

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