

**Guilford County
Planning Board
SPECIAL MEETING
July 15th, 2021**

The Guilford County Planning Board was reconvened on Thursday, July 15th, 2021, at 6:00 p.m. at the NC Cooperative Extension-Agricultural Center, 3309 Burlington Road, Greensboro, NC.

Members Present: Mr. Apple; Ms. Buchanan; Mr. Craft; Mr. Donnelly; Mr. Gullick; Ms. McKinley; and Chair Frankie Jones

Members Absent: Dr. Gathers

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

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

AGENDA AMENDMENTS:

Mr. Bell requested that the voting for Vice Chair be added to the agenda. Ms. McKinley motioned to add the voting, seconded by Mr. Apple. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

RULES OF PROCEDURE:

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

OLD BUSINESS:

REZONING CASE #21-06-GCPL-05007: AG to RS-40 622 Plainfield Rd (APPROVED)

Located on the north side of Plainfield Rd, approximately 3000 feet east from its intersection of Lake Brandt Rd, approximately 130.36 acres, Guilford County Tax Parcel #137606 owned by First Acres LLC. The proposed Rezoning is consistent with the Northern Lakes Area Plan land use classification of AG Residential, thus if approved, no plan amendment would be required.

Staff received comments from Cynthia Schilling, Donna Del Rosso, Amanda Bailess, Pamela and Scott Gaylord, Madison Thompson, Christine Schulenklopper, Maria Rossi, Cynthia Jackson, Molly Smith, Paul LaMachio, Meredith Zuppo, Tina Mason, Grant Lawyer, William Hamilton, Ian Jackson, and Carole Anne Wishner which focused on concerns of traffic, the zoning change, protection of the stream, and families with children.

Mr. Donnelly stated that the comments from the support and opposition of the rezoning were helpful in his decision and appreciated them.

Ms. McKinley moved to approve the rezoning case for Guilford County Tax Parcel #137606 from AG to RS-40, because it is consistent with the applicable plans. AG rural residential is intended to accommodate agricultural uses, residential development, and low density subdivisions not connected to public water and

sewer. The density cannot exceed more than 2 units per acre. The rezoning is reasonable and in the public interest because it is consistent with the density of development in the general area, provides interconnectivity with other neighborhoods, it is consistent with the Northern Lakes Area Plan, and would provide housing alternatives, seconded by Mr. Craft. The Board voted 6-0-1 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, and McKinley Nays: None Abstained: Jones).

CONDITIONAL ZONING CASE #21-06-GCPL-05096: RS-30 to CZ-LI 4118 and 4116 US Hwy 29 N (APPROVED)

Located on the east side of US Hwy 29 N, approximately 100 feet east from its intersection of Pine Cone Dr, approximately .92 acres, Guilford County Tax Parcel #126059, and #126068 owned by Highway 29 North Properties LLC.

Mr. Gullick stated that he is in support of this zoning since it is a perfect fit for the area and Ms. McKinley agreed.

Ms. Buchanan moved to approve the rezoning case for Guilford County Tax Parcel #126059 and #126068 from RS-30 to CZ-LI. This approval also amends the Northern Lakes Area Plan to LI. The parcel would be conditionally zoned to include all LI uses except animal services (livestock and other), go-cart raceway and taxi terminal. No development conditions were offered by the applicant. The rezoning is reasonable and in the public interest because its location next to the other warehouses will allow other business opportunities to the already adjacent properties that are LI in the area, seconded by Ms. McKinley. The Board voted 6-0-1 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, and McKinley Nays: None Abstained: Jones).

NEW BUSINESS:

Evidentiary Hearing Items:

SPECIAL USE PERMIT CASE #21-06-GCPL-05148: Special Event Venue (APPROVED)

Located on the west side of Church St, approximately 2500 feet south from its intersection of Prima Dr, approximately 10.53 acres, Guilford County Tax Parcel #139372 zoned AG, and owned by Eddie McLaurin.

Chair Jones swore in everyone who would be providing testimony on the special use permit.

Mr. Talbott stated that the property is located on the west side of Church St, approximately 2500 feet south from its intersection of Prima Dr, approximately 10.53 acres, Guilford County Tax Parcel #139372 zoned AG, and owned by Eddie McLaurin. This request is to consider granting a Special Use Permit for a Special Event Venue with associated site plan and subject to any conditions of approval. This request is in an area of low-density single-family residential lots and farm uses. The property is currently vacant. The surrounding uses include single-family homes. The area plan is the Northern lakes Area Plan, and this request is consistent with the adopted plan land use classification of AG Rural Residential, and it is compatible with the surrounding uses and zoning and is permitted in the AG district with an approved Special Use Permit.. The applicant shall demonstrate via Review Factors in the Guilford County UDO that the circulation, parking and loading, service entrances and areas, lighting, utilities, open spaces, environmental protection, landscaping, buffering, screening, effect on nearby properties, and compatibility are adequately addressed on the site plan.

During consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing: a written application was submitted and is complete in all respects, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted, the Special Event Venue with associated Site Plan and subject to any conditions of approval 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, that the location and character of the use 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, and that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

After reviewing the proposed development plan for this request, staff offers the following for Planning Board consideration: the development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (UDO), the development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department, 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, added conditions if applicable, and 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 again be permitted.

Chair Jones asked about the zoning of the area, and it is partially RS-40 and mostly AG. Mr. Gullick mentioned that he would like to have time limits of business operation involved in this motion.

Mr. Talbott stated that development standards for Special Events in AG conditions are weddings, receptions, and similar events. The caretaker is allowed to live on-site, outdoor events can be no closer than 100 ft to a residential zone, and a Type A buffer yard to reduce lighting and noise.

Ms. Buchanan asked how to regulate the noise, and Mr. Bell stated that noise is enforced by the Guilford County Sheriff's Department. A noise ordinance is not part of the UDO.

In Support

Atty. Laura Krantz, 400 Bellemeade Street, Suite 800, is the legal representative for Eddie McLaurin. The focus of the building will be to bring in agricultural tourism. They anticipate doing weddings and receptions also. The building is about 70 to 75 feet from the property line, and any outside activities would be on the other side of the property allowing space between neighboring properties. Mr. McLaurin also has already installed a substantial cypress buffer. She proposed the property will meet all requirements for health and safety and get all required approvals for permits. Mr. McLaurin sent out a letter to neighbors about the proposed project and had not received any comments. They also plan to comply with any noise reduction that might be part of an ordinance.

Chair Jones asked Ms. Krantz about the adjacent properties that had permits by Mr. McLaurin. Ms. Krantz explained that Mr. McLaurin has permits on these adjacent properties for The Woods of Terror attraction, but this project is separate from that. The only potential involvement between the two would possibly be overflow parking. Chair Jones asked if the two entities not being involved would be okay for Mr. McLaurin and Ms. Krantz confirmed that would not be an issue.

Eddie McLaurin, 5601 N Church Street, the owner of the property stated that his great-grandfather had originally purchased the property. From a young age, he felt like he wanted to save the farm. The Woods of

Terror attraction helped save the property. Now he wants to have a family-oriented event venue. Possible events could include a sunflower field, pumpkin patch, Christmas events, and a farmers' market. He stated he will comply with no buildings from The Woods of Terror to be used on this new property but would like the right to use overflow parking, if necessary. He stated he sent out letters to neighbors and did not receive any comments. He has tried to be proactive in planning the location of buildings on the property to comply with regulations and reduce noise by creating buffering. It will reduce lights and noise. He also stated that he would plant trees on adjoining properties if they needed to for buffers but did not receive comments, so he created more buffer on his land. At The Woods of Terror, they usually cut the outdoor music to half volume by 10 PM and would cut it off by 11 PM. He hopes this could be implemented at the new venue and that it would help show he doesn't want to disturb the community, and this would be in the venue contract. He doesn't want to have events that would go until 2 AM anyway since it would not be in harmony with the community. Mr. Bell read provisions of the Guilford County noise ordinance. To help accommodate this Mr. McLaurin plans to make a more significant buffer yard than what is required by the UDO.

Mr. Gullick asked if patio accommodations would be counted as outside special event space, and Mr. Bell confirmed this. Mr. Craft asked how capacity would be determined and Mr. Bell stated that it would be based on [building code] and the Fire [code]. Robert Carmon, Fire Inspections Chief, stated that equations are usually used in those kinds of situations. Mr. McLaurin estimated that maybe 150 people could be there at a time, and there are 47 parking spots. Mr. McLaurin also stated that he has done decibel testing on The Woods of Terror property and is well under the limit and was tested from five different points on the property. Ms. Buchanan asked how the lot would be used for parking could increase the traffic, and he stated that he has worked to reduce traffic over the years by his construction measures and has raised Saturday prices to reduce traffic as well. He also is bringing in experienced staff and show professionals to create a comprehensive plan for traffic issues that will assist in The Woods of Terror from mid-September to the first weekend of November. Mr. McLaurin is open to suggestions on wedding end times and capacity. He promises that there will be a contract requirement involving music and the time it must be shut off.

After listening to the conversation between the Board, staff, and Mr. McLaurin, Ms. Krantz stated that Mr. McLaurin can comply with a further noise limitation of no outside music from 10 PM until 7 AM and comply with all findings of fact that need to be met. She wanted to clarify that the overflow parking would not increase capacity, it is for safety reasons. She proposed it is in harmony with the Northern Lakes Plan and would not cause any financial damage to nearby properties.

Norris Clayton, 1306 W Wendover Avenue, drew up the site plan for Mr. McLaurin. He has worked with the county technical review committee (TRC) and used their recommendations to edit the plan. This involved safety measures and access points for supplies. The parking submitted on the site plan is required for that size building and will meet the handicap requirements.

Derrick Brady, 109 Callum Creek Court, is a neighbor to the property in question and The Woods of Terror. Over the time he has lived next to the attraction, he believes that they meet noise ordinances, and that each year traffic keeps getting better. Mr. Brady thinks that Mr. McLaurin is good at communicating with people in the area and has concern for the wellbeing of the community.

Neil Bowman, 8143 Spearman Road, the farmer who will help Mr. McLaurin with his agricultural tourism project, has a vision for the project. He hopes this project will help diversify attractions in the area. Expanding the McLaurin brand will involve creating a sustainable farm that will draw people in. The vision is to create a place for community and families to come together. Possibly a tulip farm would be in the plans for next spring. The local produce with the farmers market would also help put money back into the local farmer community.

In Opposition

Michael Jones, 5628 N Church Street, is a licensed realtor that lives in the proposed project area. He doesn't think this project should be approved because of Mr. McLaurin's past years of breaking rules. When it was found out he was running a secret business, it was only then he was held accountable in the beginning of his career. He has not addressed safety concerns of neighbors or the community. The traffic keeps getting worse. Mr. Jones stated that Mr. McLaurin had stated that his business had over 175 staff and 36,000 people in attendance in 2019, and bragged he made over \$115,000 in one night. In 2019 there were 5,000 people in attendance one Saturday night. He mentioned the shooting that happened and how accidents are constant, believing past special use permits that were passed for Mr. McLaurin were neglected. Mr. Jones refers to data that shows how the property values have gone down due to Mr. McLaurin's attraction, and due to all these issues, he cannot trust Mr. McLaurin. He believes that Mr. McLaurin will overcrowd the property – estimating 6,000 attendees could fit on the property. Mr. Jones had emailed a copy of his data to Mitchell Byers, and it was analyzed by the Board. Ms. McKinley stated that she believed that Mr. Jones's home resale data was skewed in his favor, supported by analysis by Ms. McKinley and Ms. Buchanan's real estate experience. Mr. Carmon also stated that he would estimate that 2,500 attendees could attend, disagreeing with Mr. Jones as well.

Sharon Miller, 5626 N Church Street, has major concerns about noise that she can hear even when she is inside of her home. She is hopeful for noise and time restrictions to help manage the site. Since a new development is being built in the area, she is worried about traffic and how the potential for more cars on the road is troubling. She hopes that the noise will not resonate in the neighborhood if events are being held. She does not believe the buffer on the narrow property will stop the noise. With all the developments being built, and already having The Woods of Terror, she is concerned about the safety and traffic flow mostly.

Ms. Krantz reapproached the Board and stated that The Woods of Terror is not what this permit is about. She appreciated that the skewed data was noticed by the Board and that Mr. Jones' evidence was speculative. She points out all that Mr. McLaurin has done to create the best development that he can have and working with the neighbors in the area. She also pointed out that weddings, receptions, and other similar events can be counted as agricultural tourism if it is in a farm or ranch setting, which is what McLaurin Farm will be. Mr. McLaurin also chimed in that there has not been a definite decision whether there will be a farmers' market or event venue on the property but is leaning more towards the event center being on this site. He also stated that [in the past and prior to securing a Special Use Permit] he pulled a yearly permit when he did his prior events, not aligning with what Mr. Jones said. It was just an annual permit instead of a long-term permit. He believes the average event will only have about 250 people and only 60-70 cars on site, not effecting traffic drastically.

Mr. Donnelly suggested limiting the events to 500 people so that it wouldn't hinder the average but wouldn't create such an uproar in the community over noise, and Mr. McLaurin would be open to that.

Chair Jones read the conditions that have been heard which included: the property should not be used for The Woods of Terror structures or other operations, but overflow parking would be allowed which must be attended; any administrative adjustment of the site plan shall not result in the building being located closer to the residential properties to the north; amplified outdoor music shall be prohibited from 10 PM to 7 AM; and the maximum number on site – the applicant saying 200 cars or Mr. Donnelly mentioning 500 people.

The applicant offered to be 60 feet from any adjoining property, including the buffer to allow for the motion to be approved and most of the Board felt it was accommodating. He also has a set area that can be put aside for the fire lane if that was something that could be added to the motion, and Chair Jones felt like making it a condition would hold the applicant accountable in future construction to keep it away from the property lines. This would involve keeping the height of the berm on the property that is proposed for fire safety measures but straightening it out and moving it from the property line. Ms. Krantz believes that 200

cars is reasonable and could be easier to count than 500 people. Mr. Norris believes that 200 cars could be accommodated.

Ms. Miller raised concern about alcohol at the venue, and Chair Jones replied they would need different permits or the caterer would need a permit. Mr. Brady chimed in that the past traffic issues are relevant, but that the new parking would allow less traffic on the road and help in the long run.

Mr. Gullick stated that he was curious when operations will mostly end on site. Mr. McLaurin stated that most would be over by 7PM to 8PM at night; he believes that most weddings will run from 1 PM to 7PM. Katie McLaurin, 601 N Church Street, also stated that there would be times during the day where the grounds are being used in the morning and afternoon during the sunflower festival for photography. Ms. Buchanan thinks the earlier close time at 10 PM might be unnecessary since The Woods of Terror closes at 11 PM, and it might be smarter just to have the ordinance until then if it has overflow parking. Mr. Gullick thinks that having a breakdown time after the show is over would be helpful, so that the event could be over at 10 PM but the vendors and event venue would be closed by 11 PM.

Chair Jones moved the property should not be used for The Woods of Terror structures or other operations, but overflow parking would be allowed which must be attended, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved that no amplified outdoor music shall be permitted after 10 PM, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved events will last no longer than 11 PM, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved any minor modification of the site plan shall not cause the building to be located closer than 60 feet to the residential properties to the north, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved that no more than 200 vehicles shall be permitted on site at any given time, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved that, at a minimum, the existing berm and buffer should be maintained, seconded by Ms. McKinley. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

Chair Jones moved to approve **SPECIAL USE PERMIT CASE #21-06-GCPL-05148** for Guilford County Tax Parcel #139372 zoned AG. Having heard all of the evidence and testimony presented makes the following findings of facts: A written application was submitted and is complete in all respects; that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted with the additional 6 conditions that the applicant agreed to, limits expansion of The Woods of Terror, amplified music after 10 PM until 7 AM, and a path that connects overflow parking; the use, Special Event Venue with associated site plan and subject to any conditions of approval 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 and is based on comments from TRC, and that handicap

and fire lanes will be up to code; 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, since the property is located adjacent to AG and other special use permits in the Lake Area Plan and that neighbors of the adjacent property stated that music stops at a reasonable time; that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity since the property will be used for agricultural tourism and overflow parking to relieve traffic stress. The motion will be granted subject to the following: The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (UDO); the development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department; 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. It is subject to the attached Site Plan along with the following added conditions: 1) The property will not be used for the Woods of Terror structures or other operations, but overflow parking would be allowed which must be attended by staff; 2) No amplified outdoor music shall be permitted after 10PM; 3) Events will last no longer than until 11PM; 4) Any minor modification of the site plan shall not resolve in the building being located closer than 60 ft to the residential properties to the North; 5) No more than 200 vehicles shall be permitted on site at any given time; and, 6) At a minimum the existing berm and buffer will be maintained. 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, seconded by Mr. Apple. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

OTHER BUSINESS:

The Board voted for the next Vice Chair. Mr. Apple nominated Ms. McKinley for the position, seconded by Mr. Craft. The Board voted 7-0 in favor of the motion (Ayes: Apple, Craft, Buchanan, Donnelly, Gullick, McKinley, and Jones Nays: None).

ADJOURNED:

There being no further business before the Board, the meeting was adjourned at 8:20 pm.