

# **Regular Meeting Agenda**

# NC Cooperative Extension-Agricultural Center 3309 Burlington Road, Greensboro, NC 27405 **February 9, 2022**

6:00 PM

## (SEE ATTACHED VIRTUAL MEETING AND PUBLIC HEARING PROCEDURES)

- A. Roll Call
- B. Agenda Amendments
- C. Approval of Minutes: January 12<sup>th</sup>, 2022
- **D.** Rules and Procedures
- E. Continuance Requests
- F. Old Business

Non-Public Hearing Item:

**RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE** #21-05-GCPL-04166: (Request Motion to Rescind Resolution of Intent for Easement Closing Approved by the Board on June 9, 2021, and any Subsequent Action to Table or Continue previously-scheduled public hearing which has yet to be held)

All of a 20-foot utility easement (also aligns with drainage) 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.



### G. New Business

### **Non-Public Hearing Item:**

### RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE #21-05-GCPL-04166 Amended

Request approval of Resolution of Intent as presented herein and schedule a public hearing for March 9, 2022, for all 20-foot utility easement(s) located on Lot #s 31 (part of), 32, 33, 35, 36, 37, 39, & 40 as shown on Plat Book 32 Page 20 and located on Guilford County Tax Parcel #125757.

### RESOLUTION OF INTENT FOR ROAD CLOSING CASE #22-01-GCPL-00150: Groundhog Trace

Request approval of Resolution of Intent as presented herein and schedule a public hearing for March 9, 2022, for all of Groundhog Trace which fronts Lots 73, 74, 75, and 76, all as shown on Plat Book 148, Page 55 as recorded in the Register of Deeds of Guilford County, running southwest from Raccoon Run and terminating at the cul-de-sac of Groundhog Trace.

Public Hearing Items:

None.

- H. Other Business
- I. Adjourn



## VIRTUAL MEETING AND PUBLIC HEARING PROCEDURES

Guilford County remains committed to providing an open and transparent public process during the COVID-19 pandemic. To ensure the safety of our community and staff, this public hearing will be **open through the virtual platform, Zoom.** 

THE MEETING ROOM WILL BE OPEN FOR THOSE WISHING TO APPEAR IN PERSON. LIMITED SEATING WILL BE AVAILABLE ON A FIRST-COME, FIRST-SERVED BASIS, WITH SOCIAL DISTANCING GUIDELINES IN PLACE.

The public hearing agenda will be available for review by scrolling to the February 9, 2022 meeting date prior to the start of the meeting at <a href="https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board">https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board</a>.

### Virtual Regular Meeting & Public Hearing, Wednesday, February 9, 2022 @ 6:00 pm

Those wishing to attend the virtual meeting, may join the Zoom platform via computer, tablet or smartphone at

https://us02web.zoom.us/j/88180376257?pwd=TjZvcjc2UDRGRWVUTmxrQ1p1Z3Z4UT09

Meeting ID: 881 8037 6257, and, if required, entering

Pass Code: 506970

Login will be accessible beginning at 5:45 PM.

**Comments can be made in writing for up to 24 hours prior** to the scheduled time for the beginning of the public hearing via email to <u>ibaptis@guilfordcountync.gov</u> or mail to Guilford County Planning & Development, Attn: Jessie Baptist, 400 W. Market Street, Greensboro, NC 27401 and must be received no later than 6:00 PM on Tuesday, **February 8, 2022**. Your statement will be provided to the Planning Board and archived in the meeting files.

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### Guilford County Planning Board REGULAR MEETING MINUTES January 12, 2022



The Guilford County Planning Board convened on Wednesday January 12, 2022, at 6:00 p.m. at the NC Cooperative Extension-Agricultural Center, 3309 Burlington Road, Greensboro, NC.

**Members Present**: Mr. Frankie Jones, Chair; Mr. Apple; Ms. Buchanan; Mr. Donnelly; Mr. Stalder; Mr. Craft; Mr. Gullick; Dr. Gathers; and Ms. McKinley

Members Absent: None

**Staff Present:** J. Leslie Bell, Guilford County Planning Director; Robert Carmon, Fire Inspections Chief; and Oliver Bass, Sr. Planner/Planner II.

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

#### AGENDA AMENDMENTS

Leslie Bell requested that the application for Case #21-10-GCPL-09584 Bloomfield Road and Knox Road be removed from the agenda and rescheduled for a Special Meeting for January 26<sup>th</sup>, 6:00 p.m. at the Board of Commissioner's Chambers [with updated public notice to occur].

Ms. McKinley arrived at 6:04 for the remainder of the meeting.

Mr. Donnelly moved to reschedule the above-mentioned Case to January 26<sup>th</sup>, 2022, for a **Special Meeting** to be held in the Guilford County Commission Chambers at 6:00 p.m., seconded by Ms. McKinley. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, McKinley, Gathers, Stadler, Apple, Donnelly, Gullick, Craft and Buchanan. Nays: None.)

Dale Herring, 5424 Marley Drive in McLeansville, stated if that meeting would be open to the public? Chair Jones stated that it would be an Open meeting for anyone to attend.

#### APPROVAL OF DECEMBER 8th, 2021 MINUTES

Ms. McKinley moved to approve the December 8<sup>th</sup> Meeting minutes, as corrected (last para., change "Counsel Bell" to "Mr. Bell"). Motion seconded by Mr. Craft. The Board voted unanimously (9-0) in favor. (Ayes: Stalder, Craft, Buchanan, Donnelly, Gathers, Gullick, McKinley, Apple, and Jones. Nays: None.)

Chair Jones stated that he has found it easier to account for the votes in a virtual meeting, by only asking if there was anyone opposed, rather than trying to communicate with a roll-call vote.

#### **RULES OF PROCEDURE**

Chair Jones explained the Rules of Procedure to be followed during the meeting.

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**Old Business** 

#### **Public Hearing Items:**

Rezoning Case 21-10-GCPL 09132: RS-40 Single Family Residential To Agricultural (AG) 1103, 1007-ZZ, 927, and 929 Bales Chapel Road, located at 1103, 1007-ZZ, 927 and 929 Bales Chapel Road, Guilford County. Corresponding Tax Parcels are 160148, 233434, 160180, and 160156, respectively, located in Jamestown Township, comprising approximately 5.42 acres. All parcels are owned by Brian Timothy Small. Owned jointly by Brian Timothy Small and Karem Small Spangler. The proposed Rezoning is from RS-40 Single Family Residential to Agricultural (AG). The proposed Rezoning is consistent with the Southwest Area Plan land use classification of Residential Single-Family, thus, if approved, no plan amendment would be required. (**REZONING REQUEST GRANTED**)

Oliver Bass stated that for Case #21-10-GCPL-09132, this application was amended since it was originally submitted [applicant removed Tax Parcel 160147] reducing the request from 20.45 acres to 5.42 acres. The proposed request is to rezone the property from RS-40 Single Family Residential to Agricultural (AG) 1103, 1007-ZZ, 927, and 929 Bales Chapel Road, located at 1103, 1007-ZZ, 927 and 929 Bales Chapel Road, Guilford County. Corresponding Tax Parcels are 160148, 233434, 160180, and 160156, respectively, located in Jamestown Township, comprising approximately 5.42 acres. All parcels are owned by Brian Timothy Small. Owned jointly by Brian Timothy Small and Karem Small Spangler. The proposed Rezoning is from RS-40 Single Family Residential to Agricultural (AG). The application was amended at the request of the applicant on December 17<sup>th</sup>, 2021.

The request is in an area that is immediately adjacent to rural density residential lots with some higher density residential subdivisions developed in this general area. The existing land uses on the site are Single Family Residential; undeveloped to the north and west with a rural residential occupation that appears to be a non-conforming use for an auto repair shop; to the south there are some single family residential and east there is rural residential and a voluntary Agricultural district. The proposed Rezoning is consistent with the Southwest Area Plan land use classification of Residential Single-Family, thus, if approved, no plan amendment would be required. Staff recommends approval of this requested as the action is reasonable and in the public interest because it is adjacent to the Marie Poteet; Voluntary Agricultural District to the east. AG zoning is consistent with adjacent parcels under the same ownership and would preserve the agricultural character of adjacent properties.

Tim Small, 1103 Bales Chapel Road, the applicant, came forward and stated that this is in unincorporated Guilford County's Jamestown area. His family has owned property there at Parcel B, which is about 15.75 acres which was purchased in 1956. On the east side, is his neighbor Marie Poteet and her family has owned property over there for many years and she has designated that land to be donated to the Land Conservancy upon her death. It is rezoned Agricultural. He bought Parcel E, 18.50 acres to the west, and about three years ago had it rezoned to AG. The new request is sandwiched between the 18.50 acres and Ms. Poteet's property, roughly about 70.00 acres. They want to do the same things that she has, except not to donate it to the Conservancy, but keeping it as Agricultural use because when his parents bought the original property in 1956, the whole area was zoned AG. Sometime in the 70s or so, the County did a wide-sweeping rezoning for residential in the area and they were unaware of it for many years. They would like to take it back to the AG zoning and use it for AG use and keep it as a sparsely populated area. Currently, there is a 20-acre development going in across Bales Chapel, but they want to keep their property undeveloped.

There being no other speakers either in favor or opposed to the request, the Public Hearing was closed by unanimous vote.

Ms. McKinley moved to approve the Rezoning of Case # 21-10-GCPL-09132, as submitted by staff's recommendation, because the amendment is consistent with applicable plans because the anticipated land use is included in those permitted in the Agricultural (AG) Zoning District. The amendment is reasonable and in the public interest because the property is adjacent to the Marie Poteet voluntary Agricultural District to the east; the AG zoning is consistent with adjacent parcels as previously stated; under the same ownership and will preserve the AG character of adjacent properties. Motion seconded by Mr. Apple. The Board voted 9-0 in favor of the motion. (Ayes: Stalder, Gullick, Jones, McKinley, Craft, Buchannan, Donnelly, Gathers and Apple. Nays: None.)

#### **NEW BUSINESS:**

#### **Public Hearing Items:**

#### CONDITIONAL ZONING CASE # 21-12-GCPL-10300: Agricultural (AG) AND LIMITED BUSINESS (LB) To CONDITIONAL ZONING – LIMITED BSINESS (CZ-LB) 5904 & 5908 Church Street. (REZONING REQUEST GRANTED)

Oliver Bass stated that the proposed zoning case is located at 5904 & 5908 Church Street, Guilford Tax Parcel Numbers 230989 and 230990 (part) respectively, approximately 208 feet north of NC Highway 150 E. intersection, in Center Grove Township, comprising 1.926 acres and owned by Buster C. Glosson. The proposed Conditional Zoning from Agricultural (AG) and Limited Business (LB) to Conditional Zoning-Limited Business (CZ-LB) includes the following Use Conditions: Permitted uses shall include all uses allowed in the LB District, except for the following: (a) Cemetery or Mausoleum; and (b) Land Clearing & Inert Debris Landfill, Minor. Proposed Development Conditions include: Remaining portion of Lot 2 (parcel 230990) will remain zoned AG and will be combined with Lot 3 (parcel 138940 and owned by the applicant) to ensure compliance with dimensional requirements of the UDO. This is illustrated on the survey provided by applicant to the Guilford County Planning and Development Department.

The proposed zoning is consistent with the Northern Lakes Area Plan recommendation, which designates the intersection of Church Street and Highway 150 East as a Moderate Commercial Node, thus if approved, a plan amendment would not be required. The request is in a commercial area that extends along Church Street at the intersection of NC. Hwy 150. Single family and undeveloped residential parcels extend beyond the commercial crossroads along those intersections. There is a parcel that is split between AG and LB Zoning District. The property to the north is mainly undeveloped, to the south is commercial; east is large acreage single family residential development; and to the west is a residential subdivision that is built to RS-30 standards.

Chair Jones asked that anyone wishing to speak in support of this case, please come forward.

Mike Fox, attorney representing the applicant, stated that he has several representatives here to provide information to the Board members, if necessary. He has Daniel Armazon from Teramore, who is going to be the developer; he has Justin Church, who is a NC Licensed Engineer and did the site plan and is doing the survey work; he has Nick Kirkland, who is a Licensed NC Appraiser and he has been asked to do a study to determine whether or not the zoning of this property is commercial and the projected use would have any impact on the adjoining property owners. His opinion is that there would be no impact on the adjoining properties. He also has Ben Hennessey who is also with his law firm. He asked Mr. Hennessey to pass out some maps to the Board members for the Board members' review. To clear up some of the questions some of the residents may have, essentially, Lot #1, which is already split-zoned is partially commercial and partially AG. On the map presented he pointed out the line where the split zoning comes together. On the aerial map it explains a little better what they plan to do there. They needed a little more

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land than was in Lot #1, to be able to do the development and be able to do the stormwater treatments, et cetera, so they worked with the seller to obtain a little more land for that use. That took it from approximately 1.3 acres to 1.9 acres. As explained by staff, that left Lot #2 is a very small lot, which is not a legally conforming lot, so they agreed to combine that with Lot #3, just to the north to make a full lot there so it would be legally conforming. They agree with the condition, as posed by staff. It is felt that the proposed use is appropriate for this site and only extends the commercial use a little further north along Church Street. They met with some of the neighbors recently and there was a good turn-out for that meeting and there were good questions, especially concerning traffic. The developer explained the buffering that will be used on the site.

Daniel Armazon, Teramore Development, stated that the proposed Dollar General (DG) Store is a good neighborhood-serving use at this location. He agreed with comments made by Mr. Fox and added that the information presented to the Board was the same information gone over at the community meeting held December 23<sup>rd</sup>, so they could explain to those neighbors what the concept is for this property. There will be a DG Fresh which is a new store and new concept where they are offering fresh fruits, vegetables and expanded coolers, so the additional 1,500 square feet seen in a typical Dollar General Store is set up almost like an Aldi's where it is convenient and provides more variety and healthier options for the customers. In response to questions, Mr. Armazon stated that there are restrictions required by Dollar General Stores which are more than just competitors but they also consider nuisances. There will also be a utility easement for septic and power and the undeveloped area will be used as buffer.

Justin Church, Civil Engineer, 220 Meadowview Drive, Wilkesboro, NC, stated that he would get clarification on what the easement consists of. There is also a 20 ft. landscape buffer north of the property.

Nick Kirkland of Kirkland Appraisals, Certified General Real Estate Appraiser, stated that he has been accepted as an expert in property value and impact hearings many times in the past. They have looked at nearby Dollar General Stores and found that those stores are most commonly located adjoining properties similar to this one, with mostly residential and commercial adjoining uses. They are predominantly found as transitional uses between lower density residential and higher density commercial. It is his professional opinion that the proposed site will be a harmonious use in this location. There has been no impact to adjoining property values.

Chair Jones asked that anyone wishing to speak in opposition to this request, please come forward.

James Aspergio, 5921 Bostonian Drive, stated that there were questions by the Board about people who attended the community meeting and he cannot speak to that because he was not invited and neither was about 90% of the neighborhood. He is on the HOA Board for Beacon Hill and he has heard from just about every person in that meeting, that they do not want this type of development in this area. They are against the request. Another member on the HOA Board is the Vice President of Keller-Williams and she has said that the minute this goes up she will be putting a for sale sign on her house because it will completely dump the property values. He has asked some other people their opinion of the proposed use of the property and they also feel this is not a good use for the property. He thinks it is a bad thing.

Alfredos Mitchell, 5909 Bostonian Drive, stated that the parking lot of the proposed Dollar General will be almost in his back yard. He and his family have been there since 2014 and they are in the process of building a pool in the back yard and they are concerned about their privacy if the Dollar General is built that close to his property. He has never heard of a high-end Dollar General Store and feels that is just fluff in order to appease the whole subdivision. He is not happy about it and they are opposed to the request for this property. He pointed out that there is another Dollar General that is about 5 miles down the road in the Browns Summit area. He is also concerned about all the trees at the rear of his lot and wanted to know

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if they will be taken down. Mr. Armazon responded that if it falls within the landscape buffer, then the trees would remain in place. Mr. Fox reiterated that nothing on Mr. Mitchell's property would be touched. If the trees are in Mr. Mitchell's back yard and on his property, they would not be impacted.

In response to another question, Mr. Church responded that there is a 20 ft. buffer at the rear and on the east side of the proposed development. Oliver Bass stated that they would be required to place a Type "D" buffer, which is a minimum 30 ft. wide buffer on the property.

Janet Truitt, 5923 N. Church Street, wanted to state the same reasons for opposing the request. She does not want a store there, she has lived there all her life and she did not get an invitation because she was over 600 ft. away from the proposed development and she cannot see it from her house. She feels it will cause of lot of congestion along with the store already in place there.

Leslie Bell stated that there is not a 600 ft. requirement for notifications. If she were an adjacent property owner, she would have been notified by the Planning Department via US mail.

Chair Jones asked if the applicant's representative wished to speak in rebuttal.

Mike Fox stated that he had no rebuttal comments, but he would be happy to answer any questions or concerns posed by the Board.

Mr. Gullick stated that looking at the back of this, he presumes in the buffer area there will be a fence or some type of privacy fence for the adjoining property owners? In response, Justin Church stated that on all of Teramore's projects that they install a 6 ft. opaque fence in addition to the landscaping and they are happy to add that as a condition. Mr. Fox stated that it could read as a condition:

1) An opaque privacy fence along the property adjoining the single-family residence to be installed behind it on the eastern and northern property line.

Mr. Church stated that the fence would be within the buffer and they will incorporate it, depending on how the grading works out. It will either be on the property owner's side or on the applicant's side, but it will be adjacent to the required landscaping, as well.

Chair Jones asked if any of those in opposition wished to speak in rebuttal.

James Aspergio, 5921 Bostonian Drive, stated that they could put up a 20 ft. fence and he doesn't think it would matter. In reality, the biggest reasons people don't want this store in the area is because adding more traffic is not fair to the people that moved to this area wishing for peace and privacy.

The public hearing was closed by unanimous vote.

Chair Jones asked if anyone would like to make a motion to add the stated condition to the application?

Mr. Donnelly stated that he had driven out to the site. and the whole subdivision is full of houses and the development is further along than the staff map might indicate. At the same time, his sense of that corner as a commercial node feels like it is something that is close enough to that development that it is reasonably something that could be considered as part of the commercial node at that location as indicated in the long-range use plans.

Mr. Craft made a motion to recommend approval of the Conditional Zoning of Case # 21-12-GCPL-10300, as submitted by staff recommendation, Agricultural (AG) to Conditional Zoning Limited Business (CZ-LB) for 5905 and 5908 N. Church Street, with the additional condition of Lots being designed to

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create a Lot north that is compliant with the UDO per the attached plat that was provided by staff. This request is reasonable and in the public interest because it is in an area designated as a commercial node and consistent with adjacent lots to the south. It will allow uses of retail as intended under the Moderate Commercial Node designation. it is consistent with the Northern Lakes Area Plan, which designates Church and NC Hwy 150 as a commercial node and no plan amendment will be required. Motion seconded by Ms. McKinley. The Board voted 8-0-1 in favor of the motion. (Ayes: Stalder, Gullick, Jones, McKinley, Craft, Buchannan, Donnelly, and Apple. Nays: None. Abstained: Gathers.)

#### **OTHER BUSINESS – NON PUBLIC HEARING**

Mr. Craft asked Mr. Bell about the current PUD property[for Case #21-10-GCPL-09584]. Mr. Bell said he has a map that he can show of what previously was approved for those who would like to see [those interested looked at the map following adjournment of the meeting].

Chair Jones asked that there be a moment of silence in memory of Les Eger, who recently passed away.

#### ADJOURNED

FJ:jd

(Insert Color Paper)



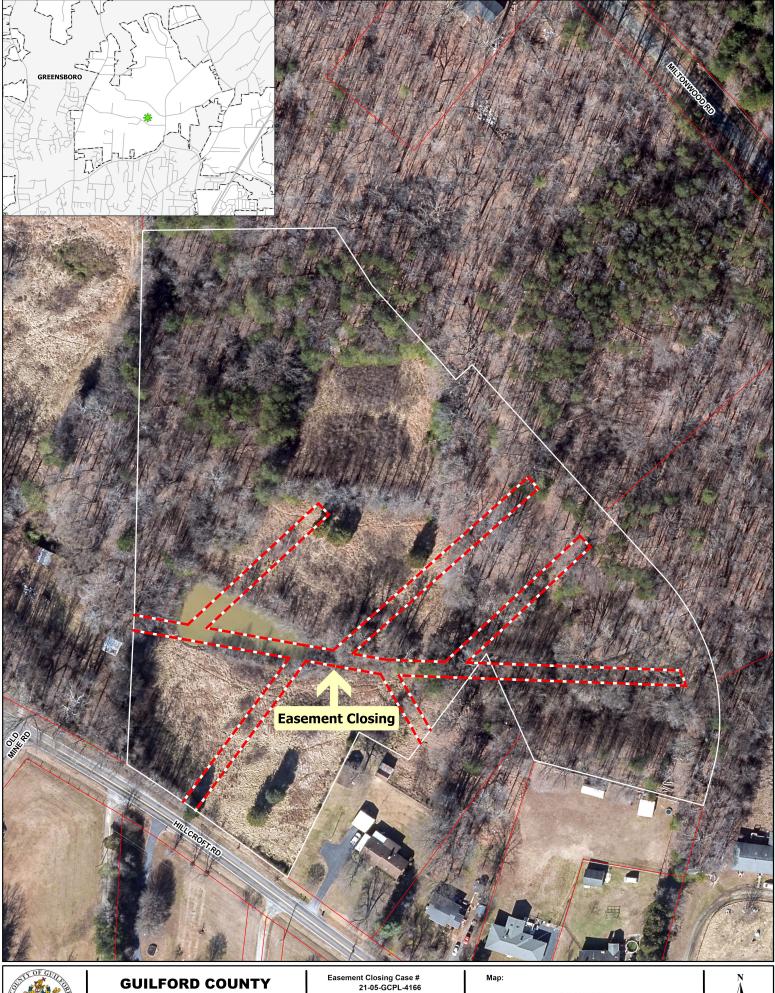
## RESOLUTION OF INTENT TO CLOSE AN EASEMENT

WHEREAS, a petition has been filed, pursuant to G.S. 153A-241, requesting the Board to close and remove from dedication the following described easement:

### **RESOLUTION OF INTENT: EASEMENT CLOSING CASE #21-05-GCPL-04166**

Request approval of Resolution of Intent as presented herein and schedule a public hearing for March 9, 2022, for all 20-foot utility easement(s) located on Lot #s 31 (part of), 32, 33, 35, 36, 37, 39, & 40 as shown on Plat Book 32 Page 20 and located on Guilford County Tax Parcel #125757.

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Board to close, modify (as necessary), or replace with new drainage easement or stream buffer of said easement, to the public use, and that a public hearing on this request will be held on the 9th day of March, 2022, at 6:00 P.M. at the NC Cooperative Extension-Agricultural Center located at 3309 Burlington Road, Greensboro, NC 27405, at which time the Board will hear all interested citizens and make a final determination as to whether the easement shall be closed and removed from dedication.



Guilford County Planning & Development Department

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Easement Closing Case # 21-05-GCPL-4166 Township: Monroe

125757

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Scale: 1 in = 60 ft

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## RESOLUTION OF INTENT TO CLOSE A ROADWAY

WHEREAS, a petition has been filed, pursuant to G.S. 153A-241, requesting the Board to close and remove from dedication the following described roadways:

### ROAD CLOSING CASE #22-01-GCPL-00150:

BEING all of Groundhog Trace which fronts Lots 73, 74, 75, and 76, all as shown on Plat Book 148, Page 55 as recorded in the Register of Deeds of Guilford County, running southwest from Raccoon Run and terminating at the cul-de-sac of Groundhog Trace.

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Board to close said road to the public use, and that a public hearing on this request will be held on the 9th day of March, 2022, at 6:00 P.M. in the NC Cooperative Extension-Agricultural Center 3309 Burlington Road, Greensboro, NC 27405, at which time the Board will hear all interested citizens and make a final determination as to whether the road shall be closed and removed from dedication.

Rev. 2/3/2022

