



GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD

Regular Meeting Agenda

NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro NC 27405

August 10, 2022

6:00 PM

- A. Roll Call
- B. Agenda Amendments
- C. Approval of Minutes: June 8, 2022 (Re-approval) and July 13, 2022
- D. Rules and Procedures
- E. Continuance Requests
- F. Old Business

Public Hearing Item(s)

EASEMENT CLOSING CASE #22-05-GCPL-03393:

Request approval of a Resolution to Close an Easement as presented herein, to close all of four 10-foot utility easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158, Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107, north of Chickasha Drive and east of Shoshone Court.

Information for **EASEMENT CLOSING CASE #22-05-GCPL-03393** can be viewed by scrolling to the August 10, 2022 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

G. New Business

None

H. Other Business

Comprehensive Plan Update status.

I. Adjourn

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**GUILFORD COUNTY PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES**

**NC Cooperative Extension Agricultural Center
3309 Burlington Road, Greensboro, NC 27405
JUNE 8, 2022, 6:00 PM**

A. Roll Call

Chair Donnelly called the June 8, 2022 meeting to order and asked for a roll-call of members present.

The following Board members were in attendance in-person for this meeting:

James Donnelly, Chair; Sam Stalder; Ed Apple; Guy Gullick; and Ryan Alston.

The following Board members were in attendance remotely/virtually for this meeting:

Dr. Latoya Gathers.

Members not present at the meeting were:

David Craft and Cara Buchanan.

Staff present in-person or virtually: J. Leslie Bell, Planning and Development Director; Kaye Graybeal, Planning and Development Deputy Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Admin. Officer; and Rachel Teague, PT Office Specialist.

B. Agenda Amendments

J. Leslie Bell stated that there were no Amendments to the Agenda.

C. Approval of Minutes: May 11, 2022

Chair Donnelly pointed out an error on page 2, second paragraph, relevant to "NC DOT does not maintain the roads on that property." Mr. Gullick moved approval of the amended May minutes, seconded by Mr. Apple. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.)

D. Rules and Procedures

Chair Donnelly explained all the rules and procedures that would be followed during the meeting of the Guilford County Planning Board.

E. Continuance Requests

None

F. Old Business

None

G. New Business**Non-Public Hearing Item(s)**

None

Public Hearing Item(s)

Mr. Gullick stated that he would have to recuse himself from the following case citing a conflict of interest and he would step out of the room until the case is completed.

Mr. Alston moved to recuse Mr. Gullick from Case # 22-05-GCPL-02477, seconded by Mr. Apple. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.). Thereupon, Mr. Gullick left the room.

RESOLUTION TO CLOSE A PUBLIC ROAD - CASE #22-04-GCPL-02477:**CAHILL DRIVE AND KING STREET (previously referred to as Lambert Lane)**

Request adoption of Resolution to close a portion of Cahill Drive and all of King Street (previously referred to as Lambert Lane) which fronts Lots 22, 23-24, 25-26, 26-28, 29, 31-32, 100-101, 102, 103-105, 106-108, 109, 110, 124, 125 & PT of 124, and 126, all as shown on Plat Book 11, Page 73 in Fentress Township as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 135258, 135259, 135263, 135265, 135266, 135267, 135268, 135269, 135270, 135271, 135272, and 135275, running south from the intersection of S. Elm-Eugene Street and Highway I-85 N and terminating approximately 700 feet north of Creston Street. **(RESOLUTION GRANTED)**

Planner Aaron Calloway stated that this request is for adoption of a Resolution to close and remove from dedication a portion of Cahill Drive and all of King Street (previously referred to as Lambert Lane) which fronts Lots 22, 23-24, 25-26, 26-28, 29, 31-32, 100-101, 102, 103-105, 106-108, 109, 110, 124, 125 & PT of 124, and 126, all as shown on Plat Book 11, Page 73 in Fentress Township as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 135258, 135259, 135263, 135265, 135266, 135267, 135268, 135269, 135270, 135271, 135272, and 135275. These roads are located southeast of the intersection of S. Elm-Eugene Street and I-85 North and terminate approximately 700 feet north of Creston Street.

Mr. Calloway continued by saying that the Planning Board has received the request as described previously and that Cahill Drive and King Street (previously referred to as Lambert Lane) have not been improved since their dedication in 1940. This request only includes that portion of Cahill Drive and King Street (previously referred to as Lambert Lane), as described previously, and no closing of utility easements is included in this application. Per TRC staff comments provided in the packet, all parcels shall be assured access to the public right-of-way. To accomplish this, staff will require a re-combination plat to facilitate that assurance. Per Guilford County Tax records, Thomas Monroe and Wilma Monroe, are the listed owners for Tax Parcel #s 135269 and 135267 (4001 and 4005 S. Elm-

Eugene Street, respectively) and whose property also is adjoining Cahill Drive, were notified by certified mail (#7020-3160-0000-5486-0525) on May 27, 2022.

Chair Donnelly asked if there was anyone wishing to speak on this matter and no one came forward. Seeing no opposition, the Public Hearing was closed by unanimous vote.

Chair Donnelly moved approval of the request for a Resolution as presented for Case #22-04-GCPL-02477, seconded by Mr. Apple. The Board voted 5-0 in favor of the motion. (Ayes: Donnelly, Stalder, Apple, Gathers and Alston. Nays: None. Recused: Gullick)

CONDITIONAL ZONING CASE CZ 22-05-GCPL-03277: 413 NC HWY 150 W.; AGRICULTURAL (AG) AND RESIDENTIAL SINGLE FAMILY (RS-40) TO CONDITIONAL ZONING 0 GENERAL BUSINESS (CZ-GB)

Chair Donnelly asked if there were any updates to this application. Senior Planner Oliver Bass stated that the applicants wish to remove from the following Use Conditions: Bar/Private Club/ Tavern; and Pawn Shop and retain Used Merchandise Store. Chair Donnelly asked the applicant to confirm that information. Amanda Hodierne, attorney representing the applicant, stated that they do confirm that.

Mr. Apple moved to accept the updated and amended information regarding the Use Conditions in the application, as presented by staff, seconded by Mr. Alston. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.)

Mr. Bass stated that this is a request to conditionally rezone the property from AG and RS-40 to CA-GB. The applicant proposes the following conditions for Guilford County Tax Parcel #139158, approximately 30-31 acres, located at 413 NC Highway 150 W., southwest of the intersection with NC Highway 150 W. and Spencer-Dixon Road. **Use Conditions:** Office; Medical or Professional Office; Personal Service; Bank or Finance with drive-through; Insurance Agency; Laundromat or Dry Cleaner; Pest or Termite Control Service; Studio/Artist/Recording; Retail (general); ABC Store; Auto Supply Sales; Auto Rental or Leasing; Car Wash; Garden Center; Garden Center or Retail Nursery; ~~Pawn Shop or~~ ~~and retain~~ Used Merchandise Store; Bakery; ~~Bar/Private Club/Tavern~~; Restaurant with Drive-Through; Restaurant without Drive-Through; Wireless Communications Tower-Stealth Camouflage Design or non-Stealth Design; Small Cell Wireless Tower.

Development Conditions: 1) All buffers along the western and southern property lines of the subject property shall be planted with sufficient evergreen planting materials to achieve an opaque vegetative screen, and 2) Ground signage shall be limited to one (1) free-standing sign along any (each of two) public right-of-way frontages and such signage shall not exceed eight (8) feet in height. Property is owned by First Acres, LLC.

District Description: The AG District is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. The district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales – “agriculture” – may be permitted. The minimum lot size of this district is 40,000 square feet.

The **General Business** District is intended to accommodate moderate to large-scale retail, business, and service uses along thoroughfares and at key intersections. The district is characterized by minimal front off-street parking. Quality design, shared access, and shared parking are encouraged.

The property has been in the Northern Lakes Area Plan which was updated in 2016. The recommendation for that area was voluntary AG and Light Commercial Node. This request is inconsistent with the Northeast Area Plan recommendation. The voluntary AG is intended to support the property currently used as a Bona Fide farm and the Light Commercial Node is intended to accommodate low intensity non-residential uses that are typically found in Limited Office and Neighborhood Business districts of the Guilford County Unified Development Ordinance. Limited Office conditional zoning is to the adjacent west and Limited Business conditional zoning is to the north across NC Highway 150 W.

Staff recommends approval and although it is inconsistent with the Northern Lakes Area Plan, the requested action is reasonable and in the public interest because it is in an area with several residential subdivisions and a public school. This parcel is located at the key intersection of NC Highway 150 W. and Spencer Dixon Road. A GB zoning would create opportunities to provide retail and services in the area. Limited Office conditional zoning is to the adjacent west and Limited Business conditional zoning is to the north across NC Highway 150 W. If approved, a plan amendment to Moderate Commercial Node would be required. **(REZONING REQUEST DENIED)**

Mr. Bell added that the Voluntary Agricultural District Agreement was signed in 2002 and it runs ten years and that ten years was up in 2012.

Chair Donnelly asked Mr. Bass to walk through some of the maps that were shown so everyone in the audience would have a better understanding of the location of the request. Mr. Bass presented maps of the surrounding area.

Chair Donnelly asked if there was anyone present who wished to speak in favor of this rezoning request. He reminded speakers that there was a twenty minute time-limit for speakers.

Amanda Hodierne, 804 Green Valley Road, Greensboro, NC, attorney representing the applicant, stated that she is here on behalf of the contract purchaser for this property, T. Cooper James and Associates. She is joined by Tom James and a couple of the design and engineering specialists to provide additional clarity during the deliberations; Bob Dischinger, Evans Engineering; and John Davenport of Davenport Engineering, who has conducted a traffic study for this project. She presented handouts for the Board members' review during her comments. She thanked Mr. Bass for his presentation and stated that it covered all of the requisite specifics of the case. This is a request to go from the AG District with some RS-40 on it, as well, to CZ-GB, which is one of the commercial districts. The intent being to infuse this heavily concentrated area of the county, in terms of population and residential mass, with some goods and services to support and augment that existing population and the community in this area with the daily conveniences of everything that people need for their households. They went with the GB zoning request, as the Board has heard in the staff report that the Comprehensive Plan from 2016, and the Northern Lakes Area Plan does indicate this particular intersection as a Light Commercial node, which is correlated more with the Neighborhood Business District or the Limited Business District. They have gone back and forth on how to most transparently and appropriately structure the request to accommodate the vision that her clients have for this area and what they think the area calls for, due to its current built environment. They

did not go with the GB zoning based on any particular use that is or isn't allowed in the other districts, it was not about a specific use, it's about scale of the use and the square footage allowances. The Ordinance has square footage caps on the amount of gross square footage that can be built in both the Neighborhood Business district and the Limited Business district. You're at 3,000 square feet as your cap in Neighborhood Business so that would be a very small footprint for a small user to come in and serve a very isolated, minute need. Limited Business takes you up to 50,000 square feet for the entire gross area of square footage. They did contemplate that one, but felt they did not want to pull in destination shoppers, this still is meant to be a community serving localized shopping center. However, when you start to think about a grocery store, that is already at about 40,000 square feet and some are even larger than that. They realized that 50,000 square feet would be limiting to the vision of the client for this property. Her clients are industry-tried and proven retail developers, this is what they do and they have been doing it for 50 years and their strategic analysis has chosen this site as being capable, and the area as being underserved from more than just a little bit of outpost retail. This is an area that can support and meets the strategic number demographics to support more than just a 10,000 square foot outpost type of retail. It is meeting the numbers and the warrants for a true community retail center. From there, they do recognize that it does need to be tailored in and appropriately parametered, so that it is not overly intense for this location. They have gone through the permitted uses in the GB District and pulled out the ones they felt would be appropriate for those types of needs. They have revised those permitted uses to better exemplify and illustrate their intentions. The last two conditions are about curating and putting the appropriate parameters on this request, so that it is scaled as it should be. In regard to the Comp Plan item, it is Light Commercial node on the 2016 update, which would fit very well with their request. This intersection is the better candidate to be the Moderate node because the site at Lowes just down the road is hemmed in by the development around it. This site is twice as large at 30 acres, and the other site is 17 acres. This site also already has the infrastructure already in place; there are already roads with turn lanes to make this a commercial intersection.

John Davenport, Davenport Engineering, 119 Brookstowne Avenue, Winston-Salem, NC, stated that they have been looking at this site at the request of the client to gain an understanding of how a rezoning of this nature would impact this intersection in particular. There is no formalized site plan at this point in time, but based on the square footage in general, this site would produce there at Hwy. 150 W and Spencer-Dixon Road. The improvements that are in place are sufficient to handle the traffic for this development because retail has a different peak-hour of traffic than schools do. Schools are generally 2-4 pm in the evening and retail would be 4-6 pm and there would not be any overlap of those peak times. The a.m. peak for retail would be after the start of school. Turn-lanes will be needed and on Spencer-Dixon there is already a center turn-lane installed. They have not worked all the turn-lanes through the NCDOT, because they are in the process of going through the rezoning first.

Betty Adams Smith, 5920 Clapton Road, stated that she has a real estate company there and they work a lot with people that are relocating and moving out to the county. Often, the comments they hear are, how far are they going to have to go to the grocery store and some other places? She finds this site to be a good site that would help offer services for folks so they would not have to travel longer distances. She feels this is a very appropriate use of this property and she sees the need for these services.

Chair Donnelly asked if there was anyone present who wished to speak in favor of this rezoning request. He asked that those who are in favor of this development stand and there were five (5) people in attendance.

Nicole Martin, 7132 Spencer-Dixon Road, stated that she is the second house on the top-right of the aerial shown. She has lived there since 2010, when she bought the house and that was after the school had been built. In reference to the traffic and monitoring the patterns, it is for two schools, a high school and a middle school. She was at a meeting last week where they are already talking about overcrowding and where they would put portable classrooms for the high school. Since that study was first done to show it was adequate for schools, traffic and volume has continued to grow in that area. She has no problem going to the Lowes grocery store that is about 1 mile down the road, 5.8 miles to the Harris Teeter, and 3.2 miles to the Food Lion where there is an ABC store. Her normal day-to-day is not just from 4:00 to 6:00 for schools, because schools don't get out until 4:15 and 4:45 and then there are sports that take place all year round at the schools, and Summerfield Rec Center, Guilford County and Northern Rec centers - all are playing and using the fields that are in the front part of "P", where it is shown on the map. There is traffic all the time up and down Spencer-Dixon Road. In years past, there was no opportunity for sidewalks to be done by the City because this is County and County funding was denied for that. Along with traffic in the morning, traffic in the afternoon, traffic at night and weekends from all the sporting events taking place, she also sees kids walking in the road because there are no bike lanes, no sidewalks, no easement because on the right side, all of the houses are all the way across to the neighborhood - there is a very big drop-off. She is much more concerned about the kids' safety than about what kind of meats she can buy at which grocery store. She also does not feel that they were given enough notification to get together for any kind of feedback to this application. She also pointed out that there are a lot of places to go grocery shopping nearby and there is not a need for another grocery store or retail in this particular area. They would like a better representation for the people of this community, especially safety for the children going to these local schools. In response to a question by Mr. Gullick, Ms. Martin stated that there has been no type of neighborhood meeting with the developer and the letter that was received was not really worthwhile.

Rachael Scott, 597 Foxbriar Drive, stated that she also went to Northern High School and the traffic does peak during the school opening and closing every day. There are student drivers who are not as experienced and don't know how to judge the difference in stopping. The community already has a convenience store, several grocery stores and there is a strip shopping center that still has vacant spots that have not been filled. She asked if the developer did any research to ask the community what they actually need and what they want. The community needs a place to help kids do something after school instead of just hanging around.

Terry Moore, 412 NC Hwy 150, stated that he agrees with the other speakers in regard to traffic concerns. Traffic always backs up in front of his property and he understands the difference between school hours and retail hours. He is also concerned about the safety of the kids that walk on NC Hwy 150 and feels that with the increased traffic, it will just add to the unsafe conditions on this road. He feels that there needs to be more research done on the traffic in this particular area.

Ronnie Shelton, 8106 Cedar Hall Road, stated that he also is concerned about the traffic and he agrees with comments previously made on that subject. The State came in at the high school and added a turning lane to the school so that they could bring traffic off the road and now you cannot get into the school between 3:00 and-5:00. The middle school has traffic out in the road every day because there isn't a turning lane. There is a major problem out there in that particular area. There are over 2,200 students in the middle and high school, so if 50% are car-pooling, that makes for a lot of additional traffic. Safety is not sufficient at this time. There are a lot of wrecks and he would like to see something done to turn down this request.

David Stever, 716 Spencer-Dixon Road, stated that he is in agreement with the other speakers in opposing this request. He wants to live in the country and not in the city and they do not need to be brought into Greensboro. Within a 5-mile radius there is all the conveniences that are needed and they do not need anything added to that.

Chair Donnelly asked if the applicants would like to speak for five (minutes in rebuttal or responding to the comments made by the opposition.

Amanda Hodierne stated that since the letter was mentioned, she presented a copy of the letter to the Board members for their review. She highlighted that Mr. Davenport eluded to this, they are at a rezoning request phase of this project right now, which is asking for permission to pursue a certain land use. It is a broad land use, which is General Business – Commercial, so in an effort to be transparent and to be fully disclosed what her clients want to do, they just want General Business zoning and the list that has been provided. All the concerns about actual users and tenants are certainly not what they are allowed to base zoning decisions on. All that come later as this is a multi-stage process. If they are fortunate enough to get rezoned, then they start work on redesigning something and submitting something to the County's rigorous review process to see if they can meet all the standards, which includes a NC DOT review. That is an independent review, separate from their engineer, where they decide what is safe here, what the capacities are, what the required improvements would be to make it safe, where the driveways would be located, and they are the ones who state if they can have a driveway permit and how many they can have and where they can go. If all that happens, then Mr. Cooper and Mr. Tom James go to work to actually find tenants for this location. That is all based on people who have done rigorous amounts of research to decide what businesses would be successful in this location.

John Davenport, Davenport Engineering, stated that they recognize that there is traffic out there when school is getting in or out, the question they are looking at is, can the intersection handle additional traffic. Anything that is put on this site is going to generate additional traffic and everything would have to be analyzed and considered for that intersection. Bike lanes or sidewalks would have to be addressed by NC DOT if they get beyond this phase of the development.

Amanda Hodierne pointed out that the Comp [Comprehensive] Plan already calls for commercial here at this location.

Mr. Gullick stated that he has gone out to the site and visited with some of the folks living in that area and he has had phone calls and everyone has heard the concerns of the community. He wanted to share what he has heard: 1) That sidewalks are needed for this area and that is a very valid concern for the community. Kids walking to and from school is a major concern as they should not have to walk on the side of the road, nor should anyone else have to walk on the road for this commercial use. The neighbors would like to see a walkable community, and to him, that makes sense. He has also heard a lot about the ABC store and the community does not think this is an appropriate use in this particular area. To address the buffers, there should be something to stop the kids from going through the buffers, such as a hard fence or something. He wanted to know if the proposed center will be made with masonry or something cheap. Ms. Hodierne stated that they have given thought to the buffer suggestions and the type of façade that will be used on the buildings. NC DOT is the responsible party for issues about a sidewalk or walking path at the roadway and the developer will certainly address that issue with them and with Guilford County Schools.

Chair Donnelly stated that there seems to be a potential condition which would be the inclusion of sidewalks on the street frontages on Spencer-Dixon Road and NC Hwy 150, subject to approval by the Guilford County Schools in the TRC process. Mr. Gullick stated that he would be in agreement with that and support a proposed condition as long as there is some type of dedicated easement for something that the students could use to walk to and from school.

Chair Donnelly invited staff to weigh in on this, for everyone's benefit here. There are a lot of concerns about traffic and the applicant has indicated, there is some general traffic information but the traffic study is actually part of the site review plan. He asked staff how that process works so that everybody has an understanding of how the traffic assessment fits into this overall development process.

Mr. Bell stated that the traffic review is part of the Technical Review Committee (TRC) and would be addressed when the proposal is submitted to the Planning Department. Chair Donnelly asked if there was a condition that they would have the opportunity to bring forward at this time. Ms. Hoderne responded that they could commit to going ahead and dedicating an easement for it and that way the space is there and is reserved and they know it is accounted for and would not be eaten up with something else that would preclude it later. That way if the school says, "yes", it is there and they can build it. To give everyone the assurance that they actually mean it, they will go ahead and plot the easement for it on Spencer-Dixon Road. Then on Hwy 150, as Mr. Davenport has raised, because that is not up to the developer, it can be submitted on a site plan and then see if NC DOT will approve it.

Chair Donnelly stated that it sounds like they have a proposed condition that would dedicate an easement for sidewalk along Spencer-Dixon Road, and that would be pursued with the support of Guilford County Schools, and we would have a commitment to submit as part of the plat, a sidewalk along Hwy 150. Ms. Hoderne stated that they would be willing to offer an additional condition, in order to provide the best opportunity for sidewalks on Spencer-Dixon, to provide an easement as part of their site planning for a sidewalk and then the sidewalk would be built so long as it is approved during TRC and Guilford County Schools doesn't have any concern with it. Additionally, they will pursue the possibility of sidewalks on Hwy 150, with NC DOT.

Chair Donnelly stated that, as an amendment, they would need to accept that as a Board. Ms. Hoderne stated that there may be some more, as they talk through this process. Ms. Hoderne stated that regarding fences and the buffer with the school property, if the community wants a fence, they will provide a fence in that buffer. That can be included in the buffer part of the proposal. She pointed out that there is an issue of getting down to the buffer to maintain it because of the topography. That is why it is difficult to do the buffering and the fence. If that is the preferred opacity, a fence is a good way to achieve that. They can certainly make that revision if that is preferable. In regard to the building materials, this is proposed to be masonry building and they will add that into their conditions when they get to that point of adding final conditions. The signage would be compatible so there would be some sort of masonry-based with the illuminated paneling.

Tom James, T. Cooper James Associates, 600 Green Valley Road, Suite 202, Greensboro, NC, stated that regarding the building materials for the sign and building, there would be no exposed metal on the building fascia or the building sign, so it would be a combination of CMU, which is split-faced block or brick exterior or EIFS (External Insulation and Finishing Systems), which is synthetic type of stucco material and it would have a very attractive appearance that you would see at a newer construction shopping center.

Ms. Hoderne stated that to address the other item on the list is the ABC store which seems to be a glaring WHY? She stated that their thought process is that in North Carolina, ABC stores are co-located with grocery stores and because of the high regulations, ABC stores are very strong, safe, secure tenants. They are well-lit, well maintained, they have great security, and are not the type of users that you see being the derelict or bad apple of a shopping center. They felt that it was a strong enough control against the notion that it is providing an inventory item that you wouldn't want for some members of the community, especially the teens of the area. ABC stores are not usually poor users of a shopping center, they are usually very strong tenants.

Mr. Gullick stated that he agrees with Ms. Hoderne, but he feels that the community feels that this is still somewhat of a rural community, and an ABC store is not something that is needed next to a house or walkability for the ABC store and they certainly do not want it near a school. Chair Donnelly stated that if you look at the Limited Business or Limited Office use, an ABC store would not be a part of this. So, if you go back to the sense of the long-range plan, that is really part of this higher intensity that they would be moving toward tonight, and that give him additional pause in making that kind of change and knowing that it would be located near a school. That is definitely something that he has some concerns about.

Chair Donnelly asked if there were additional questions by the Board members. There being none, he proposed that there should be a short break. The Board members voted unanimously to take a five minute recess. He announced that this concludes the rebuttal from the applicant and after the break, there would be rebuttal from those opposed to the application.

A short recess was taken from 7:42 pm until 7:51 pm.

Chair Donnelly called the meeting to order, which was moved and seconded. The Board voted unanimously in favor of opening the meeting. Chair Donnelly stated that Dr. Gathers has not returned to join the meeting. He asked if anyone in opposition would like to speak with a five- minute time-limit.

Harriet Shelton, 8106 Cedar Hollow Road, stated that at the beginning of the presentation, Ms. Hoderne said that this was an underserved area. If you look at the area, within three miles there is a grocery store, 2 restaurants, ice cream store, coffee shop, bakery, physical therapy, fitness center, 2 dentist offices, an optometrist, 2 small specialty shops. She does not understand how that can be termed an underserved area. They seem to have it all, right there. It is the community's preference that the Board deny the rezoning request.

Nicole Martin, 7132 Spencer-Dixon Road, stated that the point of being here tonight is to consider whether they zone this from Agricultural, or Residential, to this bigger level. The things they need are sidewalks for the children to walk and not hang-out behind dumpsters, etc., the way the building looks, whether it is real brick or stone is a moot point. To her, they should not be changing the zoning of this area, at all, without any research. There was no research from the community, sending letters to a few homes hoping they get it. The person in parcel "K" did not even get a letter. It is all about supply and demand. They are not serving a community, when a mile down the road at Lake Brandt there are open parcels that are now vacant. She does not feel that there is a demand for more retail. There have been several businesses that had to close because there was not enough demand for their goods or services. She asked that the Board deny this application.

Rachael Scott stated that she also is in opposition to this application as there is not enough demand for this type of use for the property.

Harriet Shelton returned and stated that Ms. Hodierne alluded that she had contacted the high school but did not get a return call. She asked if Ms. Hodierne has contacted the Administrative Offices of Guilford County Schools?

Mr. Moore stated that he just wanted to validate that Nicole Martin has done a very good job of relating what the community wants in this area. She brings up a very valid point that there has been a lot of retail that has failed in this area.

Chair Donnelly asked for those in the audience who are opposed to the request that did not speak, to stand for a head-count. There were six additional people in attendance who are opposed.

Chair Donnelly stated that he would give Ms. Hodierne an opportunity to respond to the question about the contact with the schools. Ms. Hodierne stated that they did reach out to Ms. Donna Bell, an Administrative employee of the Guilford County Schools and she did not provide any information concerning this particular rezoning request.

Chair Donnelly asked if there was any other information from staff before they close the Public Hearing on this matter.

Nicole Martin asked if any of the other Board members, other than Mr. Gullick, have gone out and looked at this area along with the schools? Chair Donnelly stated that he had gone on a Saturday and also on a Wednesday afternoon.

Chair Donnelly asked Ms. Hodierne if she had additional information concerning the conditions they wished to add? He thanked everyone for their attendance and attention during the meeting.

Amanda Hodierne stated that the applicant has come up with four (4) other conditions to add to the application:

- 1) ABC stores to be eliminated from the list of permitted uses;
- 2) The buffer along the western property line of the subject property shall be planted with sufficient evergreen planting materials to achieve an opaque vegetative screen and a buffer along the southern property line shall include an opaque fence, in addition to the requisite UDO plantings;
- 3) All building façade materials shall consist of masonry, EIFS or similar construction, with no exposed metal; and
- 4) The applicant shall include an easement for sidewalk along its frontage of Spencer-Dixon Road and shall pursue the possibility of a sidewalk with NC DOT on Hwy 150 W.

Mr. Apple moved to accept the additional conditions as presented by Ms. Hodierne, seconded by Mr. Stalder. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Donnelly, Stalder, Gullick, Alston, Apple, and Gathers. Nays: None.) Dr. Gathers did not rejoin the meeting. [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a "yes" on matters considered following Dr. Gathers' departure.]

Chair Donnelly stated that ends the Public Hearing portion of the meeting and asked for a motion to close the Public Hearing. Mr. Gullick moved to close the Public Hearing, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly, Stalder, Gullick, Alston, Apple, and Gathers. Nays: None.) [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a “yes” on matters considered following Dr. Gathers’s departure.]

Chair Donnelly announced that the Board would now have some discussion and subsequently make their decision. He thanked everyone for their participation in this Public Hearing.

Board Discussion

Mr. Gullick stated that he feels that this is a bit of a stretch to go from AG District and Residential district and bypass the Light Commercial use. He feels that there is a lot of public opposition and he feels like, from the input he got from the public, that sidewalks are very, very important for this area. With no complete assurance of sidewalks, he would oppose this application.

Mr. Apple stated that he agrees with Mr. Gullick.

Mr. Stalder stated that he feels sidewalks are important, but he feels that imposing one on Hwy 150, since it is a highway, is kind of unreasonable. He does agree with sidewalks on Spencer-Dixon Road.

Mr. Alston stated that he feels like it is too much of a land mass now for it not to develop into something, either now or in the future, but hearing from the community he thinks it is more of a safety issue and concern. He feels that it could benefit the community, in a way, because the population is so dense there and there are a lot of opinions that they are not hearing today. However, he is on the fence about it, at this time. Because he does want to take into consideration what the community had to say, but then again, he also understands that anything that is put there can bring more traffic. The Board’s job is to rezone, and then if something happens later on in the process, that would be another issue to be addressed. He is still unsure whether he is for or against it. He is still thinking about the pros and cons of the matter.

Chair Donnelly stated that one of the things he observed is, he has listened to everyone here, and there is obviously a couple of very important issues for the Board’s consideration. With any kind of rezoning, the Board has to look at whether or not something is reasonable and in the public interest. He thinks it is clear that there are a lot of residents in this area and when he was driving around, he was surprised at the numbers of residential developments that are approximal to this location. So, the idea that if there is a demand for residential needs, just based on the number of rooftops that he saw, and the sense that this is no longer a community that is primarily agricultural, but it is clearly still rural. There is not a lot of intensity and development that he saw out there. From his perspective, he wonders if it is reasonable to bring in some kind of commercial property here and his sense is, absolutely. It makes perfect sense. The second piece of what they are being asked to do, is to decide whether or not the proposed development merits changing, adapting, amending the long-range land use plan, which is required when we go from LB to GB. Both of the folks here have made compelling arguments at some level in terms of the rationale for private property development, it has to be something that makes money. So, the way to do that in trying to figure out what is the best way to develop that property, especially given that, in this case, they have eliminated many of the uses that might typically be in GB and narrowed that list down significantly. That is really important to him, and

at the same time, the Board is at a place where the long-range plan does clearly indicate that there is a commercial node there, but the question before the Board is, is this proposal, from a land use standpoint, reasonable for the Board to approve with the conditions that have been stipulated. That is what it comes down to and he is also wrestling with that, in terms of balancing the interests that has been heard today with the developer and the neighborhood.

Chair Donnelly asked if there were other thoughts or comments from the Board, or is someone in a position to make a motion?

Mr. Alston asked, as far as the citizens on Spencer-Dixon, are there any other safety concerns other than just the upturn in traffic? If the developer proposed something that the residents really want, would there still be an issue? Mr. Shelton responded that he has a neighbor further down Spencer-Dixon that on numerous occasions has experienced someone living very close to him going out and shooting over 100 rounds of ammunition and if that would be a concern for commercial property.

Chair Donnelly reminded everyone that the Public Hearing has been closed and he does not want to pursue any further information or questions from the public.

Chair Donnelly replied that as the Board thinks about this from a traffic study perspective, in his view, the traffic study is not something that seems to say “yes” or “no” to him. The traffic is work that the NC DOT will do and their task is to identify what are the improvements that are necessary for this development to meet their standards. There may be off-site improvements as well as on-site improvements and if the nature of those improvements are so extensive that the developer chooses not to move forward, that is certainly their decision, but their responsibility and their expertise is to try to manage that piece of the application.

There were questions surrounding how and if Dr. Gather’s vote would count since she did not maintain a virtual/remote connection following the recess.

Chair Donnelly explained that with six (6) members present, a vote of 75% would constitute final approval and that would require five (5) of the six (6) members voting. He also made mention about how the application would be considered [i.e., voluntary appeal vs. automatic appeal] based on the vote.

Mr. Bell reminded the Board that Dr. Gather’s left the meeting prior to the vote with no prior notice.

Mr. Gullick moved to deny the zoning amendment located at Guilford County Tax Parcel #139158 from AG and RS-40, to CZ-GB. The request is inconsistent with the Northeast Lakes Plan recommendation. The Voluntary Agricultural District is intended to support property currently used as a Bona Fide farm, the Light Commercial node is intended to accommodate low-intensity non-residential uses that are typically found in Limited Office and Neighborhood Business zoning districts of the Guilford County Unified Development Ordinance. The amendment is [in]consistent, [and] not in the best public interest, and a change could endanger students in the local area and change the character of the local area. The motion was seconded by Mr. Apple. The Board voted 4-2 in favor of the motion to deny the application. (Ayes: Apple, Alston, Gullick, and Gathers. Nays: Stalder, Donnelly.) [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a “yes” on matters considered following Dr. Gather’s departure.]

Chair Donnelly stated that any appeal may be submitted to the Board of Commissions within fifteen (15) days, and there is a processing fee for that.

H. Other Business

Update on Comprehensive Plan process

Kaye Graybeal presented a brief update on where they are with the Comprehensive Plan. The Selection [Evaluation] Committee has interviewed the top two responding planning firms and they are in the process of accessing that feedback from references provided. The next step would be negotiating a contract with the chosen firm. She appreciates Chair Donnelly's participation on the Committee. Once they choose a firm, staff will request that the Planning Board appoint members to a steering committee.

Chair Donnelly stated that it has been great for him to participate in that process, given what the Board is doing and he has really enjoyed the opportunity to dig into the Comprehensive Plan process and helping to get to a place to move forward. He asked the members to think about the possibility of serving as a part of a steering committee as that is something they will address in a future meeting.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 8:28 p.m.

Mr. Apple moved to adjourn, seconded by Mr. Alston. The Board voted 5-0 in favor of adjourning the meeting. (Ayes: Donnelly, Apple, Alston, Gullick, Stalder, and Gathers. Nays: None.). [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a "yes" on matters considered following Dr. Gathers' departure.]

THE NEXT SCHEDULED MEETING IS TO BE HELD JULY 13th AT 6:00 P.M.

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GUILFORD COUNTY PLANNING AND DEVELOPMENT

PLANNING BOARD MEETING MINUTES

Regular Meeting Agenda

**Board of Commissioners' Chambers,
Old County Courthouse, 2nd Floor
301 W. Market Street, Greensboro, NC 27401**

July 13, 2022, 6:00 PM

A. Roll Call

Chair Donnelly called the July 13, 2022 meeting to order and asked for a roll-call of members present.

The following Board members were in attendance in-person for this meeting:

James Donnelly, Chair; Sam Stalder; Ed Apple; Cara Buchanan; David Craft; and Ryan Alston.

The following Board members were in attendance remotely/virtually for this meeting:

Dr. Latoya Gathers

Members not present at the meeting were:

Guy Gullick

Staff present in-person: J. Leslie Bell, Planning and Development Director; Kaye Graybeal, Planning and Development Deputy Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Admin. Officer; and Rachel Teague, PT Office Specialist.

B. Agenda Amendments

J. Leslie Bell stated that there were no amendments to the Agenda, but he would like to add a brief discussion of the Unified Development Ordinance website.

C. Approval of Minutes: June 8, 2022

Mr. Donnelly stated that he had a few minor corrections to be made and those have been submitted to staff. He stated that at the last meeting there was discussion about how the vote is handled when a Board member leaves the meeting without being excused. The minutes reflect the discussion and outcome of that discussion, so everyone is clear.

Mr. Craft moved to approve the Minutes from the June 8, 2022 meeting, as corrected, seconded by Ms. Buchanan.

D. Rules and Procedures

Chair Donnelly explained the Rules and Procedures that would be followed by the Board during this meeting.

E. Continuance Requests

Mr. Bell stated that there were no Continuance Requests for tonight's meeting.

F. Old Business

Public Hearing Item(s)

Chair Donnelly explained that this is a continuation of a Conditional Zoning case that was previously heard on May 11, 2022. There was a full public hearing in which the developer and individuals who were opposed to this development were each provided twenty minutes to present information, as well as the five-minute rebuttal period.

Through the comments that were made during the hearing and in the discussion following the hearing, it became apparent that there had been limited interaction between the developer and the community and there was also some uncertainty about NC DOT plans for the Rock Creek Road corridor. At that time, the Planning Board voted to table this matter to provide an opportunity for both of those things to be addressed. Chairman Donnelly stated for the benefit of the members of the public attending that “community meetings are an important opportunity for developers and neighbors to get an understanding of what the development case is all about. It also provides an opportunity for the community to identify issues that they may be concerned about. In the course of a community meeting, you may hear things that may lead to an accommodation or an adjustment on those conditions that make a mutually beneficial situation or may limit a negative consequence.” Finally, it provides an opportunity for relationships to be built to allow communities and the developers to work through issues that may evolve during the development process. Because this is a planned development, a sketch plan, as a concept plan, is necessary for our review. This is not a full-blown development review and should this case be approved, a development plan would have to be submitted and will go through a full review process.

Mr. Bell stated that when this item first appeared before the Board, there was a question as it relates to NC DOT improvements may be planned for Rock Creek Dairy Road and he asked Kaye Graybeal, Deputy Director, to address review any new information, unless Mr. Bobby Norris was in attendance.

Kaye Graybeal stated that she had an opportunity to speak with Bobby Norris, who is an engineer for NC DOT, about any plans for transportation improvement projects in this area. She stated Mr. Norris relayed that there is an STIP (State Transportation Improvement Project) to improve the I-85/40 interchange at Rock Creek Road in which they would improve that interchange, as it is not functioning as it should. This is an approved project to help move traffic through that area more efficiently. NCDOT is hoping to expand that project to also get a further extension of this project approved that would add three or four lanes to Rock Creek Dairy Road between that interchange and south to McConnell Road. Although this is not an approved project yet, NCDOT understands that there is an immediate need for improvements in that area. NCDOT would also be improving the bridge over Interstate 40 at that interchange. The project would begin in 2028 with right-of-way acquisitions which would take a couple of years. However, NCDOT does want to try and accelerate the project to accommodate new development traffic in that area.

CONDITIONAL ZONING CASE #22-04-GCPL-02623: 1731 ROCK CREEK DAIRY ROAD, WHITSETT. AGRICULTURAL (AG) TO CONDITIONAL ZONING-PLANNED DEVELOPMENT - RESIDENTIAL (CZ-PD-R) Guilford County Parcel #107431, approximately 53.74 acres, is located on the east side of Rock Creek Dairy Road approximately 170 feet south of the intersection with Beechdale Court and located north of Mount Hope Church Road. This is a request to Conditionally Rezone the property from AG to CZ-PD-R. The applicant proposes the following Conditions: Single-Family Detached Dwellings (Use Condition) and Maximum 51 lots (Development Condition). Following the May 11th Planning Board public hearing at which the item was tabled, the Applicant held a community meeting on May 26th, and as a result of input, added two further proposed Development Conditions: Fifty (50)-foot buffer along Rock Creek Dairy Road to remain natural; and, the rule “No Parking on Any Subdivision Streets” to be included in Homeowners’ Association documents. The application includes a Sketch Plan modified to show the two newly added conditions. The proposed Conditional Zoning is generally consistent with the Rock Creek Area Plan of Agricultural-Rural Residential (AGRR), thus if approved, no plan amendment would be required.

Chair Donnelly asked for those speaking in favor of the case, to please come forward to the Podium. Anyone who is attending the meeting remotely will be asked to state their name and address for clarification during the meeting. Chair Donnelly asked for those planning to speak to stand or let him know. There were approximately 9 to 10 people who wished to speak. He asked that the Public Hearing be re-opened to allow these speakers the opportunity to be heard at this time.

A motion was made by Mr. Apple, seconded by Mr. Alston and approved unanimously by roll-call vote. (Ayes: Apple, Alston, Stalder, Buchanan, Gathers, Craft and Donnelly. Nays: None.)

Chair Donnelly reminded the speakers that they would be allowed ten (10) minutes to speak at the Public Hearing.

Norris Clayton, with Hugh Creed Associates, the design Engineers for the project, 1306 W. Wendover Avenue, Greensboro, NC. He stated that since the last meeting, there was a community meeting at the local fire station and it was very well attended by approximately 40+ people there who had concerns and were interested people. There was a lot of discussion and they came up with a couple of the major items on which there were discussions - of course, transportation and traffic in the area and the water situation. They wanted more understanding and explanation about how public wells would be put in and what safeguards they would have against their wells. Once they get into the project more, there would be other levels of approvals and this is just the first stage, to obtain the rezoning of the subject property. They added two (2) conditions based off the discussion at the community meeting.

- 1) There will be a 50-foot natural buffer left along Rock Creek Dairy Road; and
- 2) No on-street parking in the community, as documented by the Homeowner Association.

That was the results of the meeting and they would like to add those two conditions to the rezoning request.

Mr. Buchireddy stated that they had really good discussions during the meeting. They were happy to hear that there would be a 50-foot buffer and in some areas, there will be 100-foot buffer. There were also good discussions about the water situation that is proposed for this development. They want to make sure that it would be sustainable and not affect the residents' quality of life in any way. He has spoken with Terry Barr, a resident of the area and he and his wife are really excited about this project. Anything that they can do to make the neighbors happy they are willing to discuss and come to a mutual agreement.

In response to a question by Mr. Apple concerning the barn facility, Mr. Buchireddy stated that the barn facility will continue to be used for the animals owned by people in the community, and for the neighbors in the new project. Mr. Norris added that if someone owns a horse, they would be able to use the barn facilities.

Mr. Craft moved to accept the two (2) added conditions as submitted, seconded by Mr. Apple. The motion was approved 6-1 by roll-call vote. (Ayes: Apple, Alston, Stalder, Buchanan, Craft and Donnelly. Nays: Gathers.)

Chair Donnelly asked for those speakers who are opposed to the rezoning to come forward and state their name and address for the record. There would be a total of ten (10) minutes time for these speakers.

Don Lee, 3731 Old Julian Road, stated that at the May 6th meeting he wanted to speak toward the end of the meeting, but he was unable to speak because the public hearing had been closed. He asked about the entrance and exit into this particular development. He stated that no one has mentioned anything about the current development along Long Meadow Drive which is a tar and gravel road currently not State maintained, but he is unsure about that. There is a stop sign and no turning lanes and no markings on the road. The road is in very bad condition, and he would like to bring this to everyone's attention that it is crucial in this type development that there be an entrance and exit for all the 1st responders' vehicles. This particular development is something that we don't see in this community, as most everything is RS-40 zoning, which he is more familiar with and more acceptable to on a one-acre lot with a well and septic system for each individual parcel. And an exit with the tar and gravel road would not be appropriate for this

development. There will be an additional 100+ vehicles, which will be very difficult and should be upgraded and maintained by NC DOT. Those are his concerns and he would welcome comments from the other neighbors.

Melody Clapp, 1720 Rock Creek Dairy Road, stated that she lives directly across from where they are planning this development. Her concerns are about the DOT and they are only talking about at McConnell Road and she is concerned about another mile and a half to two miles down the road which is only double-lane traffic and with there being an additional 100+ vehicles, she is concerned about the traffic and accidents that will come. She has already had a car end up in her front yard just by people not paying attention there at the curve there. If they want to put a driveway there at the curve, that will be very dangerous. She does not think it is appropriate for them to come out of that development in that particular area and it should be moved for safety reasons. She and her family had 36 acres and when they wanted to put their houses on the property, they were told they could only put three personal homes in that area on 36 acres, but now they have 51 acres and they can put 50 houses there. That just does not make sense to her.

Leslie Bell responded that this is actually subdivided property and Planned Unit Development.

Ann Emery, Rock Cliff Road, stated that unfortunately, she was not aware of the other two meetings that were held. The signs that the County puts out for these meetings are very, very small and hard to read. She agrees with Mr. Lee about the tar and gravel roads and that they will easily be torn up unless the State upgrades them. She is concerned about the water supply as she has been in the area about 11 years and their well dried up and they had to dig a new well that cost them about \$7,000. Most of the wells in that area are 100 to 110 feet deep and a lot of the neighbors still have issues with their water supply. Putting a community well to feed all these houses is going to take a lot away from the people who have been in that area for a long time. There are some people who have been in that area for 50 to 60 years.

Chair Donnelly asked that the map be brought back up so that everyone could view the particular area.

Leslie Bell stated that Rock Cliff Drive is considered a secondary road.

Marilyn Bower, 1740 Rock Creek Dairy Road, speaking on-line, stated that she has concerns about the well issues for this area. Her family has lived at this location for well over 40+ years and they have well issues and neighbors on both sides of her have well issues. Another concern is that this is a very curvy road and to put an entrance/exit in the proposed location is very dangerous. There have been numerous fatal accidents in this immediate area. The neighborhood cannot sustain additional students in the school system in this area, as well as the impacts on EMS, local grocery stores. They are maxed out right now and cannot sustain another 100+ people in this area. The only person that would benefit from this is the developer and the community is not well thought out for any benefits on this. This development needs further discussions before anything final is done.

Chair Donnelly asked for a motion to close the public hearing.

Mr. Craft moved to close the public hearing, seconded by Ms. Buchanan. The Board voted and approved unanimously by roll-call vote to close the public hearing. (Ayes: Apple, Alston, Stalder, Buchanan, Gathers, Craft and Donnelly. Nays: None.)

Board Comments

Mr. Apple stated that he was at the community meeting and they didn't gather a whole lot of additional information, he didn't think.

Chair Donnelly stated that there are clearly some concerns about the capacity of the wells in this area. That is not something that falls to the Planning Board's purview, they are looking at what the land use is and that kind of

determination is done as a part of a Plan Review Process. One of the things that was helpful at the meeting, for him, was an explanation of the detailed process that is gone through when a well is tested. A well is dug and then wells that are within a certain radius of that well are monitored for 24 hours during the testing of that well to measure well capacity. So, there is certainly a more detailed technical process that provides some assurance for folks that it has been tested. The Fire Station was a really good location for that meeting and he appreciates both the community and the developer for putting in the effort to hold that meeting and having a conversation about what the concerns really were.

Mr. Apple stated that he has a problem with 9,600 square foot lots and a 3,500 square foot house. He has a problem with a house that is only 20 feet away from their neighbor. He has seen two different situations, one in McLeansville where a house caught on fire and the next-door neighbor gets a lot of damage. The siding gets puckered up, the roof gets melted, and he just don't like the Archie Bunker type of living where you can reach out your window and shake hands with your neighbor. He knows that there is going to be growth in this area, but he does not think this is the right type of development for this particular area.

Mr. Craft stated that even though this carried in a little different manner, PUD, it is really pretty consistent with breaking it up into acre lots and building 50 houses. If someone doesn't mind being 20 feet from their neighbor, that is a decision they make when they purchase their property. There is a lot of open space to look at, which he thinks is a real plus, and the community element of a shared area, shared trails and shared activities is a positive, as well.

Mr. Alston stated that in the last meeting when they first spoke about this case, his main concerns were failure to communicate between the developer and the community. Since that has been addressed and all questions seem to have been addressed, he thinks it is inevitable for a development of some sort, whether now or sometime in the future, and he feels that he would support this application.

Chair Donnelly stated that this is certainly a development that is different in style from some other developments and it seems to be designed around a particular lifestyle, folks who are interested in sustainability. He thinks the desirability of the development will be determined in its implementation. There are some very valid concerns about the traffic and the water situations, and he feels that NC DOT will have an opportunity to address those concerns. Again, he reiterated that the Board's charge is to determine whether the land use is an approved use for the area. He asked if anyone was ready to make a motion.

Mr. Craft made a motion to approve the zoning map amendment located at Guilford County Parcel #107431 from AG to CZ-PDR because the amendment is consistent with the applicable plans because the request is actually for 51 single family dwelling units is generally consistent with the Rock Creek Dairy Plan, the Agricultural Rural Residential is designated and recognized land zone and recommended for future agricultural and residential uses, and anticipated uses are those permitted in the AG, RS-30, RS-40, PUD-R and RPD zoning districts. The amendment is reasonable and in the public interest because it is adjacent to RS-40 -MH-zoned property and it also provides residential development opportunities under the UDO Plan, seconded by Mr. Stalder. The request was approved 5-2 by roll-call vote. (Ayes: Alston, Stalder, Buchanan, Craft and Donnelly. Nays: Apple and Gathers.)

Chair Donnelly stated that any appeal would be required to be submitted within 15 days, July 28, 2022. There is a processing fee and the appeal would be heard by the Board of County Commissioners. This motion has been approved but will not be final until heard by the Board of County Commissioners.

G. New Business

Non-Public Hearing Item(s)

RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE #22-05-GCPL-03393: Request adoption of a Resolution of Intent and to schedule a public hearing for August 10, 2022 as presented herein, to close all of four 10-foot utility

easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158, Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107, north of Chickasha Drive and east of Shoshone Court.

Public Hearing Item ROAD RENAMING CASE #22-06-GCPL-04250: RICHARDSONWOOD ROAD Presently known as Richardsonwood Road located in Monroe Township and running 0.56 of a mile north from Fairgrove Church Road and terminating to the southern property line of Rockingham County Tax Parcel #138635. This is a road renaming case initiated by Government action to change the name of Richardsonwood Road to Maple Grove Drive.

Aaron Calloway stated that this is a

RESOLUTION OF INTENT FOR EASEMENT CLOSING CASE #22-05-GCPL-03393: Request adoption of a Resolution of Intent and to schedule a public hearing for August 10, 2022 at 6:00 at the Agricultural Department Extension Building, as presented herein, to close all of four 10-foot utility easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158, Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107, north of Chickasha Drive and east of Shoshone Court.

Mr. Apple moved approval of the Resolution of Intent for Easement Closing to be held August 10, 2022, seconded by Mr. Stalder. The request was approved 7-0 Unanimous roll-call vote. (Ayes: Alston, Stalder, Buchanan, Craft Apple, Gathers and Donnelly. Nays: None.)

Public Hearing Item(s)

ROAD RENAMING CASE #22-06-GCPL-04250: RICHARDSONWOOD ROAD

Presently known as Richardsonwood Road located in Monroe Township, the road runs 0.56 of a mile north from Fairgrove Church Road and terminates at the southern property line of Rockingham County Tax Parcel #138635. This is a road renaming case initiated by government action to change the name of Richardsonwood Road to Maple Grove Drive.

Leslie Bell stated that subsequent to the notifications going out for the public hearing held this evening, they were made aware of the history of Richardsonwood Road, and they also received some written e-mail comments which have been shared with the Board members. Since this information was not made available prior to the packet going out, staff would like to hold its recommendation until after the public hearing and comments. He asked Aaron Calloway to make the staff report at this time. Also, Steven Dew, the County GIS Manager will speak on this matter.

Aaron Calloway stated that the petition for this request was initiated by government action and it is a resolution to rename the northern segment of Richardsonwood Road (secondary road # 2503) as shown on the presentation screen. The subject segment of Richardsonwood Road runs approximately .56 of a mile north of Fairgrove Church Road and terminates at the southern property line of Rockingham County Parcel #138635. This proposal was generated in response to confusion between the two disconnected segments, as shown on the map. Guilford County staff saw that a road renaming was necessary to prevent a situation that could jeopardize public health, safety, or general welfare. Steven Dew, Guilford County GIS Manager, was present to speak on this matter.

Mr. Dew stated that the chronology of the steps taken during the initial contact which began in early March with the subdivision case review. Guilford County staff discussed the options with Rockingham County, and subsequently mailed letters to the impacted property owners on April 20th which asked for name suggestions. On May 5th, staff mailed letters to the property owners listing road names on which they could vote. Letters suggesting recommended names were submitted to GIS staff for review. Maple Grove Road was the most suggested new name.

Mr. Craft asked if the neighbors on the street were the majority that picked this name. Mr. Dew responded that was correct. Mr. Craft stated that it sounded rather confusing to him.

Chair Donnelly asked what some different options may be that exist to create alternative names, due to the information that has come to light in terms of the heritage of the community, as well as the sequence of the naming of a road. Mr. Dew stated that it could be renamed at the Board's request, because there is no final recommendation at this time. This issue is not directly addressed in the Ordinance. Ms. Buchanan asked how long the sign on this portion of the road had been in place, and Mr. Dew stated he thought it had been there about 15 years. It was renamed from Pagewood Road to Richardsonwood Road about 30 years ago.

Chair Donnelly asked who would be speaking on this matter, and there were five people in the room who wanted to speak, as well as a ~2 people online. Chair Donnelly stated that there would be a total of 20 minutes for speakers on this matter.

Dwayne Franks stated that there are a lot of family homes on Richardsonwood 8523 and 8525. He wanted to acknowledge all the folks at the meeting and asked them to stand showing their opposition to the name change of this particular road. There were about 10 people in opposition. He presented a petition that has been signed by over 300 people showing their opposition to the request. He pointed out that the County had not tried to develop relationships with the residents; no letters had been received by the residents; and he felt it was blatant and intentional on behalf of the County. One of the maps that was submitted to him shows all of the impacted homes on this road from the beginning all the way into Rockingham County. Ms. Graybeal had sent him maps of the properties in Guilford County that were impacted. He repeated that the people that are most impacted did not receive any letters or notifications. In regard to the history of the road, the Richardsons have owned property on that road for over 150 years throughout slavery and beyond. The road was originally named Pagewood Road because black folks could not have a road named after them. Then 30 years ago, some of the elder Statesmen petitioned to have that road named to Richardsonwood Road. This was well before Pearson Farms, which is the other community on the map, was ever developed. They came in 15 years later and the County broke their own Ordinance by allowing that community to have a road named Richardsonwood Road that was not contiguous. It didn't even own property or have an easement to make it contiguous. Now, the County is wanting the current residents to change the name of the road that has been the same for the past 30 years and erase their heritage from that road name. That is just unfair to all these residents and would be hurtful to everyone here.

Mr. Richardson read the petition that was signed by over 350 people:

"July 13, 2022, a public hearing will take place by the Guilford County Planning Department concerning the renaming of Richardsonwood Road to Maple Grove Drive. This was an alarming notice to the Richardson family for which the road is named after and who live on a portion of Richardsonwood Road that is a majority in Rockingham County, which is State Road #2425. We believe any aspect of the road that is to be renamed should be the portion in Guilford County which is in Pearson Farms subdivision. Richardsonwood Road has signified our heritage for over 30 years and our ancestors lived on this road since they walked off the Richardson Plantation in Reidsville in 1865. The road began in Guilford County at the juncture of Fairgrove Church Road and was renamed to Richardsonwood Road from Pagewood Road in the late 1980s. This change was initiated by the late Walter L. Richardson who resided at the property address located at 8535 Richardsonwood Road in honor of Walter G. Richardson, his grandfather. The man responsible for making sure the land is presently being occupied by his descendants. We, the remaining descendants feel the need to preserve the Richardson heritage by keeping the name of this road in its entirety, starting in Guilford County and continuing into Rockingham County, as Richardsonwood Road. It is our understanding that Guilford County's problem in keeping the Richardsonwood Road name is because there are two locations in the said County with the same name. The second Richardsonwood Road name is in nearby Pearson Farms subdivision. Let it be noted that the second naming of Richardsonwood Road, as they were informed, was contingent upon this road being connected to the existing Richardsonwood

Road when the Pearson Farm subdivision was to be expanded. We now understand, for whatever reason, the Pearson Farm Richardsonwood extension could not go forward as was originally planned, thus, causing the double naming, which is a violation of policies that are in place that would have prohibited this situation. We are signing that the problem should have been corrected by changing the name Richardsonwood Road located in Pearson Farms to Maplewood Lane. We have already lived through the renaming of this road to Pagewood Road because it couldn't be named after black people even if they owned the majority of the land. Our family fought hard to be recognized and finally won the right to have the name changed to Richardsonwood Road in 1988, over 30 years ago. To change the name of this road now would be an insult to the Richardson family and our legacy. Please support us by signing this petition to keep Richardsonwood Road name unchanged for this intersection at Fairview Church Road."

Warren Richardson, 8519 Richardsonwood Road, and his daughter wrote a letter to the Board that says that this problem was created when Pearson Farms named their road Richardsonwood Road in the new subdivision. It was against the policy of the Planning Department, to have two names in the same County. They don't understand how it first got approved and now they want to change the original name because it's a violation of a policy, which was already in existence.

Baretta Richardson-Nunley, 8531 Richardsonwood Road, stated that her father, Rubert Lee Richardson, was one of the individuals that created this name "Richardsonwood," because there was already a Richardson Road in Rockingham County. Again, Pearson Farms came into Richardsonwood Road planning to connect it with their road. At the point that they did not do that, they should have renamed that subdivision road and let their name remain Richardsonwood Road. Changing the end of that road to make Maple Grove, she agrees with Mr. Craft that it is very confusing. At this point in time, there is no confusion with deliveries. The names that were suggested by the County were like a slap in the face. They are not in Chicago and should not even consider Chicago Cubs Drive for this area in North Carolina. It appears that no one even did any type of investigation on probable names for this road.

Jackie Lee, speaking on-line, stated that she agrees with the previous speakers and there should be no change to the current name of Richardsonwood Road in this location.

Rasheon Jackson, 8569 Silver Road, stated that he agrees with the other speakers and is opposed to the name change for this area.

Tory Lee Humber, stated that she lives at 8505 Richardsonwood Road, which is on the Guilford County side and she would be impacted by a name change on this road. She has lived there for four years and runs a business out of her home and it would cause a lot of confusion if the name is changed. Sometimes she receives packages that are perishable and cannot be returned and so far, she has not had any problems with deliveries. She agrees to keeping this named Richardsonwood Road to honor the people who are related to this road and suggested that it just be left alone.

Sherry Lee, speaking on-line, stated that the road has had the same name since she was a child and is related to her family heritage. The history should not change for this road and is part of her legacy.

Lawanda Daniels stated that she lives in Beaufort, NC, but she has lived in Greensboro and other areas of North Carolina. She wanted to speak to the future of the road and was also a Commissioner on the North Carolina African Heritage Commission for 10 years. It was quite an honor to serve on that Commission. It is important to preserve the African-American heritage and family legacy here in North Carolina. It is important to leave the name of this road in place as it has been for the last 30 years.

Mr. Alston stated that there was a request for the family to have "Old" in front of the original name and asked if this was something that could be considered. Ms. Graybeal responded yes, but that some of the family property owners had conveyed that this option was not acceptable to them.

Chair Donnelly asked that the Board vote to close the public hearing.

Mr. Craft made a motion to close the public hearing seconded by Mr. Stalder. The Board voted unanimously 7-0 in favor of the motion. Ayes: Alston, Stalder, Buchanan, Craft Apple, Gathers and Donnelly. Nays: None.)

After a short discussion, Mr. Bell suggested that this item be tabled until the August meeting to allow some more investigative work on it.

Mr. Alston moved to table the request to a future meeting to give an opportunity for staff to work with addresses in the area, seconded by Mr. Craft. The Board voted 7-0 unanimously in favor of the motion. (Ayes: Alston, Stalder, Buchanan, Craft Apple, Gathers and Donnelly. Nays: None.)

Chair Donnelly asked that there be a short break at this time as moved by Mr. Alston, seconded by Mr. Craft. There was a roll-call vote, 7-0 unanimously in favor of the motion. Ayes: Alston, Stalder, Buchanan, Craft Apple, Gathers and Donnelly. Nays: None.)

The break was from 7:44 p.m. until 7:51 p.m.

CONDITIONAL ZONING CASE #22—05-GCPL-03518: Brightwood Farm (BWF) Unified Development Plan (UDP) Modification, Plat Book 193, Pages 35-37; from Conditional Zoning Planned Development Residential (CZ-PD-R) to Conditional Zoning Planned Development Residential (CZ-PD-R) Amended.

Oliver Bass stated that this is a request to amend Conditional Zoning Case #33-02 (Approved on July 10, 2002), which established conditional zoning for the Brightwood Farm Planned Development located at the northwest intersection of Brightwood Church Road and Burlington Road and contained 512 acres. The Sketch Plan of the Brightwood Farm Unified Development Plan in Plat Book 193, Page 25 established the maximum number of dwelling units allowed in Section A at 2,034 units on 459.81 acres, of which no more than 535 may be attached dwellings, including multi-family (apartments), condominiums, townhouses, twin homes, and duplexes. The proposed amendment provides that the maximum number of total dwelling units will remain at 2,034; however, the maximum number of attached dwelling units would increase from 535 to 855 dwelling units. The additional 320 attached dwelling units would be reserved for Phases 3A, 3B and 5A (shown on Sheet 2 of UDP Phasing Plan), which includes parcels located at 6440 and 6440 ZZ Piney Rd., 433 ZZ Gantwood Lane, 567, 581, 593 Brightwood Farm Pkwy, and a portion of 6818 Preakness Pkwy; being Guilford County Tax Parcels 107637, 105606, 107843, 105628, 106381, 106271 and part of 106272 respectively, totaling approximately 114 acres. All other conditions for the current UDP will remain unchanged.

The request is inconsistent with the Northeast Area Plan land classification of Residential Single Family, thus, if approved, a plan amendment to Mixed Use land classification to accommodate mixed-use PD-R developments with public water and sewer would be required.

Marc Isaacson, attorney representing the applicant, Forestar Real Estate Group, stated that Donna Crowder, Bob Dischinger, Civil Engineer – Evans Engineering, and Ronald Stevenson, Randy Kemps Office, the Transportation Engineer. Forestar is under contract to acquire these parcels that are the subject of this rezoning request. They are a national land developer and typically acquire the land and make sure that it is titled properly and then subdivide the property according to the anticipated uses and sell those lots to home-builders. This project, Brightwood Farms, began in the early 2000s as what was contemplated as a Unified Development. Unfortunately, that plan did not go forward. In the 2007-2008 range the recession hit and the lender on this project foreclosed on the available parcels. They sold off those parcels to bidders in the process and it became a fractured development plan. Over the next several years different home builders and developers built in Brightwood Farm on different parcels, and unfortunately, the concept of the Unified Development Plan that was approved by the County in the early 2000s fell apart. They have been dealing with this ever since then. He presented a larger Plan to the Board members for their review. The initial goal was to have both attached and detached family dwellings on these properties. They are asking to amend the request in regard

to an increase in the number of townhomes dwellings permitted because the number is already almost reached. That happened because another developer came in and acquired a parcel toward the front of the property and is putting apartments there. So that utilized a lot of the cap that was then allowed. The existing UDP allows a total of 2,034 units both attached and single family detached units. Based on the total number of units that are in the process of being built, when you subtract that number from the 2,034, what is permitted by right at this point, is up to 740 more single-family detached units. Forestar has identified a shifting preference in the housing market for greater variety of housing options and townhomes have become much more popular during the last 20 years. That change needs to be addressed in this UDP and that requires a rezoning, as heard from staff. A lot of people are moving to this area from other states and there is now a critical housing shortage in this community. They are asking for approval to reallocate those remaining 740 single family detached to allow 320 townhomes to be built here. This area can well handle that increase. In terms of density it is consistent because there is a mix of single-family detached and attached already in the immediate area. The precise unit breakdown will be determined by the site planning process. If approved, the engineers would begin on the detailed site plan process. Sketch plans were provided to the Board members for their review, showing the placement of the single-family homes, the proposed townhomes locations. No new traffic impact study was required as a result of this request. NC DOT reviewed the proposal and the County TRC reviewed it and this plan was submitted to County TRC and received conditional approval. On the UDP there is an area for a connector road that leads to the traffic circle. Forestar would like to acquire that land, and as soon as it become available, they will acquire it. Under the UDP, the development in Section 3B cannot begin until this connector road is built. They have sent notice by letter to those property owners on the County's notification list and they have held a neighborhood meeting and approximately 30 people attended the meeting. There was about a 90-minute discussion during the meeting and it was a healthy discussion and a lot of questions were asked and answered. The Brightwood Farms HOA has submitted a letter of support for this rezoning request. This is a request to supplement and extend what is already in place with more and diversified housing types to meet a changing market. They are only asking that they be allowed to reallocate the number of dwellings out of that remaining single-family dwellings that are allowed to allocate some to townhomes and the rest to single-family detached. The only condition to move forward is the approval of this rezoning request.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request.

Terri Gary, 600 Gray Rock Road, in Stoney Creek, Whitsett, NC, stated that she represents the Stoney Creek HOA team and they do not really have objections or protests, but there are many questions that need to be answered. The main one is whether there are going to be more homes built in that blank space. They are an established area that has been there 20 years and there has recently been some new house buildings in the immediate area and that has caused several problems. They are concerned about the large trucks that would be coming through their neighborhood as well as more traffic in the area. They wanted to know when Burlington Road is going to be expanded and when there are going to be traffic signals put there. There is a wonderful walking trail along the creek which divides them from Stoney Creek and Brightwood and the more areas that are paved, the more there is water runoff in an area causing flash flooding and washout considerations. Building at the Landing has caused two of her neighbors to experience a lot of flooding in this back yard. They have been to the County on that and have been told that there is nothing to be done about it and everything was done properly.

Mike Ellington, 934 Golfhouse Road West, President of the Stoney Creek HOA, stated that in looking at the map, their main concern is the connector turning everything there on Brightwood into their neighborhood.

Marc Isaacson stated that they are not going to build the connector at 3A and the Fire Marshall has already approved that as part of the TRC review. That would be across a flood plain area and is not advisable to build anything there.

Chair Donnelly asked for a motion to close the public hearing.

Mr. Apple moved to close the public hearing, seconded by Mr. Craft. The motion was approved by 7-0 unanimous roll-call vote. (Ayes: Alston, Stalder, Buchanan, Craft Apple, Gathers and Donnelly. Nays: None.)

Chair Donnelly asked if there was more discussion, and being not, he asked for a motion related to the request for this amendment.

Mr. Craft moved approval of the zoning amendment related to Guilford County Tax Parcels 107637, 105606, 107843, 105628, 106281, 106271 and part of 106272 from CZ-PDR (Case #33-02) to CZ-PDR-AMENDED. This approval also amends the Northeast Area Plan. The Zoning map amendment and associated Northeast Area Plan amendment are based on the following changes and conditions in the Northeast Area Plan: Due to the changing housing needs of the people in the area, the makeup of what can be built in the subdivision should be amended to allow multi-family residences. This amendment is reasonable and in the public interest because it will provide current and future residents of Guilford County with a greater variety of housing options and opportunities as supported by Goal #1 of the Housing Element of the Guilford County Comprehensive Plan, Goals and Objectives and Policies documented and adopted September 21, 2006, seconded by Mr. Apple. The Board voted 7-0 unanimously in favor of the motion to approve the request. (Ayes: Alston, Stalder, Buchanan, Craft, Apple, Gathers and Donnelly. Nays: None.)

H. Other Business

Comprehensive Plan

Kaye Graybeal stated that since the last meeting, the selection committee chose a consultant, Design Workshop out of Asheville. They are looking forward to working with them and the Purchasing Department approved them and they can go ahead and start working with the Consultant on the final proposal, which they expect to get about the middle of next week. They are ready to go ahead and hit the ground running as soon as it is signed off on. They are looking forward to putting together a Steering Committee. She will keep the Board members posted on the progress being made.

Chair Donnelly stated that there is an opportunity for members to participate in a Steering Committee, and when the opportunity is provided, we'll be able to give a sense of what the time commitment entails, and see who is interested, in the formal Comprehensive Plan process.

Unified Development Ordinance enCodePlus Platform

Leslie Bell thanked the Clerk's Office for their support on this project as the new enCodePlus platform will also be used for all of the County Ordinances. It has been a multi-year effort to replace a 30-year-old ordinance. He stated that this is an interactive platform in that it contains links to access resources and documents external to the UDO (e.g., rezoning applications and links to Guilford County's GIS website) including a FAQ section to assist those in navigating the document. He briefly went through some of the items on the new UDO document platform to show members how to use the website to its best advantage.

Mr. Bell demonstrated how the platform links to the UDO, for which the Articles can be searched by clicking on links in the Table of Contents. Links to the Comprehensive Plan and the Area Plans are now all in one location and the plan maps are linked to the GIS data viewer directly from the site. Area Plans can be viewed with details such as executive summaries, public meeting dates, and mapped areas of water/sewer and annexation acreage showing development trends. Having all this info on the same site is important because NCGS 160D requires a statement of consistency and an explanation of reasonable public interest for rezoning cases.

Underlined terms throughout the document are linked to definitions. Tables and flow charts are designed to be more pleasing to the eye graphically. Referenced articles are just a click away. Additionally, an interactive built-in calculator is provided to help compute, for example, the number of required parking spaces.

Commentaries are now included and are intended to clarify where text can be interpreted in more than one way, and also indicate local legislative bills. The local legislative bills are now memorialized in this format for clarification and transparency and are accessible through on-line links to eliminate the need to search for them.

Mr. Donnelly stated that utilizing the UDO now looks easier, but he knows there is a lot that goes on behind implementing such a project and thanked the team for all the work. Mr. Bell stated that this was a team effort with the Clerk's office and he is working with them on an official launch date.

Mr. Bell then listed potential items for the August agenda.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 8:51 p.m.

The next scheduled meeting is August 10, 2022

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Easement Closing
Petition

Date Submitted: 5-11-22

Fee \$126.00 Receipt # 146415
(includes \$26 recording fee)

Case Number 22-05-GCPL-03393

The undersigned, being the owner(s) of the property abutting the easement, or portion of said easement, described below request(s) that said easement be closed and removed from dedication.

The easement on the property located at 7119 SHOSHONE COURT, BROWNS SUMMIT, NC 27214

As recorded in Plat Book 158 Page 122 in MONROE Township. Also refer to attached map.

The following utility companies have installed facilities within the easement:

Electric _____ Natural Gas _____

Phone _____ Cable Television _____

The following utility companies that provide service or would provide service in the area do not have facilities installed within the easement:

Electric DUKE ENERGY Natural Gas PENDING

Phone AT&T Cable Television WOULD NOT PROVIDE (SPECTRUM)

All companies, regardless of availability of services in the area, listed above must provide the applicant with a written statement on company letterhead that they have no objection to the easement being closed. Contact must be made by the applicant. Refer to the Area Utility List for utility company contacts.

According to North Carolina General Statute 153A-241, the Planning Board may close the easement if the closing of said easement is not contrary to the public interest.

Petitioners:

	Name	Address
1.	<u>CHAD HARRELL (charrell@precast-solutions.com)</u>	<u>7121 CHOCTAW COURT, BROWNS SUMMIT, NC 27214</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

Additional sheets for petitioners are available upon request.

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

Submitted By:

MIKE VENABLE W/ CPT ENG. & SURVEYING 440D TYNING ST., HIGH POINT, NC 27265 (336) 812-8800 x305 / mikev@cptengineering.com
Contact Name Address Contact Phone #/Email

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May 4, 2022

Ben Lane
PRECAST SOLUTIONS
P.O. Box 127
Browns Summit, NC 27214

RE: 7116 Choctaw Ct, 7111 Shoshone Court, 7119 Shoshone Court

Dear Guilford County Planning and Development:

Ben Lane of PRECAST SOLUTIONS contacted me regarding a "release" of an existing utility easement involving addresses (lots) 7116 Choctaw Ct (lot 6), 7111 Shoshone Ct (lot 7), 7119 Shoshone Court (lot 8) as described in attached Choctaw ct.pdf. It is acceptable to "release" the above utility easement in the areas referred to.

Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,
Jonathan Ray
Manager Outside Planning and Engineering

336-379-5904;
jonathan.ray@att.com



2500 Fairfax Road
Greensboro, NC 27407

April 28, 2022

Mike Venable Of CPT Engineering & Surveying, Inc.
has requested Duke Energy Company to release the 10' utility easements
located between the property lines of Lots 6&7, and Lots 7&8 and the 30 foot
D.M.U.E. on Lot 8 of Brown Summit Industrial Park in Guilford County, NC.

In regard to the request to release the above referenced easements, this utility
finds:

- The easements CAN be released, it is/they are not needed for services.
- The easement CANNOT be released, it is needed for services.
- The following portion(s) of the easement CAN be reduced.

SIGNED: Denise Garland
Sr. Engineering Tech.

UTILITY: Duke Energy Carolinas, LLC

BK: R 8611
PG: 175 - 176
RECORDED:
06/03/2022
09:38:34 AM
DEPUTY-GB
BY: MARY BROWN

2022028643
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$28.00

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

INSTRUMENT OF COMBINATION

This instrument was prepared by J. Tyrone Browder, Attorney
Return to: Browder, Overby & Michaud, PA - PO Box 550, King, NC 27021

This Instrument of Combination is made this 28th day of April
2022, by Blue Ridge Land Holdings, LLC, whose mailing address is 7121 Choctaw Ct.,
Browns Summit, NC 27214.

WHEREAS, the maker of this Instrument of Combination presently owns tax
parcels 128107, 128106 and 128060, located in Gullford County by virtue of Deed
recorded in DB 8033, PG 2032 and in DB 8527, PG 2026 in the Guilford County Registry;
and

WHEREAS, the owner wishes to consolidate Parcels 128107, 128106 and 128060
into a single lot and tax parcel for compliance with Gullford County regulations, all
taxation, and assessment purposes only; and

WHEREAS this is a limited special purpose Instrument for the purpose specified
above and is not a conveyance, and constitutes a re-platting of the property and does
not change or modify in any manner the ownership interest in the above mentioned
property. Except as set forth herein, this is not a legal binding recombination of the
described parcels, but instead it is a request for the Taxing Authority to tax as a
combined tract, and

WHEREAS, upon execution and recording of this Instrument of Combination of
Lots 6, 7 and 8 as shown on the Plat of Redivision of Lots 4, 5 and 6, Brown Summit
Industrial Park recorded in PB 158, PG 122 in the Gullford County Register of Deeds, in
Guilford County are hereby combined into a single parcel of land for compliance with
Gullford County regulations for taxation, assessment and health department purposes
only.

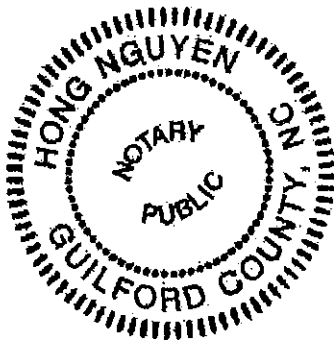
IN WITNESS WHEREOF, the maker has hereunto set his hand and seal this day and year first above written.

Blue Ridge Landing Holdings, LLC

By: [Signature]
Chad Harrell – Managing Member

SEAL-STAMP

NORTH CAROLINA, STOKES COUNTY



I, a Notary Public of the County and State aforesaid, certify that Chad Harrell, Managing Member of Blue Ridge Land Holdings, LLC, a North Carolina Limited Liability Company, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this 28 day of April, 2022.

[Signature]
7-14-2026

Notary Public

Commission Expiration Date

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EASEMENT CLOSING CASE # 22-05-GCPL-03393

Nature of the Request

The Guilford County Planning Board will consider the following resolution to close public easements:

All of four 10-foot utility easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158 Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107.

The resolution of intent was adopted on July 13, 2022.

Staff Recommendation

STAFF COMMENT: Pursuant to NCGS 153A-241 concerning closing easements, the Planning Board must hold a public hearing before the easements can be closed. Based upon the information presented at the hearing, the Board must find that:

The closing of said easements is not contrary to public interest.

Staff submits the following findings for consideration by the Board:

1. The Planning Department has received a request to close All of four 10-foot utility easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158 Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107; AND
2. At the June 7, 2022 Technical Review Committee (TRC) meeting staff reviewed the request and commented that an exempt plat showing the removal of the easements will need to be recorded prior to recordation of the order to close the easements.
3. All utility companies servicing this area, except for Spectrum have signed utility easement releases for the property. Spectrum declined to sign the utility release as a matter of policy.

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EASEMENT CLOSING
CASE #22-05-GCPL-03393

1 inch = 250 Feet



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**Easement Closure CASE # 22-05-GCPL-03393: 7119 Shoshone Ct
Easement Closure**

TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS

Planning Comments: (Aaron Calloway, 641-2489)

1. An exempt plat showing the removal of the easements will need to be recorded prior to recordation of the order to close the easements.

Building Comments: (Jim Lankford, 641-3321)

No comments provided

Watershed Comments: (Brent Gatlin, 641-3753)

1. No Comments

Community Services Comments: (Clyde Harding, 641-3792)

1. No comments

Environmental Health Comments: (John Nykamp, 641-4807)

1. The 30' easement also includes a Drainage Easement. Will this need to be re-platted?
2. There are several Drainage Maintenance & Utility Easements on the plat. Guilford County does not maintain Drainage Easements.

Fire Marshal Comments: (Michael Townsend, 641-6541)

1. No comments

NCDOT Comments: (Bobby Norris, 487-0100)

1. No comments

Addressing Comments: Martine Kamabu, 641-2337)

1. No comments

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**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

**RESOLUTION
CLOSING AND REMOVING FROM DEDICATION
A PUBLIC EASEMENT**

EASEMENT CLOSING CASE #22-05-GCPL-03393

WHEREAS, a petition was filed, pursuant to G.S. 153A-241, Chapter 282 of the 1979 Session Laws, and Chapter 59 of the 1981 Session Laws, requesting that the Board close public easements.

WHEREAS, pursuant to a resolution of intent to close said easements adopted by this Board on July 13, 2022, an Electronic Notice was published on the Guilford County Website that a public hearing would be held concerning said petition on August 10, 2022, at 6:00 P.M. at the NC Cooperative Extension-Agricultural Center located at 3309 Burlington Road, Greensboro, NC 27405; and

WHEREAS, it appears that all owners of property adjoining said easements have signed the petition or have been notified of the closing thereof; and

WHEREAS, after inquiry by the Chairman, all interested persons were provided an opportunity to be heard on the request contained in the petition; and

WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Board that the removal of said road from dedication is not contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following described easements are hereby closed and removed from dedication to the public use:
All of four 10-foot utility easements and a 30-foot drainage maintenance utility easement, located on lots 6, 7, and 8 as shown on Plat Book 158 Page 122 and located in Monroe Township on Guilford County Tax Parcel #128107.
2. A certified copy of this resolution, together with a copy of the published notice of this hearing, is hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE GUILFORD COUNTY PLANNING BOARD AT ITS REGULAR MEETING HELD ON AUGUST 10, 2022.

J. Leslie Bell

J. Leslie Bell, AICP
Guilford County Planning & Development Director

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