

**Guilford County Planning Board  
REGULAR MEETING MINUTES  
November 18, 2020**

The Guilford County Planning Board met in regular session on Wednesday, November 18, 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; Mr. Alexander-Vice Chair; Mr. Apple; Ms. Buchanan; and Mr. Craft

**Members Absent:** Dr. Gathers; Ms. McKinley; Mr. Mann; and Mr. Thompson

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

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

**AGENDA AMENDMENTS:** None

**APPROVAL OF MINUTES:**

Mr. Alexander moved for approval of the October 14, 2020 and October 15, 2020 minutes, seconded by Mr. Apple. The Board voted unanimously (5-0) in favor of the motion. Ayes: Craft, Apple, Buchannan, Alexander, Jones. Nays: None.)

**Rules and Procedures:**

Chair Jones explained the rules and procedures of the Guilford County Planning Board.

**CONTINUANCE REQUESTS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Non-Public Hearing Items:** None

**Public Hearing Items:**

**EASEMENT CLOSING CASE #20-09-GCPL-06467** Being a 20-foot utility easement located on Lot # 1 as shown on Plat Book 93 Page 108 and located on Guilford County Tax Parcel # 153576. **(APPROVED)**

Paul Lowe stated that the property owner is looking to close a utility easement that was platted on the property. Letters had been sent out and the plan had received approval from the TRC.

The Board voted unanimously (5-0) in favor of the motion. (Ayes: Craft, Apple, Buchannan, Alexander, Jones. Nays: None.)

**CONDITIONAL ZONING CASE #20-10-GCPL-07167: RS-40, AG & LB to CZ-LI** McConnell Road Located on the south side of McConnell Road, approximately 250 feet east from its intersection of Hooting Hollow Road, approximately 3.06 acres (Guilford County Tax Parcel #115714 & #115712) owned by Kirk R Shuler. **(APPROVED)**

Oliver Bass stated that the use conditions are that only the following uses are approved as allowed in the LI zoning district: automobile towing and storage and automobile repair services. Automobile towing and storage

are subject to additional development standards. Automobile repair services are subject only to the development regulations and not subject to any specific use development standards. Robert Carmon, Deputy Fire Marshal, noted that the area is served by contract with the Greensboro Fire District. The area is transitioning. Uses in the area included light industrial, commercial, institutional and single-family residential on one area or more. The property is located in the Northeast Area Plan that was adopted in 2016. While the conditional zoning request is not consistent with the Northeast Area Plan, staff recommended approval since it is in an area that is transitioning from residential to non-residential. The affected parcels are near a larger industrial area within the boundaries of the City of Greensboro. McConnell Road was deemed suitable for non-residential development. Thus, if approved, an area plan amendment to Light Industrial to the Northeast Area Plan would be required.

**In Support:**

Tom Terrell, attorney representing the applicant., 230 N Elm Street, Greensboro, NC, stated that the area has never been residential. The area [and building] was fixed up by the owner and is in a tightknit community that supports what Mr. Shuler is doing to bring services to the area.

**In Opposition:** None

**MOTION**

Mr. Alexander moved to approve Conditional Zoning Case #20-10-GCPL-07167, located on Guilford County Tax Parcel #'s 115714 and 115712, from RS-40, AG, and LB to CZ-LI. This approval also amends the associated Northeast Area Plan from Residential Single-family and Light Commercial to Light Industrial. Although inconsistent with the Northeast Area Plan recommendation, the amendment is reasonable and in the public interest because it is located in an area of transition from residential to non-residential.

This motion was seconded by Mr. Apple. The Board voted unanimously (5-0) in favor of the motion. (Ayes: Craft, Apple, Buchannan, Alexander, Jones. Nays: None.)

**Evidentiary Hearing Item:**

**SPECIAL USE PERMIT CASE #20-10-GCPL-07122: Solar Collectors (Principal)** Located north of NC Highway 61 N, between Suits Road and County Farm Road, approximately 61.42 acres (Guilford County Tax Parcel #104868, #104870, #100399 and #100405) zoned AG, and owned by The Ingle Family Trust; Stephen & Sherry Ingle and Clara & Larry Ingle. The petitioners are seeking a Special Use Permit to operate a solar collector (principal) subject to the proposed Site Plan as conditionally-approved by the TRC. **(APPROVED)**

Chair Jones swore in the representatives for those in-favor of the Special Use Permit.

Matt Talbott stated that the property is in a low-density residential area with multiple uses. A residence is located on tax parcel #100405. To the north is vacant, to the south is residential, to the east is the police training facility and to the west is single-family residential. A historic landmark property is located south of the property. The plan aligns with the existing Northeast Area Plan.

Mike Fox, attorney representing the applicant, of 400 Bellamy Street Suite 800, Greensboro, NC, stated that he will introduce the project, but he also has the project manager, a licensed appraiser and a licensed engineer with solar facility experience with him as well. Mr. Fox explained that they have worked to meet the requirements set out by the Planning Board.

Christie Whiner, project manager, of 45 Ellis Avenue, Asheville, NC explained that they have worked to create a setback, buffer and fence system that will compliment the landscape and not be invasive on the surrounding property and meet County requirements. The planned fence will be 6ft, chain link and opaque. The planned lot is 60 acres, but the whole plot of land would not be used.

John Elder, 7380 Howerton Road, a resident of the area asked Ms. Whiner of there would be a landscape buffer. She answered that it would be a buffer that surrounds the opaque fence. Bob Pile, of 2343 Hudson Road, another

resident of the area asked how the setup of the setbacks would work. Ms. Whiner replied that it would start with a vegetative buffer, a layer of fence and then the equipment. No equipment would exceed the minimum setback and impose on the scenery. Gary Clap, 3441 Howerton Road, another resident of the area asked how the setback would affect his daughter. Ms. Whiner supplied all the residents with a diagram that would show them how close they would be to the project based on their locations in the area.

Rich Kirkland, state certified general appraiser, 9408 Northfield Court, Raleigh, NC, explained his credentials and the Board recognized him as an expert. He studied the factors surrounding this project and after looking at the residential [area], price and typography he believed there wouldn't be a serious impact on property value, and this could be a typical project for NC.

Chris Sanderford, licensed engineer, 3134 Green Hope Road, Greensboro, NC, explained his credentials and the Board recognized him as an expert. He stated that the boundary of the facility would help contain any vibrational noise because of the way it is designed. He stated that the design was created to have the health and safety of the community in mind. Mr. Bell asked (so that the public would know), if the representative(s) could talk about the useful life of the project and what would happen to the solar farm once the useful life of the solar farm has ended? The representative(s) indicated that they are contractually obligated to return the land back to a state it was in prior to the solar farm installation.

Steve Foskey, 1111 West Friendly Ave, Greensboro, NC, a local resident asked if the solar panels would be affected by the tree height due to shade. Mr. Sanderford answered that they do take that information into consideration while planning, and Ms. Whiner confirms she will take action to do this. This concluded the presentation of those in-favor of the request. With no opposition the board discussed the evidence presented.

Chair Jones moved for final approval of the special use permit based on the following findings:

**MOTION:**

Chair Jones made a motion that The Guilford County Planning Board, having held an Evidentiary Hearing on November 18, 2020 to consider a request for a Special Use Permit for Solar Collectors (Principal) for approximately 61.42 acres zoned AG and located north of NC Highway 61 N between Suits Road and County Farm Road (Guilford County Tax Parcel #s 104868, 104870, 100399 and 100405) and owned by The Ingle Family Trust; Stephen & Sherry Ingle and Clara & Larry Ingle, having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. A written application was submitted and is complete in all respects.
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: 1) The proposed solar project will not endanger the public health or safety of Guilford County. The site will generate almost no traffic. Employees will visit the site once a week or even less frequently for routine maintenance of the arrays and the property. 2) The solar panels that comprise the solar arrays are made primarily of glass; they do not contain dangerous materials, nor do they emit dust, noxious fumes or liquids. 3) Adequate utilities, access to roads, drainage, sanitation and other necessary facilities are being provided. 4) The active area of the solar array public utility will be enclosed by a six foot (6') high fence and gated for security purposes. Access codes to the gate will be provided to local police, fire and emergency service providers. Vehicular access to the site is adequate for the use proposed and for emergency services. The facility shall meet all requirements of the North Carolina State Building Code.
3. The use, Solar Collectors (Principal) and subject to the proposed Site Plan as conditionally approved by TRC, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The proposed solar project is permitted as a special use in the Agriculture District in the Guilford County Development Ordinance. The

proposed solar project will comply with all the requirements in the Development Ordinance, as can be seen in the attached site plan conditionally approved by the Technical Review Committee. The proposed solar farm will meet all required setbacks and buffers.

4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The proposed solar project will be in harmony with the area in which it to be located. Surrounding properties are being utilized for agricultural purposes, with few residential uses. The proposed solar project is a low impact use consistent with the land use pattern in the area today. Solar projects are quiet, and they do not create noise, dust, or odor as traditional farms can. Solar panels are lower in height than a typical home. After construction, they generate fewer trips than a single-family home. Allowing the property to develop as a solar project will maintain the rural character of the area while providing a sustainable benefit to the community.
5. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The proposed solar project will not substantially injure the value of adjoining or abutting property. Solar projects make good neighbors. They are quiet because the only sound produced occurs during daylight hours is the quiet hum of electrical transformers and invertors delivering solar power to the grid. At night, when the sun is not available, there is no energy being created and no sound on the site. The solar panels are designed to absorb light, rather than reflect it, which mitigates glare concerns for adjoining properties. Allowing the property to develop as a solar project will maintain the rural character of the area while providing a sustainable benefit to the community.
6. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for Solar Collectors (Principal) and subject to the proposed Site Plan as conditionally approved by TRC, be granted subject to the following:
  7. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).
  8. The development shall proceed in conformity with all amended plans, design features and conditions submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
  9. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards, as indicated in the TRC memorandum dated October 7, 2020.
  10. Added conditions: the buffer yard shall be maintained by the property owner; the buffer yard will meet the minimum requirements of the Guilford County Development Ordinance; and, the decommissioning of the solar facility shall return the land back to its original form.
  11. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

This motion is seconded by Mr. Alexander. The Board voted unanimously (5-0) in favor of the motion. (Ayes: Craft, Apple, Buchannan, Alexander, Jones. Nays: None.)

**OTHER BUSINESS:**

Leslie Bell reflected on the positive progress of the UDO project and that the Board of Commissioners is scheduled to vote on its adoption on Thursday November 19, 2020. Chair Jones stated that he appreciates the hard work the staff of the Planning Board have put into this project.

Mr. Bell recommended that the Calendar Year 2021 meeting schedule be reviewed for approval. He also noted that the appeal dates listed have been changed based on the end of the appeal periods for November and

December falling on a day that Guilford County Government offices are closed due to holiday observances. Chair Jones congratulated Mr. Craft on his first meeting.

Mr. Bell recognized Tonya Hodgins work on the staff side of the Planning Board as he announced that she is now working in another section of the Planning and Development Dept. as a Plans Examiner and currently wearing "two hats" until her previous position is filled. He thanked her and extended appreciation for a job well done!

**ADJOURNMENT:**

There being no further business before the Guilford County Planning Board, the meeting adjourned at 7:25 p.m.

DM/jd-lb