

Guilford County Planning Board
REMOTE/VIRTUAL REGULAR MEETING MINUTES
October 14, 2020

The Guilford County Planning Board met in regular session on Wednesday, October 14, 2020 at 6:00 p.m. in the NC Cooperative Extension-Agricultural Center, located at 3309 Burlington Road, Greensboro, NC.

Members Present: Mr. Jones-Chair (in-person); Mr. Alexander-Vice Chair (remotely); Mr. Apple (in-person); Ms. Buchanan (remotely); Dr. Gathers (remotely & joined after the meeting was in progress); and Ms. McKinley (remotely); One Vacancy.

Members Absent: Mr. Thompson and Mr. Mann

Staff Present: Tonya Hodgin, Planning Tech (in-person); J. Leslie Bell, Planning and Development Director (in-person); Kaye Graybeal, Planning and Development Deputy Director (in-person); Oliver Bass, Senior Planner (in-person); Matt Talbott, Senior Planner (in-person); Paul Lowe, Planner I (in-person); Bobby Carmon, Deputy Fire Marshal (in-person) and Michael Townsend, Deputy Fire Marshal (remotely).

Guests Present: Chad Sary, Associate Vice President, Stewart Consulting Group, Inc. (remotely)

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

AGENDA AMENDMENTS: None.

APPROVAL OF MINUTES:

Mr. Apple made a motion to approve the August 12, 2020 minutes and the August 13, 2020 Voting Session minutes, seconded by Mr. Alexander. The Board voted 5-0 in favor of the motion (Ayes: Apple, Alexander, McKinley, Buchanan, and Jones Nays: None).

RULES OF PROCEDURE:

Chair Jones read the Rules of Procedure and asked that the record show that the Guilford County Planning Board is conducting its October 14, 2020 Regular Meeting remotely, and thus, will follow the procedures and requirements as outlined in North Carolina General Statutes. "For each case for which a public hearing is scheduled for this evening, both opponents and proponents will have an opportunity to speak, both those in person and those participating remotely, when the public hearing is opened for each case.

Cases are usually called as they are listed on the agenda. Withdrawals and continuances may be handled before other cases. We ask that wishes to speak on a matter to please, to add your name and address to the signup sheet and state your name and address for the record when you are called upon. For those wishing to speak who are participating remotely, you will be recognized by the Chair and also state your name and address for the record.

At the conclusion of the public comments, we will close the floor to public discussions and take the matter up as a Board for questions, discussions, and a motion.

For Rezoning Cases:

- The staff will call the specific case, read a description of the request and summarize their recommendation.
- First we will hear from the applicant and those in support of the request, followed by those in opposition.

- Each side will have a total of 20 minutes to present their case. That's 20 minutes inclusive of all speakers. So, if you have multiple speakers, I suggest you keep your comments brief, to the point, and not repetitive of previous speakers.
- At the end of the initial presentation of the case, each side **may** be granted, by the chair, a five-minute rebuttal period. During this rebuttal, no new information may be presented, only comments on previously presented information.
- A vote of 5/7's (71.4%) or more in favor of a request constitutes final action, unless appealed.
- A vote of less than 5/7's (71.4%) on a motion to approve will be forwarded to the Board of Commissioners for a final decision.
- A tie vote on any motion constitutes denial of the request, unless appealed.
- Appeals may be submitted to the Board of County Commissioners within 15 days and must be in writing. There is a processing fee.

For Road/Easement Closing Cases:

- The staff will call the specific case, read a description of the request and summarize their recommendation.
- Appeals may be submitted to the Board of County Commissioners within 30 days and must be in writing. There is a processing fee.

Also note that the new law requires that written comments can be made in writing for up to 24 hours after this regular meeting and can be mailed, hand delivered or e-mailed to thodgin@guilfordcountync.gov. A consequence of this requirement is that the public body (this Board) will not be able to take action on the matter immediately following the public hearing this evening. Thus, in order to meet the 24-hour requirement, the Guilford County Planning Board, following completion of the agenda this evening, will recess and reconvene on Thursday, October 15, 2020 at 6:30 pm at which time the Board will make its decision for each public hearing held this evening. Please refer to the posted notice for instructions for listening to the reconvened meeting.

CONTINUANCE REQUESTS: None.

OLD BUSINESS:

Ms. McKinley moved for the reapproval of the July 9, 2020 corrected minutes as submitted, seconded by Mr. Alexander. The Commission voted 5-0 by roll call vote in favor of the motion. (Ayes: Apple, Alexander, McKinley, Buchanan, and Jones Nays: None.)

Chair Jones noted for the record that the number of votes will be counted as 5 since Dr. Gathers was having technical issues at this time.

NEW BUSINESS:

Non-Public Hearing Item:

RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE # 20-09-GCPL-06467

Paul Lowe, Planner I, explained that the applicant was seeking to close a 20-foot utility easement located on one lot of Plat Book 93, Page 108, located on Guilford County Tax Parcel # 153576, in Friendship Township. Mr. Lowe requested a public hearing date for the easement closing at 6 pm on [November 18, 2020].

Chair Jones asked for a motion to schedule the public hearing for November 18, 2020. Ms. McKinley moved that the public hearing be set for November 18, 2020 at 6:00 p.m. for Case # 20-09-GCPL-06467, and the motion was seconded by Mr. Apple. The Board voted 5-0 by roll call vote in favor of the motion. (Ayes: Apple, Alexander, McKinley, Buchanan, and Jones. Nays: None.)

Public Hearing Items:**ZONNG CASE #20-09-GCPI-06278: Rezoning from RS-40 to LI, 7942 National Service Road**

(WITHDRAWN) This case was withdrawn before the meeting, and the Planning Board took no action concerning the case.

LAND DEVELOPMENT CODE UPDATE CASE 20-09-GCPL-06321: Update of Land Development Ordinance resulting in the adoption of a Unified Development Ordinance (UDO)

Mr. Bell commended all staff and outside individuals who have worked on this Ordinance, before he turned the presentation over to Mr. Sary. The project has been a long journey that kicked off in May 2018.. In May 2018, a workshop, stakeholder interviews, and a community tour were conducted. This led to an assessment of current Codes and existing development ordinances, and combined with the community tour and stakeholder interviews, a Unified Development Ordinance (UDO) was created. The drafting of the UDO has taken two years. With the help of the Steering Committee, Mr. Sary believes this is a draft with which everyone can be satisfied and if the UDO receives a [favorable recommendation] from this Planning Board, then it will move to the County Commissioners for approval.

A Unified Development Ordinance (UDO) does 5 things:

- Incorporates the goals and strategies of your comprehensive plan
- Reorganizes and integrates zoning and development codes
- Eliminates inconsistencies and redundancies
- Provides Clearer development processes
- Improves readability and user friendliness

The goal of this UDO project is to amend an ordinance that is more than 28 years old. An updated and up-to-date code and Permitted Use Table, coupled with a reorganized and modernized [layout] would be more comprehensive. Transparency, flexibility and predictability would aid in decreasing the transaction time and creating a more user-friendly tool.

The feedback that the Committee received involved many common themes such as transparency and having an easier to use system. These comments helped guide the efforts of this project. The project tried to have a well-rounded Steering Committee made up of representatives from local communities, contractors and County Staff that would meet about every month during the project period.

A new revised UDO outline is proposed that is meant to be more organized than the old [ordinance] outline. The improvement of format stretches over many items such as setup, comments, removing conflicts, and adding pictures. The new structure is divided into three (3) parts focusing on including legal/administration, design standards and regulations.

The legal/administration side includes general provisions, administration, permits & procedures and zoning districts. A large focus was put on laying out easier to understand procedures and the rezoning of districts to create a better system based on density. Mr. Bell added that the Rock Creek Consent Judgement Area, which dates back to the late 1980s, is more transparent in the UDO than in the previous ordinance.

The presentation continued by Mr. Sary. The design standards part of this UDO focuses on general and individual development standards, signs, subdivision & infrastructure standards and environmental regulations. The updated Use Table is improved. Updated general development standards were updated to a more modern standard. General standards and the sign section of the UDO add images to highlight specific information that is important. The number of lots allowed as a minor subdivision was increased to five (5) lots and graphics were added, while environmental standards were brought up to updated.

The focus of regulatory changes revolve around enforcement, nonconformities and definitions. The adoption of the G.S. Chapter 160D updates was important in creating these adjustments since those regulations replace NCGS 153A planning legislation and become effective July 1, 2021. The UDO creates a comprehensive set of procedures, procedures and terminology that branches over the whole State. This includes simplified regulations for accessory structures and dwellings, matches new UDO definitions & terminology with best practices and current standards, updates and includes the State's Historic Preservation Model Ordinance, and updates the Planning Board voting structure to reflect the number current members [set by the Board of Commissioners].

If the Planning Board reviews and recommends, the UDO is then reviewed by the Board of Commissioners. If it is adopted, it will have a final draft update and then be effective immediately with a one-year grace period, with both the current ordinance and the newly adopted UDO running concurrently, as a transition period. This allows for transition to the new Ordinance while providing options where unforeseen circumstances arise with the new UDO that can potentially delay an applicant from moving forward.

Mr. Bell then added that the UDO would promote agriculture and create flexibility, takes into account the termination of the Greensboro-Guilford County Water and Sewer Policy terminated on December 31, 2010. The staff recommends, "the proposed UDO be recommended to the Board of County Commissioners for the scheduling of a public hearing and adoption. Further, staff recommends that upon adoption, that the County would allow applicants to be able to use the new UDO or the old Development Ordinance for a period of one year from the effective date. This allows for transition to the new Ordinance while providing options for those where unforeseen circumstances arise with the new UDO that can potentially delay an applicant from moving forward."

Chair Jones opened the public hearing.

IN SUPPORT:

Chair Jones then asked if there was anyone who wanted to speak in support to the request (either in person or remotely).

Jimmy Morgan, 625 Bull Road, Halifax, NC represented himself and is a member of the Steering Committee. He is a farmer that feels that the process to develop the UDO gave everyone a chance to be heard and commended staff on how it was conducted. He feels like agriculture is being squeezed out of the State. He hopes this UDO will revitalize farming [the UDO includes the Voluntary and Enhanced Voluntary Agriculture District program] since his family has such a big connection to this area. He wants to be able to pursue his passion like anybody else. He is worried about the future, with runoff being a major factor in pollution and a concern for his grandchildren's access to clean drinking water. This weighs on his heart due to the urbanization.

Russell Elkin, 248 Pleasant Garden Road, Greensboro represented himself and voices support for the UDO.

Judy Stalder of the Triad Real Estate and Building Industry Coalition (TREBIC) commended the staff and contributors for creating a UDO that ensures zoning and districts are consistent with others in Guilford County since it makes it easier for builders and developers to move from one jurisdiction to the other (i.e., Cities of High Point and Greensboro and Guilford County) when they work. She is thankful for the attention to detail on affordable housing as it is needed in the County and having the UDO have the one-year grace period.

IN OPPOSITION:

Chair Jones then asked if there was anyone who wanted to speak in opposition to the request (either in person or remotely).

Mr. Medina feels like he did not receive information in a timely manner about the rezoning of his area. His concern comes from switching from an RM-12 zone to an RM-18 zone and how the max number of houses could go from 12 to 18. He wants to know if that could lead into high buildings and traffic in the area and if any studies were conducted, since the area already has high traffic. Mr. Sary assured Mr. Medina that studies were conducted in the area and that information was sent out to any property owners in the area that would be affected. Mr. Medina just felt a lack in communication but is assured that staff will work to make sure this miscommunication does not happen again [A courtesy letter was mailed detailing the change in zoning nomenclature and changes in zoning; primarily, that the County no longer has a water and sewer agreement with the City and as a result the City requires an annexation agreement as part of its consideration in extending/making available water and sewer service. Additionally, the following month (October), the required Public Hearing notice was mailed to each property owner, the properties were posted with a total of forty-seven (47) signs across the County, and the Public Hearing notice was posted on the Guilford County website]

There were no other speakers and Mr. Apple moved to close the Public Hearing, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion (Ayes: Apple, Alexander, McKinley, Buchanan, Gathers, and Jones Nays: None).

Chair Jones indicated for the record that Dr. Gathers has rejoined the roll call voting at 7:12 pm.

OFFICIAL ZONING MAP REVISIONS CASE #20-09-GCPL-06322: Update of Land Development Ordinance resulting in revisions to the Official Zoning Map

Mr. Bell stated that the revisions are meant to consolidate some districts and be consistent with current policy changes and plans. This included two parts: 1) name/nomenclature changes with districts expressed in terms of density (i.e., dwelling units per acre) and 2) consolidating some districts with similar density that are primarily public water- and sewer-dependent.

Mr. Oliver Bass, Sr. Planner, indicated that property owners were notified about these changes initially with a tailored courtesy letter that included a description of the UDO project and included a comparison table of dimensional standards for both the current zoning district and the proposed zoning district. A legal notice of the proposed zoning changes was also mailed to impacted property owners. He included copies of the letter on a PowerPoint presentation as examples. - The staff recommends that the proposed changes to the Guilford County map be approved for the new UDO, based on the staff analysis on consistency with the comprehensive plan and reasonableness of the decision, included in the staff reports and that the changes to the Guilford County zoning map be effective upon adoption of the proposed UDO.

Chair Jones opened the Public Hearing.

IN SUPPORT:

No one either in-person or remotely/virtually wished to speak.

IN OPPOSITION:

[David Hanein](#) , 3300 Spring Mill Road is representing himself. He is disappointed in the signage and wrong email address on the letter. He believes it to be a scam. Being a new 15-month resident, he feels like the proposed change in zoning would ruin his property value that went from \$115,000 to \$218,000. He says he

will be seeking legal counsel and has a \$50 million budget to fight this. He says that this is the same group that ran a highway running through his area [It is not, and subsequent to this meeting, staff followed-up with Mr. Hanein and further explained and clarified].

Patricia White, 5719 Greenapple Drive is speaking for herself. She thinks there is little information provided in the information that was sent out and that the information given is hard to understand. The values in her neighborhood have gone up so she doesn't want to see that value drop.

Mr. Bell addressed Ms. White and assured her that this will not have an impact on her property. There is no changing of any property from residential to commercial or commercial to residential. Chair Jones stated that the information provided gives out all contact information to assure that the issue Mr. Hanein's experience will not be a persistent one.

There being no other speakers, Mr. Apple moved to close the Public Hearing, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion (Ayes: Apple, Alexander, McKinley, Buchanan, Gathers, and Jones Nays: None).

OTHER BUSINESS:

Mr. Alexander asked for more information about notifications sent out to property owners. Mr. Bell responded that some will only be receiving a name change and some are being grouped together as those districts primarily are water- and sewer-dependent and the County does not provide water and sewer service.

RECESSED:

There being no further business before the Board, the virtual Regular Planning Board meeting was recessed at 7:36 p.m. and will reconvene on Thursday, October 15, 2020 at 6:30 p.m. for the Voting Session.