

**Guilford County
Planning Board
January 8, 2020**

The Guilford County Planning Board met in regular session on Wednesday, January 8, 2020 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Thompson; Mr. Apple; Mr. Alexander; Ms. Hayworth; Ms. McKinley; Mr. Mann; Mr. Geter and Mr. Jones

Members Absent: Mr. Leonard

Staff Present: Oliver Bass and Tonya Hodgin -- Planning Department; Leslie Bell, Guilford County Planning Director; and Bobby Carmon Fire Department

Chair Jones called the meeting to order and welcomed everyone in attendance.

AGENDA AMENDMENTS:

APPROVAL OF MINUTES: December 11, 2019

Ms. McKinley moved approval of the December 11, 2019 meeting minutes, seconded by Ms. Hayworth. The Board voted unanimously in favor of the motion. (Ayes: Thompson, Apple, Alexander; Hayworth, McKinley, Mann, Geter and Jones Nays: None).

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Public Hearing Items

Conditional Zoning Case #19-11-GCPL-08684: RS-40 & AG to CZ-RPD Church Street

Located on the east side of Church Street, approximately 2,000 feet north from its intersection of Ariel Farm Road, being Guilford County Tax Parcel #129264, #129266, and #139425, approximately 282.9 Acres owned by Margaret Brande, Dorcas Broadway, William & Pong Nam Gregory, Gloria Mayo, Rebecca & William Johnson, Louise Billings, and Nelly & Sidney Stone.

Proposed Conditional Zoning from RS-40 & AG to CZ-RPD and limited to the following Use Conditions: Only single-family and customary accessory uses shall be allowed.

The proposed Conditional Zoning is consistent with the Northern Lakes Area Plan land use Classification of Agricultural Rural Residential, thus if approved, no plan amendment would be required.

Oliver Bass stated the property was located on the east side of Church Street, approximately 2,000 feet north of its intersection of Ariel Farm Road, being Guilford County Tax Parcel #129264, #129266 and #139425, approximately 282.9 Acres owned by Margaret Brande, Dorcas Broadway, William & Pong Nam Gregory, Gloria Mayo, Rebecca & William Johnson, Louise Billings, and Nellie & Sidney Stone.

This proposed request is to Conditionally Zone property from RS-40 & AG to CZ-RPD and limited to the following Use Conditions: Only single-family (attached and detached dwellings) and customary accessory uses shall be allowed. The application includes the Cedar Oaks Zoning Sketch Plan (Case 19-11-GCPL-08593), reviewed by the Technical Review Committee (TRC) on December 19, 2019. The TRC review letter provided to the applicant is included in this report.

The RS-40, Residential Single-Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low-density single-family development. The overall gross density will typically be 1.0 unit per acre or less.

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions.

The CZ, Conditional Zoning District, is hereby established as a companion district for every district established in Section 4-2. All regulations which apply to general use zoning district also applies to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also applies.

The RPD, Rural Preservation District, is intended to accommodate rural developments designed to preserve rural character, significant man-made features, and environmentally sensitive areas. The district permits open space, recreational, agricultural, residential, and limited neighborhood business and office uses that are part of a unified design.

The existing land uses on the property are undeveloped or farm house. To the north is large-lot residential. To the south and west are single-family residential. The east is undeveloped. The Land Use Plan is the Northern Lakes Area Plan (2016) and the plan recommendation is the AG-Rural Residential (AGRR).

The proposed Rural Preservation District is consistent with the AG-Rural Residential land use classification. The AGRR is intended to accommodate agricultural uses, large-lot residential development and low-density residential subdivisions not connected to public water and sewer with densities not to exceed two units per acre. Anticipated land uses include those permitted in the Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance. Staff recommends approval

The proposed rezoning to RPD is consistent with the recommendation of the Northern Lakes Land Use Plan. The RPD allows for the preservation of natural resources including flood plans, watershed critical area, and other features on the site. It will provide housing opportunities for future residents of Guilford County. The proposed Conditional Zoning is consistent with the Northern Lakes Area Plan land use classification of Agricultural Rural Residential, thus if approved, no plan amendment would be required.

IN SUPPORT OF:

Ellis Martin stated that he was an attorney for the applicant. Mr. Martin stated that there was a revised site plan being passed out for the Board to see. Mr. Martin stated that this area is already zoned RS-40 and AG which allows for single-family homes. They thought that RPD was the best way to preserve the district and allow them to have the common area where density could be shifted around. The applicant had a meeting earlier last year to inform everybody of what was going on. About 15 people from the surrounding area was there. Mr. Martin stated that in the surrounding area there has been a lot of growth and there is a lot of residential units. There has been some commercial growth as well in the surrounding area. Mr. Martin stated that there are other subdivisions in the area. There will be a buffer in place between the Cedar Oaks site and the Fox Trail site. Mr. Martin stated that in the revised site plan the lay out of the units have changed, but the area is still the same as well as the buffer zones.

Buddy Lyons stated that the original idea was to do estate lots. They added more lots but it could remain four or five estate lots. Mr. Lyons stated that this site is split up into 90 acres in tier 4 and the remaining acreage is in tier 3 and just about all the useable septic on the site is a critical watershed area. As it stands now there is a potential that they would cross a flood plane in the not for development area. Mr. Jones stated that all that was beyond the scope of this Board. Mr. Jones asked what the minimum buffer requirement for this type of development? Oliver Bass stated that there was none. Ms. McKinley stated that they were going above and beyond. Ms. Hayworth stated that most the time that when neighbors see an area on a site plan that has been listed as no development the neighbors expect nothing to be there, but there may be some drainage fields there.

IN OPPOSITION OF:

Sam Sevedin 7703 Foxhaven Court stated that he represented the majority of the people who lived on the right side. Mr. Sevedin stated that it is true that they were involved in the planning, but they were not involved in the revision. Mr. Sevedin stated that this was the first time they were seeing it. This neighborhood is concerned about transparency. Mr. Sevedin stated that he sent a condition letter to the attorney. Mr. Sevedin stated that every condition they asked for got rejected. Mr. Jones asked Mr. Sevedin why he believed this developer has the obligation to dedicate all this land for the benefit of his buffer? Mr. Sevedin stated that he was told that nothing would be developed pass the flood plane zone. Mr. Sevedin stated that they do not have a buffer between the property lines. They are asking that the buffer be 200 or 300 feet to give them a little bit of privacy.

Sharon Miller 5634 and 5626 N. Church Street stated that she lives on the road frontage of Church Street. Ms. Miller stated that she was not opposed to the residential area that is being built. Ms. Millers concern is the watershed, because there are creeks on her property and the neighbor's property. Ms. Miller feels like there will be more runoffs. Ms. Miller stated that it would be okay if the lots were larger. Ms. Miller stated that there will be more traffic in the area. Ms. Miller stated that the schools were another one of her concerns because they are reaching a maximum capacity. Ms. Miller stated that she is concerned with the water supply. Mr. Jones asked Leslie Bell if the concerns brought up was addressed by the County during the TRC review process? Leslie Bell stated that was correct. Mr. Jones asked if the traffic impact study was required? Leslie Bell stated that DOT did not make that call, but DOT will use the study and decide what improvements would be required.

Patrick Waddington stated that he was actually one of the closest to this development. His concern was what kind of impacts that running pipes on the opposite side of the flood plane could cause. He was also told that that area was going to be untouched. Ms. Hayworth asked Leslie Bell to explain the restrictions around the streams. Leslie Bell stated that (as presented on the plan) the off-site septic would not be on the eastern side of the wetlands. Mr. Lyons stated that they revised the sketch plan in an attempt to mitigate some concerns.

Mike Jones 5628 N. Church Street stated that he feels like this area is growing up to fast. Mr. Jones stated that he appreciates the developer for working with them. Mr. Jones stated that the lake there feeds into the water supply.

Sam Sevedin stated that he wanted a buffer zone of about one or two acres that will be tree lined and grow naturally.

Geralyn Waddington 7400 Fair Haven Drive stated that the developer stated that changing the zoning will not change the fact that they can build single-family homes as it currently exists. Mr. Jones stated that was correct. Ms. Waddington asked what was the benefit of changing it to RPD? Mr. Jones stated it was a density issue, but the applicant could respond to that question. Ms. Waddington stated that they were never told about the additional septic systems that might be up in the upper right-hand quadrant. Ms. Waddington stated that they were also told that the estate lots could not be changed. Ms. Waddington stated that what they want to have established here is an undisturbed buffer zone that currently keeps the existing agricultural topography of the area.

IN SUPPORT REBUTTAL:

Buddy Lyons 3608 W. Friendly Ave stated that what was actually submitted was a 20-foot buffer line. Mr. Lyons stated that trying to revise a sketch plan based off of neighbors' concerns probably created some confusion. The area that everyone is so concerned about is designated as open space with a 20-foot buffer in the actual submitted plan. Mr. Lyons stated that they don't plan on using it for septic, but there is an outside chance that would be the case. Mr. Lyons stated that whatever is allowed in the ordinance is what they will do.

IN OPPOSITION REBUTTAL:

Mike Jones stated that his concerned is keeping trespassers off his lots. Mr. Jones asked if there was a ten-foot buffer on the sketch plan between Mr. Jones lot and the developers. Mike Jones stated that there was a buffer on there, but he was not sure of the size. Mr. Jones stated that it was 10 feet. Mike Jones stated that he appreciates that buffer, but he doesn't think the time to develop this land is now.

Seeing no other speakers, the Public Hearing was closed.

Discussion:

None

Motion:

Mr. Thompson moved to approve this zoning amendment located on Guilford County Tax Parcels #129264, #129266, and #139425, from RS-40 & AG to CZ-RPD because:

1. The amendment is consistent with the applicable plans because: The proposed Rural Preservation District is consistent with the AG-Rural Residential land use classification. The AGRR is intended to accommodate agricultural uses, large-lot residential development and low-density residential subdivisions not connected to public water and sewer with densities not to exceed two units per acre. Anticipated land uses include those permitted in the Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance. The proposed rezoning to RPD is consistent with the recommendation of the Northern Lakes Land Use Plan. The RPD allows for the preservation of natural resources including flood plans, watershed critical area, and other features on the site.

2. The amendment is reasonable and in the public interest because: It will provide housing opportunities for future residents of Guilford County.

Seconded by Mr. Mann.

Mr. Jones asked Leslie Bell if the conditions and the sketch plan was included on this motion? Leslie Bell stated that was correct. Mr. Jones asked if there was another condition that needed to be added? Oliver Bass stated that the condition needed to be the buffer as shown on sketch plan. Leslie Bell stated that he wanted to make sure that the applicant knows that they could volunteer conditions on this. Mr. Lyons stated that the sketch plan is not the same as a site plan. Mr. Lyons stated that it was not ever conveyed to them that anything that is allowed in general open space requirements would still be allowed. For example, because Mr. Lyons did not put that AT&T still needs to run the utility line through the open space in the sketch plan then they would not be able to run utilities to the development. Leslie Bell stated that was correct however it is misleading as Mr Lyons indicates often areas where open space also may be used for off-site septic yet in the wetland area (eastern side) there is no indication on the plan although he mentions it. Leslie Bell stated that Mr. Lyons could have done a regular rezoning instead of a conditional zoning. Leslie Bell stated that Mr. Lyons voluntarily conditioned the zoning request. Leslie Bell stated that Mr. Lyons labeled the other areas off site septic, why did Mr. Lyons not do that on the other side? Mr. Lyons stated that generally that is where it will go.

Chair Jones stated that he is proposing to continue this. Mr. Thompson withdrew his motion. Ms. McKinley moved to continue this until February, seconded by Ms. Hayworth. The Board voted unanimously in favor of the motion. (Ayes: Thompson, Mann, Geter, Apple, McKinley, Alexander, Hayworth, and Jones Nays: None).

OTHER BUSINESS:

UDO Project Update:

Leslie Bell stated that they are having a Board of County Commissioner workshop this week.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:00 p.m.