

**Guilford County
Planning Board
SPECIAL MEETING
March 16, 2020**

The Guilford County Planning Board met in special session on Monday, March 16, 2020 at 12:30 p.m. in the Commissioners' Meeting Room, Second Floor, Old Guilford County Courthouse, 301 West Market Street, Greensboro, NC.

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

Members Absent: None

Staff Present: Teresa Andrews, Stormwater Admin.; Tonya Hodgin – Planning Technician; Leslie Bell, Guilford County Planning Director; Kaye Graybeal, Guilford County Planning Deputy Director; and Michael Townsend Fire Marshal

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

AGENDA AMENDMENTS:

Leslie Bell stated that in the back of the Board members packet on page one of the Order which includes the applicant's Findings of Facts, the case number was missing [due to the template being sent to the applicant prior to a case number being established] and that the case number is Case #20-02-GCPL-01573.

APPROVAL OF MINUTES:

Ms. Hayworth made a motion to approve the February minutes, seconded by Mr. Alexander. The Board voted 9-0 in favor of the motion (Ayes: Apple, Alexander, Hayworth, McKinley, Buchanan, Thompson, Mann, Geter and Jones Nays: None).

This motion was stricken from the record because there were not any minutes to be approved for this meeting. They will revote at the next scheduled meeting.

CONTINUANCE REQUESTS:

None

EVIDENTIARY HEARING ITEM: MAJOR BUFFER VARIANCE

CASE #20-02-GCPL-01573: Sedgefield Country Club Acquisition LLC is requesting a major variance from the Randleman Lake Buffer Rules per NC Administrative Code 15A NC ADC 2B.0250 Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers. The major variance is requested for the purpose of constructing a new practice area as directed by the PGA Tour as part of The Wyndham Championship. The property is located on the east side of Forsyth Dr, at its intersection of Wayne Road in Jamestown Township. Being Guilford County Tax Parcel #155703, approximately 6.91 Acres, owned by Sedgefield Country Club Acquisition LLC.

Teresa Andrews, Stormwater Administrator stated that Sedgefield Country Club Acquisition LLC is requesting a major variance from the Randleman Lake Buffer Rules per NC Administrative Code 15A NC ADC 2B.0250 Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers. The major variance is requested for the purposes of establishing a short game practice facility at Sedgefield country club, as required by the PGA Tour in order to retain its status as the host venue for the annual Wyndham Championship.

The property is located at 3201 Forsyth Drive Greensboro, NC 27407 being tax parcel #155703, approximately 6.91 acres located in the Jamestown Township.

The Randleman Lake Buffer Rules apply to surface waters including intermittent and perennial streams, lakes, reservoirs, and ponds that are approximately shown on either the most recent version of the hardcopy soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS); or any alternative map approved by the NC Environmental Management Commission and the Geographic Information Coordinating Council prior to their use in a determination. Or if there is other site-specific evidence that indicates the presence of waters not shown on any of the aforementioned maps.

The Randleman Lake Buffer Rules consist of a 50ft buffer, beginning at the top of the bank and extending outward, perpendicular to the stream. There are two zones to the buffer, Zone 1 shall begin at the top of the bank and extend landward a distance of 30 feet on all sides of the surface water measured horizontally on a line perpendicular to a vertical line marking the top of the bank; Zone 2 shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

The stream buffer must remain undisturbed except for the uses provided in the Table of Uses in NC Administrative Code 15A NC ADC 2B.0250 (9). Any use within Zone 1 not listed within the table of uses, requires a major variance. Sedgefield Country Club Acquisition, LLC is proposing impacts not categorized within the table of uses including installation of a culvert and grading to create greens fairway, rough and bunkers, as well as stormwater management; these impacts total 25,002 square feet in Zone 1, and 16,123 square feet in Zone 2, and they plan to pay mitigation on a 3:1 basis for Zone 1 and a 1.5:1 basis for Zone 2. Sedgefield Country Club Acquisition LLC is also proposing a bridged walking trail as a part of their project with impacts totaling 2,990 square feet of Zone 1, and 2,061 square feet of Zone 2; they plan to pay mitigation on a 3:1 basis for Zone 1 and a 1.5:1 basis for Zone 2. The total buffer mitigation for the project is 111,252 square feet. In addition, to further mitigate the prohibited fertilizer application, they have planned to install two stormwaters control measures to treat the runoff from the site before it is discharged to the stream, as well as restrict the type and quantity of fertilizer applied to ensure proper application and limit potential pollution.

The decision that the Guilford County Planning Board makes will go to the Board of Commissioners for a formal recommendation on behalf of Guilford County to the Environmental Management Commission.

RS-20. RESIDENTIAL SINGLE-FAMILY DISTRICT. The RS-20, Residential Single-Family District is primarily intended to accommodate low to moderate density single-family detached dwellings in suburban areas at an overall maximum density of 1.9 units per acre.

The existing Land Uses on the property is the Sedgefield Country Club main club house. To the north is single-family residential, parking and vacant. To the south is the golf course and recreation center. To the east is single-family residential. To the west is the golf course.

The application submitted by Sedgefield Country Club Acquisition LLC was complete. The date of the application was on February 28, 2020. The adjacent property owners were notified on February 28, 2020. The date entities in the Randleman Lake watershed were notified on February 28, 2020. The sign was posted on the subject property on February 28, 2020. It was posted on the County website on February 28, 2020. The date of the public hearing was March 16, 2020.

Ms. Hayworth asked Leslie Bell if there was any notice of people not coming to this meeting due to the Coronavirus? Leslie Bell stated that he did not have any calls about it.

IN SUPPORT:

Michael Shoun, 400 Donald Ross Lane, Raleigh, NC stated that he is the representative for Sedgefield Country Club Acquisitions, LLC and Chuck Boecker, PE, the engineer, would be presenting the presentation.

Chuck Boecker, 424 Gallimore Dairy Road, stated that he is the Director of Planning Development for WithersRavenel. This proposal was done because of the PGA TOUR requirements. Mr. Boecker stated that the PGA Tour is asking for them to build a short game practice facility. Mr. Boecker stated that they are trying to maximize in a limited area. Spectators will come off the main road and take the path over the bridge to get to the facilities. Mr. Boecker stated that they have to redirect the stream because without [that] they will not have enough space for the rough and the fairway. Mr. Boecker stated that there are three buffers. Mr. Boecker stated that they would be putting in a Filterra system which is when stormwater runoff enters the Filterra system through a curb-inlet opening or pipe and flows through a specially-designed filter media mixture contained in a landscape concrete container. The filter captures and immobilizes pollutants which are then decomposed, volatized and incorporated into the biomass of the Filterra system. Stormwater runoff flows through the media and into an underdrain system at the bottom of the container, where the treated water is discharged. Mr. Boecker stated that there would be a 10-foot wide vegetated strip on each side of stream 1 which will consist of tall fescue grass which will be allowed to grow. The vegetated strips will act as a buffer for any runoff during high rainfall event[s]. This strip will not be fertilized. Mr. Boecker stated that this is their second time talking about the short game practice facility. Ms. Hayworth asked if there was a contract with the PGA Tour for this year and would the PGA Tour just relocate for one year and come back when this is completed. Ms. Hayworth asked if this was a new requirement. Mr. Boecker stated that the information he has was that the Sedgefield Country Club is the worst facility of the PGA Tour. It has been known for a number of years that this would need to be done. Ms. Hayworth stated that as far as Mr. Boecker knows this was not a new requirement. Mr. Boecker stated that there are no better locations to put the short game practice facility.

Mr. Boecker stated that the Wyndham Championship brings in about \$30 million in revenue and the Sedgefield Country Club has hosted the Wyndham Championship since 2008. Mr. Boecker stated that there are no alternative locations within the property.

[Chuck Boecker submitted two Operation and Maintenance agreements for the record, one for the Filterra devices and one for turf management].

Chair Jones stated that they have all had time to review the information. A few copies of the order were passed out two of the members of the Board who did not receive the mailed package (however the e-mailed digital copy was received) for them to review. Chair Jones asked after this is constructed how this would compare with all the other facilities on the tour. Mr. Boecker stated that it was going to be small, but it will meet the requirements of the PGA. Chair Jones asked if this designed was dictated by the PGA. Mr. Boecker stated that the design was done by a gentleman from Florida but the PGA has said that this design would meet their requirements. Chair Jones asked Staff if there were any questions or issues from a Staff perspective. Teresa Andrews stated that with the addition of the O&M agreements, all their concerns had been addressed. Chair Jones asked Leslie Bell if he had any issues [with the application] from a Staff perspective. Leslie Bell stated that there were no issues.

Mark Gaither 3020 West, Sedgefield Road, stated that he was not against this at all but his concern was about the stormwater drainage. Mr. Gaither stated that if you stood on his porch you would be looking at the club house. Mr. Gaither stated that right in front of his house was a drain and when it rain heavily [water stands].

IN OPPOSITION:

None

MOTION:

Mr. Jones made a motion to grant the major variance and accept the Findings of Facts numbers one through nine (9) as they were submitted in the application, seconded by Mr. Alexander. The Board voted 9-0 in favor of the motion (Ayes: Thompson, Mann, Geter, Apple, Buchanan, McKinley, Hayworth, Alexander, and Jones Nay: None)

The Guilford County Planning Board acting as the Board of Adjustment, having held a hearing on March 16, 2020 to consider Case Number 20-02-GCPL-01573, submitted by Sedgefield Country Club Acquisitions, LLC a request for a major variance to use the property located at 3201 Forsyth Drive being Tax Parcel #155073, in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following Findings of Facts and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that, if the applicant complies with the provisions of this Ordinance, they **will not** secure reasonable return from, or make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. This conclusion is based on the following FINDINGS of FACT:

Complying with the Rules would prevent the applicant from constructing the Proposed Use as required by the PGA TOUR. There are no other alternative locations for the Proposed Use within property owned by the applicant. Additionally, the Proposed Use cannot be designed to avoid or further minimize buffer impacts and still meet the PGA TOUR design requirements. Without the construction of the Proposed Use, the applicant will no longer be the host venue for the Wyndham Championship, as the PGA TOUR has indicated without the construction of an adequate short game practice facility, the Wyndham Championship

will be relocated to another venue, causing a loss of \$30 million in economic impact annually to Greensboro, Guilford County and surrounding areas. The strict application of the of Rules creates a hardship specific to the applicant as the inability to construct the Proposed Use as required by the PGA TOUR will ultimately cause the loss of the Wyndham Championship golf tournament being held at Sedgefield Country Club, which it has hosted since 2008. Therefore, without the proposed Buffer Impact, the applicant cannot construct the required Proposed Use on the subject property, which is a reasonable use of the property.

2. It is the Board's CONCLUSION that the variance **is** the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible. This conclusion is based on the following Findings of Fact:

Due to the size and shape of the Subject Property, the applicant cannot design the Proposed Use in a manner which both avoids the Buffer Impact and meets the PGA TOUR requirement. There are no alternative locations within property owned by the applicant which are large enough to accommodate the Proposed Use. Therefore, the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible.

3. It is the Boards CONCLUSION that the hardship **does** result from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship. This conclusion is based on the following Findings of Fact:

The Proposed Use is compliant with all other federal, state, and local requisitions. No other site constraints such as deed restrictions, zoning setbacks, floodplains or other factors impact the proposed short game practice facility design. The design of the components of the Proposed Use cannot be modified to avoid the Buffer Impact, as such would render the Proposed Use inconsistent with the PGA TOUR requirements. and would not fulfill the intended purpose of the Proposed Use. Therefore, the proposed hardship is a direct result of the application of the Rules and no other factors.

4. It is the Board's CONCLUSION that the hardship **is** due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property. This conclusion is based on the following Finds of Fact:

The physical nature of the Subject Property creates a hardship necessitating the Buffer Impact, which is different from that of neighboring properties. The Subject Property, which is the only suitable location for the Proposed Use with the property owned by the applicant, is small (2.8 Acres) and is bound to the north, east, and west by existing public roads and bound to the south by the existing Sedgefield CC clubhouse. Additionally, the proposed location is bisected by a perennial stream which is subject to riparian buffers. The natural topography of the project area is very steep, dropping from an elevation of 815' in elevation on northern and southern areas to an elevation of 800' at the lowest point near the stream. This represents a 10% slope on both sides of the stream. Due to the steep topography within the Subject Property, the components of the Proposed Use, as required by the PGA TOUR, cannot be constructed without the Buffer Impact. The adjacent properties to the east and west of the project area have been historically cleared and graded, and do not have the steep slopes found within the project area. The size, shape and natural topography are unique to the Subject Property, and these unique physical features are the sole cause of the hardship necessitating the Buffer Impact.

5. It is the Board's CONCLUSION that the applicant **did not** cause the hardship by knowingly or unknowingly violating this Ordinance. This conclusion is based on the following Findings of Fact:

The hardship was not caused by the applicant knowingly or unknowingly violating the Rules. The Subject Property has existed in its current maintained condition and configuration since prior to adoption of the Rules in 1999. The applicant is seeking approval of the Buffer Impact prior to development of the Proposed Use on the Subject Property.

6. It is the Board's CONCLUSION that the applicant **did not** purchase the property after the effective date of this Ordinance, and then request a variance. This conclusion is based on the following Findings of Fact:

The applicant purchased the Subject Property, Sedgefield CC and all associated parcels in 2011, which is after the effective date of the Rules. However, Sedgefield CC has been in operation as a golf course since 1927, and has been the host to the Wyndham Championship since 2008. The hardship resulted in 2019, when the PGA TOUR notified the applicant that they must construct an adequate short game practice facility that meets PGA TOUR requirements, or the tournament would be relocated to another venue. Therefore, the applicant owned and operated the Subject Property for eight years prior to the hardship occurring and had no knowledge or anticipation that the hardship would occur.

7. It is the Board's CONCLUSION that the hardship **is** rare or unique to the applicant's property. This conclusion is based on the following Findings of Fact:

The hardship necessitating the Buffer Impact is unique to the subject property and is not widespread. The hardship results from the unique circumstances of Sedgefield CC being the host venue to the PGA TOUR's annual Wyndham Championship, representing a \$30 million economic impact to Greensboro and surrounding areas, which is different from other properties. Additionally, the hardship results from the physical nature of the subject property, which are different from other neighboring properties as previously discussed. Approving the Buffer Impacts would not be a special privilege to the applicant that is denied to other property owners because other property owners are not facing the hardship faced by the applicant and its proposed use of the subject property, as a direct and sole result of the application of the buffer rules.

8. It is the Board's CONCLUSION that the requested variance **is** in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit. This conclusion is based on the following Findings of Fact:

The hardship necessitating the Buffer Impact is unique to the Subject Property and is not widespread. The hardship results from the unique circumstances of Sedgefield CC being the host venue to the PGA TOUR's annual Wyndham Championship, representing a \$30 million economic impact to Greensboro, Guilford County and surrounding areas, which is different from other properties. Additionally, the hardship results from the physical nature of the subject property, which are different from other neighboring properties. Approving the Buffer Impacts would not be a special privilege to the applicant that is denied to other property owners because other property owners are not facing the hardship faced by the applicant and its Proposed Use of the subject property, as a direct and sole result of the application of the Buffer Rules.

9. It is the Board’s CONCLUSION that the requested variance is ensuring that the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done. This conclusion is based on the following Findings of Fact:

The applicant has demonstrated that through the management program (turfgrass types, fertilization and irrigation). Filterra biofiltration system stormwater management device, the 10-ft “no fertilizer” vegetated strip along both sides of the stream and the Operation and Maintenance agreement for the turf care and stormwater device, the Proposed Use will protect water quality and is consistent with the spirit and intent of the Rules to protect the water supply watershed for Randleman Lake. Furthermore, the Proposed Use will not risk public safety or welfare, and substantial justice has been done.

Therefore, on the basis of all the foregoing, the Guilford County Planning Board recommends that this application for a VARIANCE be Granted subject to the following:

1. Compliance with all local, state and federal laws.
2. Applicant may not begin construction with the riparian buffers until issuance of the necessary 404/401 permits.
3. Applicant shall provide mitigation for the proposed impacts to the buffer by purchasing 111,252 sf of riparian buffer mitigation credits from the NC Division of Mitigation Services ILF program and the Wildlands Holdings Randleman Lake Umbrella Mitigation Bank Instrument: Loflin Dairy Phase II site.
4. Applicant must install a Filterra biofiltration system as specified in the application.
5. Applicant must comply with the fertilization program as specified in the application, including the use of SRF’s and CRF’s, application rates and schedule.
6. Applicant must plant the 10’ wide vegetated strip along both sides of the stream as noted in the design plans submitted with the application.

OTHER BUSINESS:

None

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 1:05 p.m.