Conclusions

Based on the findings of the analysis, the following determinations were made.

Existing Conditions

- A right turn lane is currently warranted based on the AM peak hour volumes, but not the PM peak hour volumes. Per discussions with Forsyth Country Day School staff, parents use Ketner Road to access the rear of the school during morning drop-off, which is the contributing factor for the right turn lane being warranted.
- A left turn lane is not warranted.

Build (Phase 1) Conditions

- A right turn lane is warranted based on the AM peak hour volumes, but not the PM peak hour volumes. As previously stated, the existing school traffic is the contributing factor for the right turn lane being warranted.
- A left turn lane is not warranted.

Build (Phases 1 and 2) Conditions

- A right turn lane is warranted based on the AM peak hour volumes, but not the PM peak hour volumes. As previously stated, the existing school traffic is the contributing factor for the right turn lane being warranted.
- A left turn lane is not warranted.

Build (Phases 1-3) Conditions

- A right turn lane is warranted based on the AM peak hour volumes, but not the PM peak hour volumes. As previously stated, the existing school traffic is the contributing factor for the right turn lane being warranted.
- A left turn lane is not warranted based on the AM peak hour traffic volumes but is warranted based on the PM peak hour traffic volumes.

Build (Phases 1-4) Conditions

- A right turn lane is warranted based on the AM peak hour volumes and PM peak hour volumes. As previously stated, the existing school traffic is the contributing factor for the right turn lane being warranted. With the added site trips, a right turn lane would be warranted based on the PM peak hour volumes.
- A left turn lane is warranted based on the AM and PM peak hour volumes.

In conclusion, a right turn lane on Shallowford Road is currently warranted due to the traffic that currently uses Ketner Road to access the rear of Forsyth Country Day School during morning drop-off. A right turn lane would not be warranted based on the PM peak hour traffic volumes (with the addition of site trips) as a result of the heavier influx of site traffic returning home in the afternoon until Phase 4 of the proposed residential development (which assumes all development traffic accesses via this intersection). As for a left turn lane on Shallowford Road, it is not expected to be warranted until Phase 3 of the proposed residential development (which assumes all development traffic accesses via this intersection). Furthermore, the Winston-Salem Northern Beltway is to be constructed in the vicinity under STIP R-2247CB, and a portion of Ketner Road is to be relocated to intersect Shallowford Road further west. Taking this into account, and with the timing of Phases 3 and 4 uncertain due to the stream crossing that is needed, it appears that no turn lanes are needed on Shallowford Road at Ketner Road prior to the development of Phase 3 or 4. Depending on the construction of the approved development [to the north] and the Northern Beltway, the need for turn lanes may need to be reevaluated when development of Phases 3 and/or 4 begin.

If you should have any questions regarding this correspondence, please contact me via email (jclapp@rfkengineers.com) or at (336) 202-0629.

Sincerely,
RFK Engineers PLLC

Jayson B. Clapp, Jr., P.E., PTOE
Principal

Attachment

August 8, 2025

Ben Hughes, PE
District Engineer
NCDOT Division 3, District 3
E: bthughes@ncdot.gov

Reference: [REDACTED] – Brunswick County, NC

Subject: Traffic Impact Assessment

Dear Mr. Hughes:

This letter provides an assessment of the potential traffic impact associated with the proposed [REDACTED] residential development that is proposed to be located on the south side of Northwest Road, east of Blue Banks Loop Road, in Brunswick County, North Carolina. Refer to the attached site location map. The site is expected to consist of up to 95 single-family homes and 38 duplexes (76 units). Site access is proposed via one (1) new full movement driveway along Northwest Road. A preliminary site plan is attached.

Study Area Roadway Summary:

Existing speed limits, typical cross sections, and annual average daily traffic (AADT) volumes for roadways adjacent to the site are summarized in Table 1.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	2022 AADT (vpd)
Northwest Road	SR 1419	2-lane undivided	45 mph	2,300

Based on the most up to date AADT information that the North Carolina Department of Transportation (NCDOT) has available, Northwest Road carries approximately 2,300 total vehicles per day (based on 2022 data) along the frontage of the proposed development.

Trip Generation:

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development was estimated using methodology contained within the ITE Trip Generation Manual, 11.1 Edition. Refer to Table 2 for the proposed site trip generation for the proposed development.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached (210)	95 DU	964	18	53	60	35
Single-Family Attached (215)	76 DU	529	8	26	25	17
TOTAL TRIPS		1,439	26	79	85	52

It is estimated that the proposed development will generate approximately 1,439 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 105 trips (26 entering, 79 exiting) will occur during the weekday AM peak hour and 137 trips (85 entering, 52 exiting) during the weekday PM peak hour.

The anticipated trips for the proposed development are expected to be less than the typical threshold NCDOT supports for requiring a Traffic Impact Analysis (TIA) (3,000 trips per day).

Turn Lane Warrants:

When comparing the future volumes expected along Northwest Road to the typical NCDOT thresholds for when turn lanes should be considered, the current AADT (2,200 vehicles per day) and the anticipated trip generation potential of the proposed [REDACTED] development (less than 1,400

vehicles per day) is expected to result in a future AADT of approximately 3,650 vehicles per day. The typical NCDOT threshold for considering turn lanes is 4,000 vehicles per day. Because the threshold is not expected to be exceeded when adding the potential development traffic to the existing AADT, no turn lanes are recommended along Northwest Road at the proposed development access.

Findings and Summary:

Due to the relatively low trip generation potential of the proposed development, a full Traffic Impact Analysis (TIA) was not required. It is anticipated that the 1,439 total daily trips generated by the proposed development will not have a significant impact on the adjacent roadway network. When comparing the potential future traffic volume on Northwest Road (including the proposed development traffic), the daily traffic thresholds in which turn lanes are typically required by NCDOT are not met.

In conclusion, the findings of this letter suggest the proposed [REDACTED] residential development will not significantly impact the surrounding network, and no improvements are recommended by the developer.

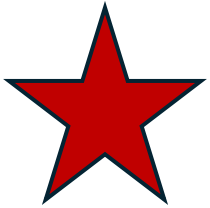
If you should have any questions, please feel free to contact me at (336) 714-0112.

Sincerely,

Chase Smith, PE

Attachments

- Site Location Map
- Site Plan



PRIOR

MEETING

DOCUMENTS





CITY OF KING PLANNING BOARD

MEETING DATE:
JULY 28, 2025

PART A

Subject:	PROPOSED AMENDMENT TO CHAPTER 32, ARTICLE III, SEC. 32-163 AND SEC. 32-164; PROPOSED ADDITION TO CHAPTER 32, ARTICLE V, DIVISION 1, SEC. 32-261	
Action Requested:	To review and approve or deny requested amendments.	
Attachments:	• Proposed changes to Art. III, Sec. 32-163, 164, and add to Art. V, Sec. 32-261. • Paper public notice.	
<i>Todd Cox</i> Todd Cox, Int. Planner/Zoning Official	This abstract requires review by:	
	City Manager	City Attorney

PART B

Introduction and Background:

We have an applicant, Arden Group, Inc., who is proposing a zoning text amendment that would add a new zoning use district, Mixed-Use (M-U), to the zoning ordinance in Sec. 32-163, 164, and in Sec. 32-261. We currently have in Sec. 32-248 Planned Unit Development (PUD), and it mainly applies to residential uses and is used to create a mixed-use site plan. In the past, our PUDs have consisted of single-family, multi-family apartments or townhomes with up to 20% of the total tract that could be used for business-type uses that would service the residential uses.

The new proposed M-U district would apply to almost all uses listed in Sec. 32-198 to 206, with a few uses excluded, such as agriculture and heavy-industrial. If approved, this would be a CZ M-U district only, and it would be reviewed and approved or denied based on the requirements of Sec. 32-164 and the newly adopted requirements of Sec. 32-261. This request comes to the city to broaden the existing PUD in Sec. 32-248. This text amendment would allow the designer/developer the means to do a more conceptual site plan with fewer restrictions on it.

Discussion and Analysis:

Budgetary Impact:
Cost of adding to our codified ordinance.
Recommendation:
Staff have reviewed this request at length, and I interpreted the first version as a commercial type of PUD, rather than a mixed-use district, for any uses listed in the ordinance. This is why the item was postponed at the June meeting. Since then, we have the correct proposal for the planning board to review. I've included a review of this proposed text amendment against using our existing PUD (see below), as it is very similar to what our PUD is used for – mixed-use development. Our attorney has also been in communication with our staff from a defensible perspective. I see some merits to having a mixed-use district in our ordinance, but I do not feel that this is the best approach. There are several aspects of this proposal that lack the specific details necessary to protect the citizens of King. Maybe this district could be revisited in the future and studied by the planning board, and another version could be developed that would better satisfy the health, welfare, and safety of the citizens of King. Staff recommends – planning board review and make a recommendation to the city council on the Proposed Amendment to Chapter 32, Article III, Sec. 32-163 and Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261.

I. APPLICANT Ardon Group c/o Milt Rhodes DATE OF REQUEST: 4-7-2025
 ADDRESS: 412 Marshall St., N COUNTY: _____ TOWNSHIP: _____
Winston-Salem, NC 27101 DEED BOOK: _____ PAGE: _____
 TELEPHONE: 336.659.9503 TAX MAP: _____ PARCEL: _____
 ZONING DISTRICT: _____ SUBDIVISION LOT NO.: _____
 OWNERS (SUBJECT & ABUTTING PROPERTIES): _____

II. APPLICATION IS HEREBY MADE FOR THE HEREIN DESCRIBED ZONING ACTION ON
 PROPERTY LOCATED: N/A
 THE REQUESTED ACTION IS: To propose text amendments to Chapter 32 – Zoning – See attachments.
 IS THE PROPERTY LOCATED IN THE WATERSHED PROTECTION AREA? YES _____ No: _____
 IF YES SEE ATTACHMENT A

IS THE PROPERTY LOCATED IN A FLOOD PLAIN? YES _____ NO _____ IF YES SEE ATTACHMENT B

III. INDICATE TYPE REQUEST:

☐ REZONING PERMIT	☒ TEXT AMENDMENT
☐ VARIANCE PERMIT	☐ MINOR SUBDIVISION PLAT REVIEW
☐ CONDITIONAL USE PERMIT	☐ MAJOR SUBDIVISION PLAT REVIEW
☐ SPECIAL EXCEPTIONAL PERMIT	☐ PLAT FILING FEE
☐ TEMPORARY PERMIT (SITE INSP.)	☐ WATERSHED REVIEW

 APPLICANT'S SIGNATURE

Todd Cox
 ZONING ENFORCEMENT OFFICER

(SEE FEE SCHEDULE) TOTAL FEE DUE: \$1,500.00 + \$333.00 (Advert.)

IV. PLANNING BOARD WILL REVIEW (IF REQUIRED): May 27, 2025 at 6:00 pm at City Hall
BOARD OF ADJUSTMENT WILL REVIEW (IF REQUIRED): N/A
COUNCIL WILL REVIEW & HOLD PUBLIC HEARING (IF REQUIRED): June 2, 2025 at 6:00 pm at City Hall
 PROPERTY POSTED BY: _____
 NOTIFICATIONS MAILED BY: _____
 NEWSPAPER ADVERTISEMENT: May 15, 2025 & May 22, 2025

V. ACTION BY PLANNING BOARD/BOARD OF ADJUSTMENT

APPROVAL _____ DISAPPROVAL _____ APPROVAL WITH MODIFICATIONS: _____

 DATE

 CHAIRMAN

VI. ACTION BY CITY COUNCIL

APPROVAL _____ DISAPPROVAL _____ APPROVAL WITH MODIFICATIONS: _____

COMMENTS: _____

 DATE

 MAYOR

CZ – MIXED USE DISTRICT PROPOSED TEXT AMENDMENT

Date: July 11, 2025

Modify Sec. 32-163. - Statement of intent of districts.

Add – (16) *M-U mixed-use district*. allows for the development of properties with a combination of different uses, such as residential, commercial, and office, within the same area. This type of zoning aims to create more integrated and vibrant communities by blending various land uses in a single zone.

Modify Sec. 32-164. – Conditional districts.

Add – item (c) CZ M-U mixed-use.

CZ – MIXED USE DISTRICT PROPOSED TEXT AMENDMENT

Date: July 11, 2025

Add: M-U Mixed Use district

Sec. 32-261 Mixed Use

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mixed Use. The M-U District is intended to accommodate a Unified Development Plan (UDP) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site. The size and intensity of M-U developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis and shall be, if approved, a Conditional Zoning district.

(b) *Minimum Size*. 5 acres

(c) *Permitted Uses*. Within a M-U district, all uses are permitted except agricultural uses, as found in Sec. 32-197, and those uses permitted only within the L-I district or H-I district.

(d) *Dimensional requirements*. The dimensional requirements of section 32-241 are waived except for the following:

(1) *Minimum Lot Size*. Provisions governing minimum lot size are established by the Unified Development Plan.

- (2) *Minimum Interior Setbacks.* The minimum interior setback is zero feet, however if a setback is provided, it must be at least 5 feet pending applicable fire and building codes.
 - (3) *Minimum Perimeter Setback.* For portions of the development adjoining any R-district, the interior setback standards of the adjoining district apply along the adjoining lot line.
 - (4) *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the Unified Development Plan.
 - (5) *Maximum Height.* Within 50 feet of any R-district, the maximum height of a building may not exceed 50 feet or 3 stories except along the right-of-way of a railroad or a street right-of-way that is already constructed or is being constructed as part of the planned development. Provisions governing maximum height are established by the Unified Development Plan for all other portions of the development.
 - (6) *Density.* Provisions governing the maximum residential density of the development are established by the Unified Development Plan. Exception – any tract(s) found within the city's WS-IV watershed. Tract(s) located within this area must meet the requirements of Sec. 32-288 for density and/or built upon area provisions.
- (e) *Landscape & Buffering.* Provisions governing landscaping are established by the Unified Development Plan. Perimeter buffering shall meet the minimum requirements per sec. 32-259.
- (f) *Commercial areas.* Commercial areas and adjacent residential and office areas must be arranged to provide pedestrian access and circulation between and within such areas. In mixed use and nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.
- (g) *Common Open Space and Recreation Facilities.* A minimum of five percent (5%) of the total land area of the proposed mixed use district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens. Common open space and types of recreation amenities to be provided shall be established by the Unified Development Plan.
- (h) *Conveyance and maintenance of common open space and recreation amenities.* A common open space or recreation amenity shall be conveyed in accordance with one of the following methods:

- (1) By dedication to the city and maintained as common open space or a public recreation facility; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.
- (i) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with the standards set forth in other chapters of the ordinance, city construction manual, or per state requirements. M-U's with more than 100 single family lots and/or multifamily units shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section. Proposed street cross sections shall be outlined on the Unified Development Plan.
- (j) *Parking and Loading.* Off-street parking and loading must be provided in accordance with Sec. 32-359 and Sec. 32-392. For any permitted use in a M-U district the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use. On-street parking can count towards parking requirements.
- (k) *Signage.* A common sign plan shall be required as part of the Unified Development Plan specifying the size, type, height, setback, location and number of signs. Specifications must be at least as restrictive as the regulations per Sec. 32-433.
- (l) *Utilities.* All M-U districts shall provide underground utilities for proposed new utilities. All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the city, public utilities companies, or the state. Public water and sanitary sewer systems shall be required.
- (m) *Mixed-use district review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a mixed-use district. The city governing board shall review the request and set a public hearing date for the conditional rezoning of the tract. Prior to the governing board reviewing and taking action on the request, the city planning board shall review the request and make a recommendation to the governing board who will in turn review the technical requirements of the Unified Development Plan and then make a ruling on the proposal. Unified Development Plans shall be good for 24 months from the date of approval as long as work is

progressing on the project. Expired Unified Development Plans or major plan amendments can be renewed/approved by the governing board. Minor amendments will be reviewed by the city staff prior to construction documents being submitted for compliance with chapter 26 and 32.

(n) *Unified Development Plan*. The Unified Development Plan must contain the following materials:

- (1) *Concept Plan*. Concept plan showing proposed public roads, street cross sections, development tracts with list of proposed uses, maximum permitted density and/or building square footage for non-residential uses, impervious surface coverage if in a watershed, schematic water and sewer service layouts, general locations for stormwater control measures, and proposed phase lines, if any.
- (2) *Common Sign Plan*. Common Sign Plan per Sec. 32-248.2 (I).
- (3) *Documentation and CZ regulations*. Documents which specify proposed setbacks or other regulations governing building placement, and/or volunteered conditions may be provided. The applicant may use district regulations provided by this ordinance or may propose regulations unique to the development. In no case may the Unified Development Plan leave any area proposed for development unregulated. Proposed documentation and regulations can be included as notes on the Concept Plan.
- (4) *Phases*. All phases must be shown on the Unified Development Plan and numbered in the expected order of development. The phasing must be consistent with the open space, traffic, circulation, drainage and utilities (water & sanitary sewer) plans for the overall planned development.
- (5) *Traffic Memorandum*. A traffic memorandum prepared by a licensed traffic engineer showing the anticipated traffic generation of the project and recommended traffic improvements shall be provided. As applicable, a Traffic Impact Analysis for review by the city engineer and/or NCDOT shall be provided prior to the issuance of driveway permits.

CZ-M-U Mixed Use Zoning District / Unified Development Plan

Unified Development Plan w/ All Development
Regulations Proposed & Zoning Concept Plan

Section 4, Item # B.

UDP Application Submittal

Please publish in the Stokes News June 19, 2025, and June 26, 2025; Affidavit required.

**City of King
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a series of public hearings will be held by the **City Council** of King at City Hall, 229 S. Main Street, on **July 7, 2025**, beginning at 6:00 p.m., for the purpose of considering the following:

Amendment of the official code of ordinances of the City of King, N.C. in the following manner:

Item 1: To review and approve or deny a proposed revisions and/or additions to Chapter 32. – Zoning, Article IV, Revise/add to Sec. 32-196. Keys to districts uses and Sec. 32-198. – Commercial. Planned Unit Development – Commercial Mixed Uses. Revise/add to Chapter 32, Article V, Division 1, Sec. 32-248.1. – Planned Unit Development – Commercial Mixed Uses (PUD-CM). Being listed as proposed Ordinance No. 2025-04.

In accordance with the Code of Ordinances, Chapter 32-Zoning, Sec. 32-96 the City of King **Planning Board/Board of Adjustment** will review the foregoing amendments on **June 23, 2025**, and make a formal recommendation to the City Council.

CITIZENS ARE HEREBY NOTIFIED that upon consideration of the comments at the herein-described public hearings, the City Council may amend the proposed ordinance amendments prior to adoption.

A copy of the proposed amendments is on file at the City Hall for inspection by all interested citizens or you can call the planning department or city clerk at (336) 983-8265.

Nicole Branshaw, CMC
City Clerk

Please publish in the Stokes News July 17, 2025, and July 24, 2025; Affidavit required.

**City of King
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a series of public hearings will be held by the **City Council** of King at City Hall, 229 S. Main Street, on **August 4, 2025**, beginning at 6:00 p.m., for the purpose of considering the following:

Amendment of the official code of ordinances of the City of King, N.C. in the following manner:

Item 1: To review and approve or deny a proposed revisions and/or additions to Chapter 32. – Zoning, Article III, Sec. 32-164. – Conditional districts. Add M-U Mixed use district; Article IV, Revise/add to Sec. 32-198. – Commercial. Mixed use district. Revise/add to Chapter 32, Article V, Division 1, add Sec. 32-261. – Mixed uses. Being listed as proposed Ordinance No. 2025-04.

In accordance with the Code of Ordinances, Chapter 32-Zoning, Sec. 32-96 the City of King **Planning Board/Board of Adjustment** will review the foregoing amendments on **July 28, 2025**, and make a formal recommendation to the City Council.

CITIZENS ARE HEREBY NOTIFIED that upon consideration of the comments at the herein-described public hearings, the City Council may amend the proposed ordinance amendments prior to adoption.

A copy of the proposed amendments is on file at the City Hall for inspection by all interested citizens or you can call the planning department or city clerk at (336) 983-8265.

Nicole Branshaw, CMC
City Clerk

Existing PUD

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Planned unit development (PUD). That when a tract of land is under unified control and contains at least 15 acres, the developer may be allowed to deviate from the strict application of use, setback, height, and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of residential and commercial land. In exchange for the flexibility, the developer must have a site plan approved by the governing board and comply with the other requirements of a special use permit. This approach is a voluntary alternative, and it is not mandatory for the development of any parcel of land. Land developed in this manner shall be in keeping with the city's comprehensive plan and shall be, if approved, and over-lay district of one or more of the districts listed in section (b).

(b) *Location.* Planned unit developments are permitted in the R-R, R-20, R-15, R-MF-A, R-MF-C, R-MF-T, B-2, and L-I districts.

(c) *Permitted uses.* All the permitted and special uses in the zoning district where the PUD is located are allowed (see exception below). In addition, one, two-family and multifamily residential uses are be permitted. Commercial and office space will be permitted if they are primarily for the convenience and service of the residents of the development and represent no more than 20 percent of the total development acreage.

(1) *Exceptions.* Any use that would be detrimental to the adjoining properties with regards to safety, health, and welfare.

Proposed new mixed-use district

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Mixed Use. The M-U District is intended to accommodate a Unified Development Plan (UDP) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site. The size and intensity of M-U developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis and shall be, if approved, a Conditional Zoning district.

(b) *Minimum Size.* 5 acres

(c) *Permitted Uses.* Within a M-U district, all uses are permitted except agricultural uses, as found in Sec. 32-197, and those uses permitted only within the L-I district or H-I district.

Comments and comparisons

In reviewing this proposed text amendment, staff and the applicant decided to recommend adding a new district to our current use districts (R-R, R-20, R-15, R-MF-A, R-MF-C, R-MF-C, R-MH, R-MH-1, R-MH-2, O-I, B-1, B-2, PD-RC, L-I, and H-I) and if approved **M-U** (Mixed-Use). This would allow this district to be approved as a conditional zoning just like the other districts. Our current PUD is an overlay district and is approved as a special use permit (SUP) which requires a quasi-judicial hearing.

Comparing the two definitions – The M-U district requires a site as does the PUD. M-U district calls this plan a UDP or unified development plan. Both allow for residential and commercial uses which are defined later in the text. Both allow for a creative approach with regards to setbacks, heights, and lot sizes. The PUD sets a minimum acreage size (or starting point) of 15 acres or more. The M-U will set a minimum acreage size of 5 acres or more.

Comparing the next 2 sections – The existing PUD list the district that can be found in the PUD overlay. Then the developer/designer can develop an overlay plan. The new M-U district proposes a minimum tract size of 5 acres. This seems small for a mixed-use type development but could work.

The existing PUD in item (c) goes over what can be in the PUD overlay district. It allows single family (R-20, R-15), multi-family (R-MF-A, C, T), or commercial (O-I, B-2, or L-I). Commercial uses are only allowed up to 20% of the total site. It also contains an exception statement that allows the city to not allow any use that would be bad for the citizens of King. M-U is a use district thus it can be placed almost anywhere by rezoning. The applicant is requesting that agriculture not be allowed within this district which is understandable. In the M-U district any use as listed in 32-198 thru 206, is allowable. Could there be a use such as manufactured homes that we would want to exclude. This could be addressed in the conditions of the rezoning, but we have no guarantees that the applicant would agree to the condition(s).

- (d) *Dimensional requirements.* The dimensional requirements of [section 32-248](#) are waived except for the following:
- (1) No structure shall be in excess of 35 feet (three stories) in height.
 - (2) A ten-foot side yard setback shall be maintained on all single-family dwelling units. A 20 feet separation shall be maintained between multi-family buildings.
 - (3) A 20-foot setback shall be required around the entire perimeter of the PUD or as set forth in [section 32-259](#), buffering.
- (e) *Single and multi-family dwelling units.* shall be designed per [chapter 26](#) for single-family and [sections 32-245](#), [32-246](#), or [32-247](#) for multi-family.
- (f) *Commercial areas.* if used in the design, shall be of similar architectural design theme. See [sections 32-244](#) and [32-254](#).
- (g) *Conveyance and maintenance of common open space.* A common open space shown on the final development plan shall be conveyed in accordance with one of the following methods:
- (1) By dedication to the city and maintained as common open space; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.

The city has the right to accept or reject the dedication of any common open space. The developer shall file in the county register of deed's office legal documents restricting the use of common open space for the designated purposes. The city shall review and approve these documents before they are submitted to the office of the register of deeds.

- (d) *Dimensional requirements.* The dimensional requirements of section 32-241 are waived except for the following:
- (1) *Minimum Lot Size.* Provisions governing minimum lot size are established by the Unified Development Plan.
 - (2) *Minimum Interior Setbacks.* The minimum interior setback is zero feet, however if a setback is provided, it must be at least 5 feet pending applicable fire and building codes.
 - (3) *Minimum Perimeter Setback.* For portions of the development adjoining any R-district, the interior setback standards of the adjoining district apply along the adjoining lot line.
 - (4) *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the Unified Development Plan.
 - (5) *Maximum Height.* Within 50 feet of any R-district, the maximum height of a building may not exceed 50 feet or 3 stories except along the right-of-way of a railroad or a street right-of-way that is already constructed or is being constructed as part of the planned development. Provisions governing maximum height are established by the Unified Development Plan for all other portions of the development.
 - (6) *Density.* Provisions governing the maximum residential density of the development are established by the Unified Development Plan. Exception – any tract(s) found within the city's WS-IV watershed. Tract(s) located within this area must meet the requirements of Sec. 32-288 for density and/or built upon area provisions.

Comparing the next section (d) – the current PUD allows for a waiver on setbacks, lot sizes, and lot widths with the exception of 3 items. A limit of 3 stories in height (this due to building code deeming anything more than 3 stories as a high-rise structure and firefighting of a high-rise structure), a 20' setback on single family and multi-family homes/building (this is for fire separation reasons), and a 20' setback around the project boundaries (this for buffering measures). Density is based on 32-241 and is a set figure both inside and outside the watershed.

The M-U district being proposed waives minimum lot sizes in item (1) so the developer could propose lot sizes in the 5,000 – 10,000 range. This is true on the existing PUD but city council has never allowed less than a 10,000 sq. ft. lot. Item (2) waives all interior setbacks were the PUD holds a 20' setback. So, you could see single family dwellings almost abutting each other. Item (3) the M-U district only has a setback if the district abuts a residential district, so approximately 30'. Item (4) states that street setbacks will be stated on the UDP. Item (5) states that residential uses are limited to 3 stories but all commercial uses are established by the UDP. So, we might see a 4 + story commercial structure. Item (6) max. density is unlimited unless the tract falls within the watershed where it is limited to 3 dwelling units/acre.

PUD items (e), (f), (g) – Item (e) gives standards to go by when building single and multi-family. Item (f) gives design standards for commercial uses (20% of the site). Item (g) gives standards for conveyance of any open space/recreational areas.

(h) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in other chapters of the ordinances, city construction manual, or per state requirements. PUD's with more than 100 single-family and multi-family lots shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section.

(i) *Utilities.* All planned unit developments shall provide underground utilities. All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the city, public utilities companies, or the state. Public water and sanitary sewer systems shall be required.

(j) *PUD review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a planned unit development. The city govern board shall review all technical requirements for a PUD and then make a ruling on the proposal. The applicant is required to show proof and present evidence that they have met the requirements of the ordinances prior to the granting of the special use permit. Permits once issued are good for 12 months from the date of approval as long as work is progressing on the project. Expired permits or plan amendments can be renewed/approved pending review by the governing board. Single-family areas approved in the PUD will need to be reviewed by the planning board prior to construction documents being submitted for compliance with [chapter 26](#).

- (e) *Landscape & Buffering.* Provisions governing landscaping are established by the Unified Development Plan. Perimeter buffering shall meet the minimum requirements per sec. 32-259.
- (f) *Commercial areas.* Commercial areas and adjacent residential and office areas must be arranged to provide pedestrian access and circulation between and within such areas. In mixed use and nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.
- (g) *Common Open Space and Recreation Facilities.* A minimum of five percent (5%) of the total land area of the proposed mixed-use district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens. Common open space and types of recreation amenities to be provided shall be established by the Unified Development Plan.
- (h) *Conveyance and maintenance of common open space and recreation amenities.* A common open space or recreation amenity shall be conveyed in accordance with one of the following methods:
- (1) By dedication to the city and maintained as common open space or a public recreation facility; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.

Item (h) under our existing PUD covers circulation around the proposed project. This would include both vehicular and pedestrian ways. It gives standards and guidelines for the design professional to use to maximize the site in safety as well as efficiency. It also contains a statement regarding the need for 2 means of egress/ingress for residential projects with over 100 single-family lots.

The M-U district addresses this in item (i) later.

Item (e) in the M-U district goes over its buffering requirements which refer to the ordinance buffering requirements for perimeter buffers but leaves interior buffering up to the UDP. Which means buffering may or may not be used between unlike uses.

Item (f) in the M-U district covers standards for commercial areas in conjunction with residential mixed-use areas. Such as a structure with commercial on the first floor with one or two levels of residential above. This subject is not addressed in our existing PUD but we do allow it in our ordinance as a use in by right in B-1 and B-2 districts.

Item (g) in the M-U district addresses open space and recreational spaces. It requires a minimum of 5% of the total land area to be in either common open space or recreational space. What's in the recreational space, if provided, is not stated other than it will be shown in the UDP. So, a large M-U project may have limited or no recreational space(s). It may be left in open spaces such as plazas, public squares, or public gardens. In our existing PUD, we defer to the section of the ordinance that covers single or multi-family uses. In those sections we give specific square footage requirements based on the number of units being built. We also detail what must be in the recreational areas. We require in addition to recreational spaces, open space requirements of 10% for townhomes, 12% for condos, and 15% for apartments.

Item (h) of the M-U district reads the same as our existing PUD with the exception of the deletion of the last statement/paragraph. See item (g) of the existing PUD standards above.

Item (i) under the PUD covers public utilities and meeting their individual installation standards. The proposed M-U district reads the same.

Item (j) under the PUD describes the manner in which a PUD must be approved which is by the issuance of a SUP by the council. It also states that single family sections must be reviewed by the planning board and meet the standards of Chap. 26 – Subdivisions.

- (i) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with the standards set forth in other chapters of the ordinance, city construction manual, or per state requirements. M-U's with more than 100 single family lots and/or multifamily units shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section. Proposed street cross sections shall be outlined on the Unified Development Plan.
- (j) *Parking and Loading.* Off-street parking and loading must be provided in accordance with Sec. 32-359 and Sec. 32-392. For any permitted use in a M-U district the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use. On-street parking can count towards parking requirements.
- (k) *Signage.* A common sign plan shall be required as part of the Unified Development Plan specifying the size, type, height, setback, location and number of signs. Specifications must be at least as restrictive as the regulations per Sec. 32-433.
- (l) *Utilities.* All M-U districts shall provide underground utilities for proposed new utilities. All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the city, public utilities companies, or the state. Public water and sanitary sewer systems shall be required.
- (m) *Mixed use district review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a mixed-use district. The city governing board shall review the request and set a public hearing date for the conditional rezoning of the tract. Prior to the governing board reviewing and taking action on the request, the city planning board shall review the request and make a recommendation to the governing board who will in turn review the technical requirements of the

Item (i) under the M-U district goes over their proposed circulation requirements which are basically the same with the exception of the last sentence.

Item (j) in the M-U district goes over parking and loading requirements. Our PUD just refers the designer to our parking ordinance section. They are proposing the same with one exception, they are proposing that parking be reduced by 30%. It doesn't say if this is for either single, multi-family, and commercial or all three. This could have a large impact on achieving enough parking for the project.

Item (k) deals with signage and is per our sign ordinance requirements.

Item (l) is regarding installation of utilities and is per our ordinance requirements.

Item (m) in the M-U district is defining the approval process for have a tract of land rezoned to M-U. It would follow the ordinance requirements for CZ rezoning.

Unified Development Plan and then make a ruling on the proposal. Unified Development Plans shall be good for 24 months from the date of approval as long as work is progressing on the project. Expired Unified Development Plans or major plan amendments can be renewed/approved by the governing board. Minor amendments will be reviewed by the city staff prior to construction documents being submitted for compliance with chapter 26 and 32.

- (n) *Unified Development Plan.* The Unified Development Plan must contain the following materials:
- (1) *Concept Plan.* Concept plan showing proposed public roads, street cross sections, development tracts with list of proposed uses, maximum permitted density and/or building square footage for non-residential uses, impervious surface coverage if in a watershed, schematic water and sewer service layouts, general locations for stormwater control measures, and proposed phase lines, if any.
 - (2) *Common Sign Plan.* Common Sign Plan per Sec. 32-248.2 (l).
 - (3) *Documentation and CZ regulations.* Documents which specify proposed setbacks or other regulations governing building placement, and/or volunteered conditions may be provided. The applicant may use district regulations provided by this ordinance or may propose regulations unique to the development. In no case may the Unified Development Plan leave any area proposed for development unregulated. Proposed documentation and regulations can be included as notes on the Concept Plan.
 - (4) *Phases.* All phases must be shown on the Unified Development Plan and numbered in the expected order of development. The phasing must be consistent with the open space, traffic, circulation, drainage and utilities (water & sanitary sewer) plans for the overall planned development.
 - (5) *Traffic Memorandum.* A traffic memorandum prepared by a licensed traffic engineer showing the anticipated traffic generation of the project and recommended traffic improvements shall be provided. As applicable, a Traffic Impact Analysis for review by the city engineer and/or NCDOT shall be provided prior to the issuance of driveway permits.

The M-U district does change the UDP approval timeframe from 12 months, as in our current PUD, to 24 months. Since this is a conditional rezoning the tracts that are rezoned would stay the same zoning but the UDP would expire in 24 months if no work (a vested right has been established) has begun.

Item (n) defines in detail what is required in the UDP.

Item (n) subsection (5) states that the developer shall provide a “traffic Memorandum” at the time of applying for the rezoning. If the project is approved for rezoning, then the developer would prepare their construction plan and submit them along with a “Traffic Impact Analysis”, if required, at this review stage. This is way beyond when I would think the planning board and city council would need/require a detailed traffic analysis.

