

**Guilford County
Planning Board
REMOTE/VIRTUAL REGULAR MEETING
June 9th, 2021**

The Guilford County Planning Board met in regular session on Wednesday, June 9th, 2021, at 6:01 p.m. at the NC Cooperative Extension-Agricultural Center, 3309 Burlington Road, Greensboro, NC.

Members Present: Mr. Apple; Mr. Gullick; Mr. Donnelly; Dr. Gathers (remotely); Ms. Buchanan; Mr. Craft; and Chair Frankie Jones

Members Absent: Ms. McKinley

Staff Present: Mitchell Byers, Planning Technician; Matt Talbott, Sr. Planners/Planner II; Oliver Bass, Sr. Planners/Planner II; J. Leslie Bell, Guilford County Planning Director; Kaye Graybeal, Deputy Planning Director (remotely); and Robert Carmon, Fire Inspections Chief

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

AGENDA AMENDMENTS:

Mr. Bell requested to reschedule **Special Use Permit Case #21-05-GCPL-04192** Solar Collector (Principal) to June 21st, 2021, at 6:00 p.m. for a Special Meeting.

Ms. Buchanan moved to reschedule **Special Use Permit Case #21-05-GCPL-04192** Solar Collector (Principal) until June 21st, 2021, at 6:00 p.m., seconded by Mr. Apple. The Board voted 6-0-1 in favor of the motion. This was due to Dr. Gathers being present, yet her microphone was having technical issues (Ayes: Apple, Craft, Buchanan, Gullick, Donnelly, and Jones. Nays: None Abstained: Gathers). Subsequently, Dr. Gathers joined the meeting with audio and the Board voted in favor 7-0 of rescheduling **Special Use Permit Case #21-05-GCPL-04192** Solar Collector (Principal) to June 21st, 2021 at 6:00 p.m. (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None

APPROVAL OF MINUTES:

Mr. Apple moved to approve the April 14th, 2021 (Regular Mtg.) & April 15th, 2021 (Reconvened Mtg.) minutes, seconded by Ms. Buchanan. The Board voted 6-0-1 in favor of the motion (Ayes: Apple, Craft, Buchanan, Gullick, Donnelly, and Jones. Nays: None Abstained: Gathers). Subsequently, Dr. Gathers joined the meeting with audio and the Board voted in favor 7-0 to approve the April 14th, 2021 (Regular Mtg.) & April 15th, 2021 (Reconvened Mtg.) minutes. (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None).

RULES OF PROCEDURE:

Chairman Frankie Jones read the rules of procedure to be followed during the meeting.

Dr. Gathers joined the meeting with audio and voted in favor of both motions. The Board voted 7-0 in favor of rescheduling **Special Use Permit Case #21-05-GCPL-04192** Solar Collector (Principal) to June 21st, 2021 at 6:00

p.m. (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None), and to approve the April 14th, 2021 (Regular Mtg.) & April 15th, 2021 (Reconvened Mtg.) minutes. (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None).

CONTINUANCE REQUESTS: None.

OLD BUSINESS: None

NEW BUSINESS:

Non-Public Hearing Items:

RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE #21-05-GCPL-04166: (CONTINUED UNTIL JULY 14, 2021)

Being all of a 20-foot utility easement located on Lot #'s 31 (part of), 32, 33, 35, 36, 37, 38, 39, & 40 as shown on Plat Book 32 Page 20 and located on Guilford County Tax Parcel #125757.

Mr. Bell stated that there were correspondences with the utility companies and the easement closing Resolution of Intent was included in the packet provided to the Board. He requested that the Public Hearing be set for July 14th, 2021.

Mr. Apple moved that the Public Hearing for **EASEMENT CLOSING CASE #21-05-GCPL-04166** be held at the July 14th, 2021 meeting, seconded by Mr. Gullick. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None).

Public Hearing Items:

REZONING CASE #21-05-GCPL-04164: CZ-GB to GB 7200 Brown Summit Rd –

Located on the east side of Brown Summit Rd, approximately 50 feet east from its intersection of Autumn Forest Dr, approximately 3.95 acres, Guilford County Tax Parcel #128141 owned by RGW Self Storage LLC.

Mr. Bass stated that there had been some additional information added to the staff report that was included in the packet, and that it would be presented in the PowerPoint on the screen for the Board. The request is to rezone the parcel from CZ-GB (General Business) to GB. This would remove the previous use conditions established under Conditional Rezoning Case 39-96, approved April 10th, 1996, which listed the following as allowed uses: (1) Hardware store; (2) Restaurant (no drive-thru); (3) Gift or Card Shop; (4) Doctor's Office; (5) Dentist Office; (6) Video Tape Rental; (7) Barber Shop; (8) Beauty Shop; (9) Sporting Goods Store; Garden Center; (10) Florist; (11) Law Office; (12) Insurance Office; or (13) Real Estate.

Mr. Bass also said that no development conditions were established under the Conditional Zoning. This rezoning would allow all GB uses as permitted by the Guilford County Unified Development Ordinance. The land uses in the area include industrial to the North and single-family residential to the South. There is a golf course to the rear. The subject parcel is undeveloped. The proposed rezoning and current zoning are inconsistent with the Northern Lakes Area Plan land use classification of Mixed-Use, thus if approved, an area plan amendment from Mixed-Use to Moderate Commercial would be required.

Staff recommended approval because the request is reasonable and in the public's interest since the parcel already has general business and industrial uses, and although it is inconsistent with the area plan recommendation, the base zoning district already is GB.

Chair Jones asked staff if the features that the applicant references in the application such as a 50-foot buffer was required, and Mr. Bass replied that it was required because of the residential property to the south. Mr. Bell also stated that because it is a Conventional Zoning you must look at the applicability of all uses allowed in the district.

In Support:

Kenneth Rush, 4539 Johnson Street, Colfax, NC, from AAA Self-Storage stated that they are currently located at 7208 Brown Summit Road, and they had purchased this property fifteen (15) years ago. They have maxed out the lands potential and would like to purchase the land in question to expand the business.

Mr. Donnelly asked if Mr. Rush had spoken to the neighbors. He stated that they had and promised to not allow excessive water runoff and to have a facility that is aesthetically pleasing. Mr. Gullick asked if Mr. Rush only wanted to be in a General Business Zone or if he had investigated a Conditional Zoning. Mr. Rush replied that he believed the Conditional Zoning did not include his business, and he believed that since his current location is in General Business Zoning that his new facility would be as well.

In Opposition:

None

With no more questions, it was moved by Mr. Craft, and seconded by Ms. Buchanan to close the Public Hearing. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None).

CONDITIONAL ZONING CASE #21-05-GCPL-04259: CZ-LI to CZ-LI 1450 Creek Rd

Located on the south side of Creek Rd, approximately 1500 feet east from its intersection of AT&T Dr, approximately 16.9 acres, Guilford County Tax Parcel #120658 owned by Beverly McComb. Proposed Conditional Zoning from CZ-LI to CZ-LI limited to the following Use Conditions: (All uses allowed in the LI district except the following uses shall not be permitted: Junked motor vehicles; Beneficial fill area; Construction or demolition debris landfill, minor; Land clearing and inert debris landfill, minor; Heliport; Amusement or Water Parks, Fairgrounds; Athletic Fields; Auditorium, Coliseum or Stadium; Country Club with Golf Course; Golf Course; Cemetery or Mausoleum; Automobile Parking (Commercial); Bus Terminal and Service Facilities; Railroad Terminal or Yard; Wireless Communication Tower, Stealth Camouflage Design; Wireless Communication Tower, Non-Stealth Design; Small Cell Wireless Tower, Solar Collectors Principal; Utility Equipment and Storage Yards; Recycling Facilities, Outdoors; Trucking or Freight Terminal.

Mr. Talbott stated that the development conditions were that businesses located on property shall be oriented towards I-85/I-40. Any structural improvements shall be constructed to the north of the 100-year flood zone area as shown on current flood zone maps of Guilford County, North Carolina; provided that such area may be used to construct necessary utilities provided that any disturbed areas will be replanted with similar vegetation to the extent reasonably possible, along with the attached Zoning Sketch Plan.

Mr. Talbott also stated that the surrounding uses were mostly single-family residential and agricultural, with some industrial uses in proximity. There is currently a single-family home on the property. To the north is I-85/I-40, to the south and east are single-family residences, and to the west is the City of Greensboro pump station. The proposed Conditional Zoning is consistent with the Rock Creek Area Plan land use classification of Light Industrial, thus if approved, no plan amendment would be required.

Staff recommends approval since the current zoning meets use conditions and development conditions. It is reasonable and in the public's interest due to the ease of the location, it will provide new employment opportunities for the area, and meet the buffer and lighting requirements.

Chair Jones asked staff to describe what would be changing with the new CZ-LI zoning. Mr. Talbott replied that the conditions as part of the approval in 2008, had less concise classifications and the new conditions proposed would allow more uses that are permitted in the LI zoning district.

In Support:

Brent Sievers, with Fleming Engineering located at 8518 Triad Drive, Colfax, NC, wanted to clarify that the landowner before him had made a deal in 2008 that would make the land use be more restrictive and the land did not end up getting developed thus the owner was stuck with the zoning district. The new conditions in this rezoning request seem to be the best option to allow the company to develop the land.

In Opposition:

None

With no more questions the Public Hearing was closed, moved by Mr. Craft, and seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Gathers, Gullick, Donnelly, and Jones. Nays: None).

Evidentiary Hearing Item(s):

SPECIAL USE PERMIT CASE #21-05-GCPL-04192: Solar Collector (Principal) (CONTINUED UNTIL JUNE 21, 2021)

Located on the west side of Mt Hope Church Rd, approximately 1500 feet northwest from its intersection of McConnell Rd, approximately 470 acres, Guilford County Tax Parcel #116807, #116805, #116804, #116799, #120643, and #120662 zoned AG-SP, and owned by Stewart JH Family Limited Partnership, Richard and Margie Brinkley, Needham Farm LLC, and Brian Morris Associates LLC.

The petitioners are seeking a Special Use Permit to operate a Solar Collectors (Principal), subject to the submitted Site Plan along with the following proposed conditions: 1) Along the western and southern boundaries of Parcel #120643, West River Solar will observe minimum setbacks of 125' from the nearest panel to adjoining property lines as shown on the SUP site plan submitted May 12, 2021, 2) Along the western and southern boundaries of Parcel #120643, West River Solar will plant or preserve a minimum of 50' of vegetation for screening purposes as shown on the SUP site plan submitted May 12, 2021 and 3) To the extent practicable, West River Solar will plant native grasses or pollinator plant species within the project footprint and install wildlife friendly fencing that meets or exceeds the standards of the National Electrical Code.

OTHER BUSINESS:

Chair Jones stated that Vice Chair Alexander's term had expired, and that there will be a vote at the July Meeting to appoint new positions.

RECESSED:

There being no further business before the Board, the *virtual* Regular meeting was recessed at 6:40 pm and will reconvene on June 10th, 2021, at 6:30 pm for a voting session.