



GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD

Regular Meeting Agenda

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

November 9, 2022

6:00 PM

- A. Roll Call
- B. Agenda Amendments
- C. Approval of Minutes: October 12, 2022
- D. Rules and Procedures
- E. Continuance Requests
- F. Old Business

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022 to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

Located at 407 S. Bunker Hill Road, on the east side of S. Bunker Hill Road approximately 1400 feet north of the overpass from Business I-40, Guilford County Tax Parcel #227941 (located in Morehead and Gilmer Townships) is 6.99 acres.

This is a County-initiated rezoning due to de-annexation from the City of Greensboro under Session Law 2022-33, House Bill 995 effective June 30, 2022. The parcel was zoned R-3 by the City of Greensboro and will become unzoned on August 29, 2022, 60 days from the effective date of de-annexation. This request proposes an original zoning of AG under the Guilford County Unified Development Ordinance. The property owner may initiate a zoning map amendment (rezoning) at any time after the County establishes the original zoning.

The proposed zoning is inconsistent with the recommendation of the Airport Area Plan. The subject parcel is within the Greensboro Proposed Annexation boundary under the Airport Area Plan (revised in 2008). No land use designation was assigned to the area in the plan.

The parcel is no longer located in the municipal boundary of Greensboro; therefore, if the proposed zoning is approved an amendment to Mixed Use Residential would be required. Information for **REZONING CASE #22-07-GCPL-05652** can be viewed by scrolling to the November 9, 2022 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

Located at 4856 Woody Mill Road, on the south side of Woody Mill Road approximately 600 feet east of the intersection with Southstone Drive, in Clay Township, Guilford County Parcel #122264 is approximately 154.66 acres. The applicant requests to rezone said property from RS-40 and AG to RS-30. The property owner is The 2007 Mary McFarland Pegram Living Trust.

The proposed zoning is generally consistent with the Alamance Creek Area Plan of Conditional Residential Single-Family (CRSF), thus if approved, no plan amendment would be required. Information for **REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010)** can be viewed by scrolling to the November 9, 2022 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL, AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD

Located at 335 Knox Road approximately 1670 feet northeast of the intersection of Knox Road and Burlington Road. This rezoning includes all of Guilford County Tax Parcel #117317 in Jefferson Township and comprises approximately 0.78 acres.

This is a request to rezone all of Guilford County Tax Parcel #117317 from RS-40 and AG to AG.

The proposed rezoning is consistent with the Northeast Area Plan recommendation of Residential Single-Family (RSF) and AG, Rural Residential; thus, if approved, an Area Plan amendment will not be required.

Information for **REZONING CASE #22-09-PLBD-00022** can be viewed by scrolling to the November 9, 2022 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #22-09-PLBD-00021 TO CLARIFY AG AS A RESIDENTIAL ZONING DISTRICT IN SECTION 4.2 ZONING DISTRICTS TRANSITION, SUBSECTION A, TRANSITION TABLE, AND TO DISTINGUISH AND DEFINE THE INTENSITY OF USES BY CREATING LIGHT AND HEAVY RECREATION AND ENTERTAINMENT USE CATEGORIES IN TABLE 4.3-1, PERMITTED USE SCHEDULE, ELIMINATE OUTDOOR RECREATION AND INDOOR RECREATION USE TYPES DUE TO REDUNDANCY WITH OTHER USES, ADD NEW, SEPARATE USES FOR PAINTBALL FIELD AND BATTING CAGES (WITH BOTH USES ALLOWED IN CERTAIN ZONING DISTRICTS AS INDICATED BELOW AND WITH DEVELOPMENT STANDARDS), AMEND SECTION 5.6 (L) RECREATION VEHICLE PARK (RVP) OR CAMPSITE (WHERE REQUIRED: HB) TO ADD THE WORD “CAMPSITE” TO CORRESPOND TO THE TITLE OF THAT SECTION AND TO CLARIFY THAT STANDARDS APPLY TO CAMPSITES, AND MAKE SUBSEQUENT CHANGES TO RELATED SECTIONS 4.3, USE MATRIX; 5.6, RECREATION AND ENTERTAINMENT; AND TABLE 6-1-1, PARKING REQUIREMENTS FOR LANGUAGE CONSISTENCY.

Staff has identified the need to distinguish uses by intensity within the Recreation and Entertainment use category in Chapter 15, Article II, Section 15-56, Subsection 4, 4.3 (A): Use Matrix, Permitted Uses (4-3), Table 4.3-1: Permitted Use Schedule. Subsequently, the changes create a Light and Heavy classification within the former Recreation and Entertainment category with uses reorganized within these new categories. Additionally, uses for Outdoor Recreation and Indoor Recreation are to be eliminated due to redundancy with other uses, and new, separate uses for Paintball Field (proposed to be allowed in the AG, RS40, HB, CP, and LI zoning districts administratively with Development Standards) and Batting Cages (proposed to be allowed in the AG, HB, LI, HI zoning districts administratively with Development Standards) are to be added and classified within Section 5.6: Recreation and Entertainment as Subsections (B) and (C). Additionally, amend Subsection 5.6 (L): Recreation Vehicle Park (RVP) or Campsite (Where Required: HB) to add the word “campsite” to correspond to the title of that section and to clarify that standards apply to campsites as well.

In order to remain consistent throughout the Ordinance, subsequent changes were also made to Section 4.3: Permitted Uses, Section 5.6: Recreation and Entertainment, and Table 6-1-1: Parking Requirements.

In addition to the changes proposed for Recreation and Entertainment, staff has identified the need to clarify that the Agricultural (AG) zoning district is, in fact, a residential zoning district, so subsequent changes have been made to the Transition Table in Section 4.2(A) to identify which districts are residential.

Information for **UDO TEXT AMENDMENT CASE #22-09-PLBD-00021** can be viewed by scrolling to the November 9, 2022 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

Proposed new text is shown **highlighted** while text proposed to be deleted is shown with ~~strikethrough~~.

Information may be obtained for any of the aforementioned cases by contacting the Guilford County Planning and Development Department at 336.641.3334 or visiting the Guilford County Planning and Development Department at 400 West Market Street, Greensboro, NC 27402.

Per S.L. 2017-210 and Guilford County Ordinance Chapter 17: Electronic Notice section 17-1(a), Guilford County is permitted to publish its legal notices on the Guilford County Electronic Legal Notices website at <https://legalnotices.guilfordcountync.gov/Default.aspx>.

H. Other Business

Comprehensive Plan Update

I. Adjourn

(Insert Color Paper)

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

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

October 12, 2022, 6:00 PM

A. Roll Call

Chair Donnelly called the October 12, 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; Dr. Nho Bui; David Craft; Ryan Alston; and Guy Gullick.

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner; Rachel Teague, Office Specialist; and Robert Carmon, Fire Inspections Chief.

B. Agenda Amendments

Leslie Bell stated that there were no amendments to be considered.

C. Approval of Minutes: September 14, 2022

Mr. Gullick moved approval of the September 14, 2022 minutes, as submitted, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion to approve. (Ayes: Donnelly, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

D. Rules and Procedures

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

Mr. Alston arrived for the remainder of the meeting at 6:11 p.m.

E. Continuance Requests

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022 to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

Located at 407 S. Bunker Hill Road, on the east side of S. Bunker Hill Road approximately 1400 feet north of the overpass from Business I-40, Guilford County Tax Parcel #227941 (located in Morehead and Gilmer Townships) is 6.99 acres. This is a County-initiated rezoning due to de-annexation from the City of Greensboro under Session Law 2022-33, House Bill 995 effective June 30, 2022. The parcel was zoned R-3 by the City of Greensboro and will become unzoned on August 29, 2022, 60 days from the effective date of de-annexation. This request proposes an original zoning of AG under the Guilford County Unified Development Ordinance. The property owner may initiate a zoning map amendment (rezoning) at any time after the County establishes the original zoning.

The proposed zoning is inconsistent with the recommendation of the Airport Area Plan. The subject parcel was within the Greensboro Proposed Annexation boundary under the Airport Area Plan (revised in 2008). No land use designation was assigned to the area in the plan. The parcel is no longer located in the municipal boundary of Greensboro; therefore, if the proposed zoning is approved, an amendment to Mixed Use Residential would be required. **(CONTINUED TO NOVEMBER 2022 MEETING)**

Leslie Bell stated that this is a case that appeared on last month's agenda and it was initially scheduled to appear at tonight's meeting. Staff requests that the zoning for 407 S. Bunker Hill Road due to its de-annexation be continued and appear on the November Planning Board Agenda.

Mr. Craft moved to approve the continuance of Case #22-07-GCPL-05652, 407 S. Bunker Hill Road to the November meeting, seconded by Mr. Alston. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

F. Old Business

ROAD RENAMING CASE #22-06-GCPL-04250: RICHARDSONWOOD ROAD (Request to Withdraw) 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 request to withdraw the road renaming case initiated by Government action to change the name of Richardsonwood Road to Maple Grove Drive. **(WITHDRAWN)**

Leslie Bell stated that this is in regard to Road Renaming Case # 22-06-GCPL-04250, Richardsonwood Road. He stated that staff requests to withdraw this item and that the Address Administrator would speak to this case. The residents on Richardsonwood Road were notified of this meeting.

Stephen Dew, GIS Manager of Guilford County, stated that after the August meeting there were discussions with the Planning and Development Department. GIS staff reviewed the Ordinance, specifically related to A-6(D), which states that prefixes shall not be used in a street name, but may be used for directional purposes, so it is not considered a part of the street name, therefore, not a renaming. It is just an addition, in this case, to clarify the two different segments. On August 23, 2022, staff mailed letters to 39 individual properties on the southern portion of Richardsonwood Road. To date, five of those owners have contacted him and three understood the situation and were amenable to discussions and two were not as they were upset about the proposal.

Leslie Bell stated that staff would notify the property owners, per the tax listing, about the Board's action tonight.

There being no further discussion, Mr. Alston moved to withdraw the request for renaming Richardsonwood Road, seconded by Dr. Bui. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)**RESOLUTION TO CLOSE A PUBLIC ROAD, CASE #22-07-GCPL-05144: WATER OAK ROAD**

Adoption of a resolution to close all of Water Oak Road which fronts Guilford County Tax Parcels 164922 and 164925, in Oak Ridge Township, running north of the intersection with Goodwill Church Road and terminating south of the intersection with Happy Hill Road. **(RESOLUTION ADOPTED)**

Aaron Calloway, Planner, stated that this request, Case #22-07-GCPL-05144, is for adoption of a Resolution to close all of Water Oak Road which fronts Guilford County Tax Parcels 164922 and 164925, in Oak Ridge Township, running north of the intersection with Goodwill Church Road and terminating south of the intersection with Happy Hill Road. The Resolution of Intent for this was adopted on September 14, 2022. Pursuant to NC General Statute 153A-241 concerning closing public roads, the Planning Board must hold a public hearing before the road can be closed. Based upon the information heard at the hearing, the Board must find that closing of said road is not contrary to the public interest. Therefore, staff submits the following findings for consideration: The Planning and Development Department has received the request as described above; and, at the August 2, 2022 Technical Review Committee meeting, staff reviewed the request and commented that the road closing shall ensure that all adjacent lots have access to right-of-way, and that is accomplished, as shown in the aerial photo. Water Oak Road only bisects the fairly large tract. The smaller tract will have access on Happy Hill Road. So, both of those lots will still be fronting on Happy Hill Road and Goodwill Church Road, respectively. There would be no issue in terms of access.

Chair Donnelly added that he visited this site subsequent to the NC DOT approving the abandonment of this road, and they have already made some changes to limit access to that road.

Mr. Gullick moved to adopt the Road Closing Resolution Case #22-07-GCPL-05144: WATER OAK ROAD, as presented by staff, seconded by Mr. Alston. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

REZONING CASE #22-09-PLBD-00018: FROM CZ-PD-R, CONDITIONAL ZONING-PLANNED DEVELOPMENT RESIDENTIAL (ref. CASE #22-09-GCPL-07186) TO RS-30, RESIDENTIAL SINGLE-FAMILY: 8001 BROOKS LAKE ROAD

Located at 8001 Brooks Lake Rd, on the west side of Brooks Lake Rd, approximately 3,000 feet from the northwest intersection of NC Highway 150 E. This rezoning includes a portion of Guilford County Tax Parcel 128555 in Monroe Township and comprises approximately 32.18 acres.

This is a request to rezone a portion of Guilford County Tax Parcel #128555 from CZ-PDR (ref. Case #20-09-GCPL-07186) to RS-30. The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential (AGRR), thus; if approved, an Area Plan amendment will not be required. **(APPROVED)**

Oliver Bass, Senior Planner, stated that this is a straight rezoning case. Slides were shown for the Board members' review. This case is associated to the following case to come before the Board tonight, regarding Hwy 150 and Brooks Lake Road. The property is located at 8001 Brooks Lake Road, approximately 3,000 feet from the northwest intersection of NC Highway 150 E and the west side of Brooks Lake Road. This rezoning includes a portion of Guilford County Tax Parcel 128555 in Monroe Township and comprises approximately 32.18 acres. The PD-R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a United Development Plan. The PD-R also accommodates neighborhood business and office uses which primarily serve nearby residents. The RS-30 District is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services.

The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivisions) are permitted.

Conditional Zoning, bearing the designation CZ, is hereby established as a companion district for every district established in this Article. These districts include CZ-PD-R. All regulations which apply to general use zoning districts also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

The requested action is reasonable and in the public interest because it is an area of RS-30- and RS-40-zoned subdivisions and is consistent with the recommendation of the Northern Lakes Area Plan and with development in the general area. The current CZ-PDR zoning allows residential lots of similar densities to what is permitted in the proposed RS-30 zoning. The RS-30 will provide additional housing options for citizens. Therefore, staff recommends approval of the request.

Chair Donnelly asked if there was anyone wishing to speak either in favor or in opposition to this request. Brent Nesom, 8518 Triad Drive, Colfax, NC, stated that he is working with the applicant on this project. Essentially, the use that they had for this is single-family residential; it is in similar use to what is already there; this just allows it to be more of a standard rezoning. They have worked with Guilford County staff, TRC, and NCDOT in this plan going forward for the subdivision. Any previous subdivision plans were approved and made it through the TRC process. They plan on a similar use to what was previously submitted. He agrees with the presentation made by staff, Mr. Bass, and thanked him for his help in this process. There being no one else to speak, the public hearing was closed.

Mr. Gullick moved to approve the request regarding Case #22-09-PLBD-00018, 8001 Brooks Lake Road, to rezone from CZ-PD-R, Conditional Zoning-Planned Development Residential (ref. CASE #20-09-GCPL-07186) to RS-30, Residential Single-Family. Because the proposed rezoning is consistent with the Northern Lakes Area Plan of AGRR, a plan amendment is not required. This amendment is reasonable and in the public interest because the surrounding RS-30- and RS-40-zoned subdivisions are consistent with the recommendation of the Northern Lakes Area Plan and the current CZ-PD-R zoning allows residential lots at similar densities to what is permitted in RS-30 zoning. The RS-30 zoning will provide additional housing options for citizens. Seconded by Mr. Apple. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

CONDITIONAL ZONING CASE #22-09-PLBD-00019: FROM CZ-PD-R (ref. CASE #20-09-GCPL-07186) CONDITIONAL ZONING-PLANNED DEVELOPMENT RESIDENTIAL AND AG, AGRICULTURAL TO CZ-PD-R, PLANNED DEVELOPMENT-RESIDENTIAL, NEAR INTERSECTION OF NC HIGHWAY 150 & BROOKS LAKE ROAD Located at 4223 NC Highway 150 E, on the north side of NC Highway 150 E, approximately 1600 feet west of its intersection with Brooks Lake Road, and includes Guilford County Tax Parcel Numbers 128232, 128263, 128236, 128235, and a portion of parcel of 128555 in Monroe Township, having an area of approximately 238.4 acres. The request is to rezone subject parcel from CZ-PD-R (ref. Case #20-09-GCPL-07186) and AG to CZ-PD-R with the following Use Conditions: Uses shall be limited to Agricultural Maintenance Barn, Agritourism, Animal Services (Livestock), Animal Services (Other), Horticultural Specialties, and Single-family Detached Dwellings and the following Development Conditions: 1) Maximum number of lots will be 13; and 2) Maximum number of residential lots will be 7. The application includes a Zoning Sketch Plan for a proposed subdivision. The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential (AGRR), thus; if approved, an Area Plan amendment will not be required. Staff recommends approval of the request as submitted. **(APPROVED)**

Chair Donnelly asked if there was anyone wishing to speak on this item.

Brent Nesom, 8518 Triad Drive, Colfax, NC, stated that these are intended to be larger lots and there are seven residential lots that would be on this site. The 13 lots are coming from what the surrounding area would be which would be used for agricultural uses as listed as the conditions in the plan. In response to questions by the Board members, Mr. Nesom stated that there would be 13 lots and 7 of those would be residential and 6 being agricultural. There would be only 1 primary residential structure per lot with other accessory structures allowed.

Dan Mosca, 4221 NC Hwy 150, the applicant and owner, stated that he and his wife are the applicants, under the name of Summit Lakes II. The legal entity is still under development at this time. Currently, this request is a step in applying for an AG conservation easement. According to the criteria established by the North Carolina Department of Agriculture and the federal government, there are also other limitations. The primary purpose is for farming and forestry, and those are exclusive uses. They have been advised that cattle, horses and other large animals are not encouraged or permitted and will be severely limited. This property is part of the Cape Fear River Basin in the Lake Jordan waterways [Watershed] and both the federal government and the state government have jurisdiction over this land. He has been advised that *permeable surface* is the primary preferred use of that land. Consequently, the homesites are limited in accordance with those restrictions, as well as AG Conservation Easements. An attorney is evaluating the application right now, and AG Conservation [easements] allows a permanent restricted use with no further development than what is before you today, and that is annually inspected by the owner of the AG Conservation Easement. The potential owner of this easement is Working Lands Trust, and that trust is located in Raleigh and receives funds which are used to purchase this AG Conservation Easement. They have a fiduciary responsibility to maintain that easement in accordance with the restrictions. They are allowed to sell and re-sell the underlying deeded land. The organization is currently an LLC, and they may transfer it to an HOA, but that is still under development and no final decision has been made. They have been very active in keeping in touch with the surrounding neighbors.

There being no one else to speak, either in favor or opposed, the public hearing was closed by unanimous vote.

Discussion:

Mr. Gullick stated that he feels that this is an incredibly creative idea, and he wished they would see a lot more of this in Guilford County. Kudos to the applicant for all the hard work and it seems like a great plan and a great use of the land. In response to a question, Leslie Bell stated that all uses are allowed in a PD-R, which includes the Agricultural, Neighborhood Business, and Limited Office districts.

Chair Gullick moved to approve this zoning for Guilford County Tax Parcels 128232, 128263, 128236, 128235, and a portion of parcel of 128555 from CZ-PD-R and AG to CZ-PD-R because the proposed zoning is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential; thus, an Area Plan Amendment will not be required. The requested action with proposed conditions is reasonable and in the public interest because it's an area of RS-30- and RS-40-zoned subdivision and is consistent with the Northern Lakes Area Plan and with the development of the general area. The use conditions proposed by the applicant are permitted either by-right or by Special Use Permit in a PD-R District. The requested zoning and associated sketch plan will provide an opportunity to preserve agricultural resources and provide additional housing opportunities for citizens. The conditions as offered, by reference in the original application, were seconded by Dr. Bui. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

UDO TEXT AMENDMENT CASE #22-09-PLBD-00020: MAXIMUM PARKING SPACE SIZE

Leslie Bell stated that the Unified Development Ordinance (UDO) text amendment to Article 6, Section 6.1.1.4a(8), Table 6-1-2: Design and Dimensional Requirements, and Figure 6-1-3 Parking Stall Measurements sets the perpendicular parking (90 degree) size to a minimum and maximum width of 9 ft. wide and a minimum and maximum depth to 20 ft. SL 2022-11 SB 372 rewrites NCGS 160D 702 (c) to add item (2) which indicates that “(c) A zoning or other development regulation shall not do any of the following...: (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking”. This UDO text amendment to Article 6, Section 6.1.1.4a(8), Table 6-1-2: Design and Dimensional Requirements, and Figure 6-1-3 Parking Stall Measurements sets the perpendicular parking (90 degree) size to a minimum and maximum width of 9 ft. and a minimum and maximum depth to 20 ft. Staff recommends approval of the UDO Text Amendment. **(RECOMMENDED APPROVAL)**

There was no one wishing to speak either in favor or in opposition to the proposed Text Amendment.

There being no discussion, Mr. Alston moved to recommend the Amendment **CASE #22-09-PLBD-00020, Maximum Parking Space Size**, by reference to the staff report, seconded by Mr. Gullick. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

H. Other Business

Leslie Bell stated that the Board members’ packages included the proposed meeting schedule and location for 2023. If a case warrants a larger space, the County Commissioners’ Chamber would be scheduled. Approval of the schedule is recommended.

Chair Donnelly visited the other spaces downtown offered under consideration. The Carolyn Q. Coleman Conference Room would not accommodate many of people and the other building is harder to access on the third floor with a small elevator. As mentioned previously, the County Commissioners’ Chamber would offer a larger space, if necessary.

2023 Proposed Planning Board Meeting Schedule (ADOPTED)

Mr. Craft moved to adopt the 2023 Meeting Schedule, as submitted, seconded by Dr. Bui. The Board voted 7-0 in favor of the motion to approve. (Ayes: Donnelly, Stalder, Apple, Alston, Bui, Craft and Gullick. Nays: None.)

Comprehensive Plan Update

Leslie Bell stated that the principal in charge at the consulting firm with whom we had been working is no longer with the firm. The management of this project will be with the Raleigh office, and we are waiting on the W-9 from them. As soon as we receive that documentation, staff will upload it to the contracting system for Guilford County approval and signatures. There is a meeting scheduled for this week with the new principal in charge.

Chair Donnelly stated that there are still opportunities for members to be a part of this process.

Leslie Bell announced that there are 3 rezoning requests and 2 text amendments to address outdoor recreation and paint ball next month.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:10 p.m.

The next scheduled meeting is November 9, 2022.

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(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Rezoning
Application**

Date Submitted: August 5, 2022 Fee **\$500.00** Receipt # N/A Case Number 22-07-GCPL-05652

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the R-3 (Greensboro)/Unzoned as of Aug. 29, 2022 zoning district to the AG (Guilford County) zoning district. Said property is located on the east side of S. Bunker Hill Road approximately 1400 feet north of the overpass from Business I-40, Guilford County Tax Parcel 227941, owned by Brian P. Dooley and Kris Dooley in Morehead/Gilmer Township; Being a total of: 6.99 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 227941 Tax Parcel # _____
Tax Parcel # _____ Tax Parcel # _____

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One:

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Check One:

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third-party rezoning.

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

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

Submitted by

County-initiated due to de-annexation from Greensboro by
Session Law 2022-33, HB 995

Property Owner Signature

Name

Mailing Address

City, State and Zip Code

Phone Number Email Address

Representative/Applicant Signature (if applicable)
J. Leslie Bell, Planning Director, Guilford County
Name
PO Box 3427
Mailing Address
Greensboro, NC 27402
City, State and Zip Code
336-641-4406 Lbell@guilfordcountync.gov
Phone Number Email Address

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Oliver Bass

From: y2b@aol.com
Sent: Thursday, September 8, 2022 1:36 PM
To: Oliver Bass
Subject: Re: Initial zoning of Bunker Hill Property

WARNING *This email originated outside Guilford County's email system.*
WARNING
Do not click or open unrecognized links and attachments. **When in doubt**, click on the
Phish Alert Report

Hello Oliver,

I agree with the proposed AG zoning designation.

Regards,

Brian P. Dooley

On Thursday, September 8, 2022 at 08:50:35 AM EDT, Oliver Bass <obass@guilfordcountync.gov> wrote:

Dear Mr. Dooley,

As a result of the de-annexation of your property from Greensboro, it is now under the zoning jurisdiction of Guilford County. We are proposing AG, Agricultural as the initial zoning for your property, which will allow the current use of the property to continue. As the property owner, we would like your position on the proposed rezoning stated on record. Can you reply to this email with your standing, whether or not you agree with the proposed AG zoning.

Sincerely,

Oliver Bass, AICP

Senior Planner | [Guilford County Planning & Development](#)

| Oliver Bass, AICP



Planner II
Planning & Development Dept

Guilford County Government

400 West Market Street, Greensboro, NC 27401

336-641-3578 | f: 336-641-6988

obass@guilfordcountync.gov | www.guilfordcountync.gov



Guilford County will be transitioning to a new Planning, Permitting & Inspections Land Management System on August 22

click here to learn more

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized county official. If you have received this communication in error, please do not distribute it. Please notify the sender by E-mail at the address shown and delete the original message.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-33
HOUSE BILL 995**

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO, TO INCREASE THE COMPENSATION OF THE CHAIR AND THE MEMBERS OF THE WELDON CITY BOARD OF EDUCATION, AND TO ALLOW THE WELDON CITY BOARD OF EDUCATION TO INCREASE THE MONTHLY COMPENSATION OF ITS MEMBERS AND ESTABLISH AN EXPENSE ALLOWANCE FOR ITS MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is removed from the corporate limits of the City of Greensboro:

Being a 6.991 acre, more or less, tract or parcel of real property which is more particularly described as follows: BEGINNING as an existing iron stake lying at the southeast corner of the old Clyde O. Sapp property (hereinafter the "Sapp Property") which is more particularly described in the conveyances recorded in Deed Book 867 at Page 351 and in Deed Book 3170 at Page 867 in the Office of the Register of Deeds of Guilford County, North Carolina, reference to which is hereby made for a more particular description thereof, said existing iron stake further lying in the western margin of the right-of-way of Gary Wilson Road (State Road number 1909) and the northeast corner of the Bryan Edwin Beeson, et ux. property (See Deed Book 4891 at Page 1368); thence with Sapp's southern boundary line North 81 degrees 27 minutes 04 seconds West 230.99 feet to a stone lying in Sapp's southern boundary line, Beeson's northwest corner which is also Jerry Ross Perry, et ux. property (See Deed Book 2801 at Page 370) northeast corner; thence continuing North 81 degrees 27 minutes 04 seconds West 621.12 feet to an existing iron stake lying in Sapp's southern boundary line and in the eastern margin of the right-of-way of Bunker Hill Road (State Road number 2007), Perry's northwest corner; thence on a line through the Sapp Property and with the eastern margin of the right of way of Bunker Hill Road North 02 degrees 56 minutes 01 seconds East 361.63 feet to a new iron stake, an old Sapp Property corner lying within the eastern margin of the right-of-way of Bunker Hill Road, Homer B. Idol, et ux. southwest corner (See Deed Book 1694 at Page 555); thence with Sapp's northern boundary line South 81 degrees 27 minutes 04 seconds East 840.11 feet to a new iron stake (formerly a stone), the northeast corner of the Sapp Property which is also located South 31 degrees 57 minutes 16 seconds East 1,449.69 feet from geodetic survey point NAD83 (CORS96.2002) having coordinates of N=859,364.960 and E=1,699,472.986, said new iron stake further lying in the western margin of Gary Wilson Road; thence South 01 degrees 02 minutes 57 seconds West 363.00 feet to the point and place of BEGINNING; containing 6.991 acres, more or less, according to a survey entitled "Boundary Survey – Bunker Hill Road – Estate of: Sapp Heirs," dated July 28, 2005, drawn from a survey by Regional Land Surveyors, Inc., bearing Job No. 705.00. The above-described property is known on the County Maps as a portion of Tax Lot 013, Block 1191-00, on Map C 94-6946-0 and is further the eastern portion of the property described in Book 867 at Page 351 and Book 3170 at Page 861 of the Guilford County, North Carolina, Registry.



SECTION 1.(b) This section has no effect upon the validity of any liens of the City of Greensboro for ad valorem taxes or special assessments outstanding before the effective date of this section. Such liens may be collected or foreclosed upon after the effective date of this section as though the property were still within the corporate limits of the City of Greensboro.

SECTION 1.(c) This section becomes effective June 30, 2022. Property in the territory described in subsection (a) of this section as of January 1, 2022, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2022.

SECTION 2. Section 5 of Chapter 984 of the 1983 Session Laws reads as rewritten:

"Sec. 5. The compensation of the chair of the Weldon City Board of Education shall be six hundred fifty dollars (\$650.00) per month, and the compensation of the members of the Weldon City Board of Education shall receive the same compensation and expense allowances as are allowed to the members of the Halifax County Board of Education pursuant to G.S. 115C-38; be five hundred fifty dollars (\$550.00) per month. Beginning July 1, 2025, the amount of monthly compensation for the chair and members of the Weldon City Board of Education may be increased by majority vote of the Weldon City Board of Education in an amount not to exceed four percent (4%) in any four-year period. Beginning July 1, 2021, an expense allowance for the chair and members of the Weldon City Board of Education may be established by majority vote of the Weldon City Board of Education."

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022 to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

Property Information

Located at 407 S. Bunker Hill Road, on the east side of S. Bunker Hill Road approximately 1400 feet north of the overpass from Business I-40, Guilford County Tax Parcel #227941 (located in Morehead and Gilmer Townships) is 6.99 acres. The parcel is owned by Brian P. Dooley and Kris Dooley.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

This is a County-initiated rezoning due to de-annexation from the City of Greensboro under Session Law 2022-33, House Bill 995 effective June 30, 2022. The parcel was zoned R-3 by the City of Greensboro and will become unzoned on August 29, 2022, 60 days from the effective date of de-annexation. This request proposes an original zoning of AG under the Guilford County Unified Development Ordinance. The property owner may initiate a zoning map amendment (rezoning) at any time after the County establishes the original zoning.

District Descriptions

R-3, Residential Single-family District (Greensboro)

The R-3 district is primarily intended to accommodate low density single-family detached residential development. The overall gross density in R-3 will typically be 3 units per acre or less.

AG, Agricultural District (Guilford County)

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

Character of the Area

The subject parcel is bound on all sides by the city limits of Greensboro and Kernersville. The general area is predominantly low-density single-family residential area. Lots immediately adjacent to the parcel consist largely of single-family dwellings on large tract of land of more than 2 acres.

Existing Land Use(s) on the Property: Undeveloped

Surrounding Uses:

North: Single-family or undeveloped in Greensboro
South: Single-family in Greensboro
East: Single-family or undeveloped in Greensboro
West: Large-acre single-family residential in Kernersville

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities: No expected impact.

Emergency Response:

Fire Protection District: Colfax Fire Department
Miles from Fire Station: Approximately 1.1 miles.

Water and Sewer Services:

Provider: Private Septic Systems and Wells. No longer eligible for Greensboro Water and Sewer service.
Within Service Area: No
Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: S. Bunker Hill Road is a major thoroughfare; AADT of 2700 vehicles, NCDOT 2019 traffic count
Proposed Improvements: None proposed
Projected Traffic Generation: No data available

Environmental Assessment

Topography: Gently sloping and moderately sloping.

Regulated Floodplain/Wetlands:

There is no mapped floodplain on the property. There are no mapped wetlands on the property.

Streams and Watershed:

This property is in the High Point WS-IV Watershed in the General Watershed Area. There is one mapped stream on the property near the center of the lot, running north to south.

Land Use Analysis

Land Use Plan: Airport Area Plan (2008)

Plan Recommendation: Greensboro Proposed Annexation

Consistency:

The proposed rezoning is inconsistent with the recommendation of the Airport Area Plan. The subject parcel is within the Greensboro Proposed Annexation boundary of the Airport Area Plan (revised in 2008). No land use designation was assigned to the area in the plan. The parcel is no longer in the municipal boundary of Greensboro.

Recommendation

Staff Recommendation: Staff recommends approval.

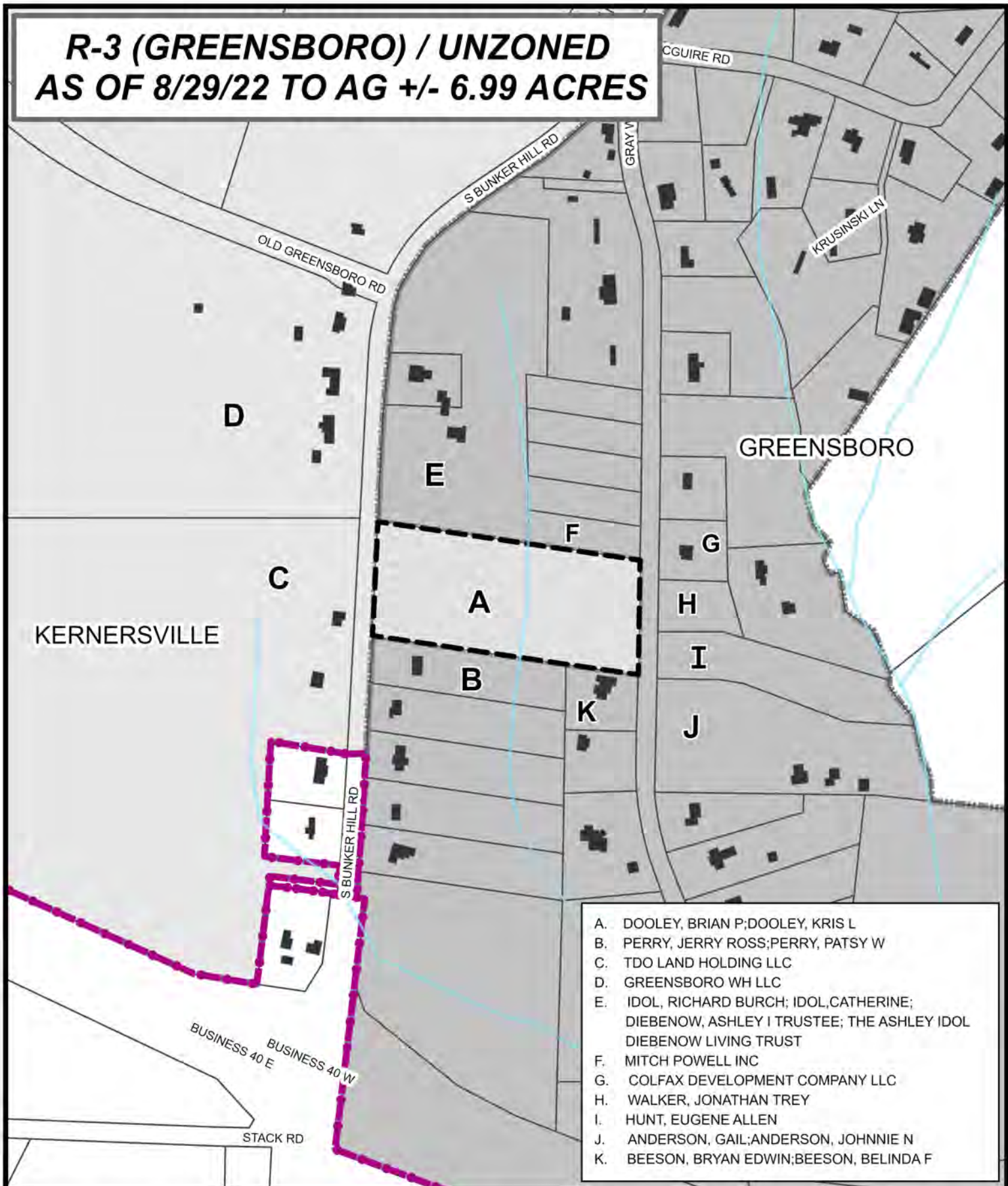
The request is reasonable and in the public interest because it is consistent with development patterns in the immediate vicinity. Additionally, the parcel is no longer eligible for public water and sewer service required to support high-density residential development as a result of de-annexation from the City of Greensboro.

Area Plan Amendment Recommendation:

The proposed zoning is inconsistent with the recommendation of the Airport Area Plan. The subject parcel is within the Greensboro Proposed Annexation boundary under the Airport Area Plan (revised in 2008). No land use designation was assigned to the area in the plan. The parcel is no longer in the municipal boundary of Greensboro; therefore, if the proposed zoning is approved an amendment to Mixed Use Residential would be required.

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R-3 (GREENSBORO) / UNZONED AS OF 8/29/22 TO AG +/- 6.99 ACRES



- A. DOOLEY, BRIAN P;DOOLEY, KRIS L
- B. PERRY, JERRY ROSS;PERRY, PATSY W
- C. TDO LAND HOLDING LLC
- D. GREENSBORO WH LLC
- E. IDOL, RICHARD BURCH; IDOL,CATHERINE;
DIEBENOW, ASHLEY I TRUSTEE; THE ASHLEY IDOL
DIEBENOW LIVING TRUST
- F. MITCH POWELL INC
- G. COLFAX DEVELOPMENT COMPANY LLC
- H. WALKER, JONATHAN TREY
- I. HUNT, EUGENE ALLEN
- J. ANDERSON, GAIL;ANDERSON, JOHNNIE N
- K. BEESON, BRYAN EDWIN;BEESON, BELINDA F



JURISDICTION:
GUILFORD COUNTY
 Guilford County
 Planning & Development
 Department

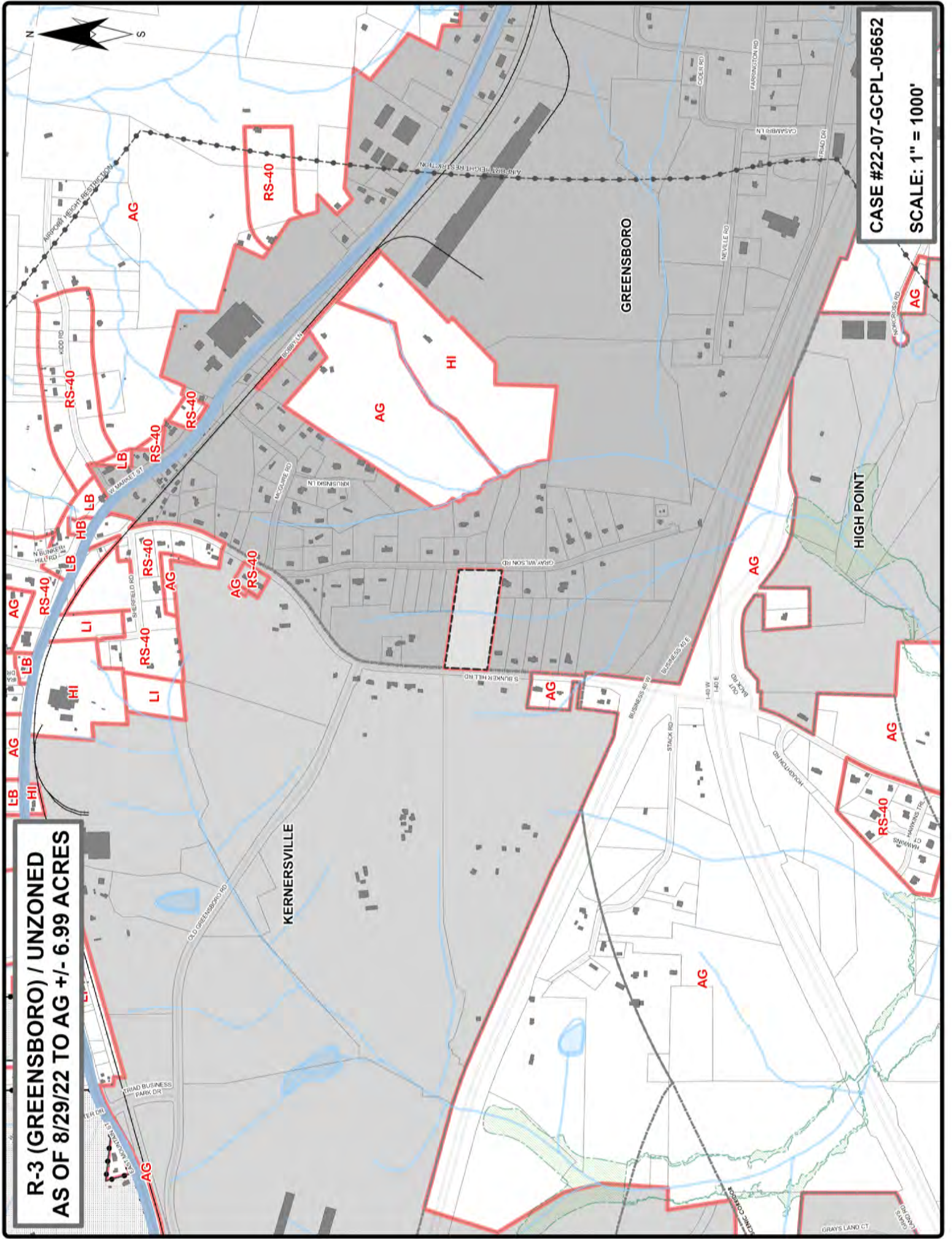
Rezoning Case #
RZ-22-07-GCPL-05652
 Scale: 1" = 400'

Map:
 227941



**R-3 (GREENSBORO) / UNZONED
AS OF 8/29/22 TO AG +/- 6.99 ACRES**

**CASE #22-07-GCPL-05652
SCALE: 1" = 1000'**





KERNERSVILLE

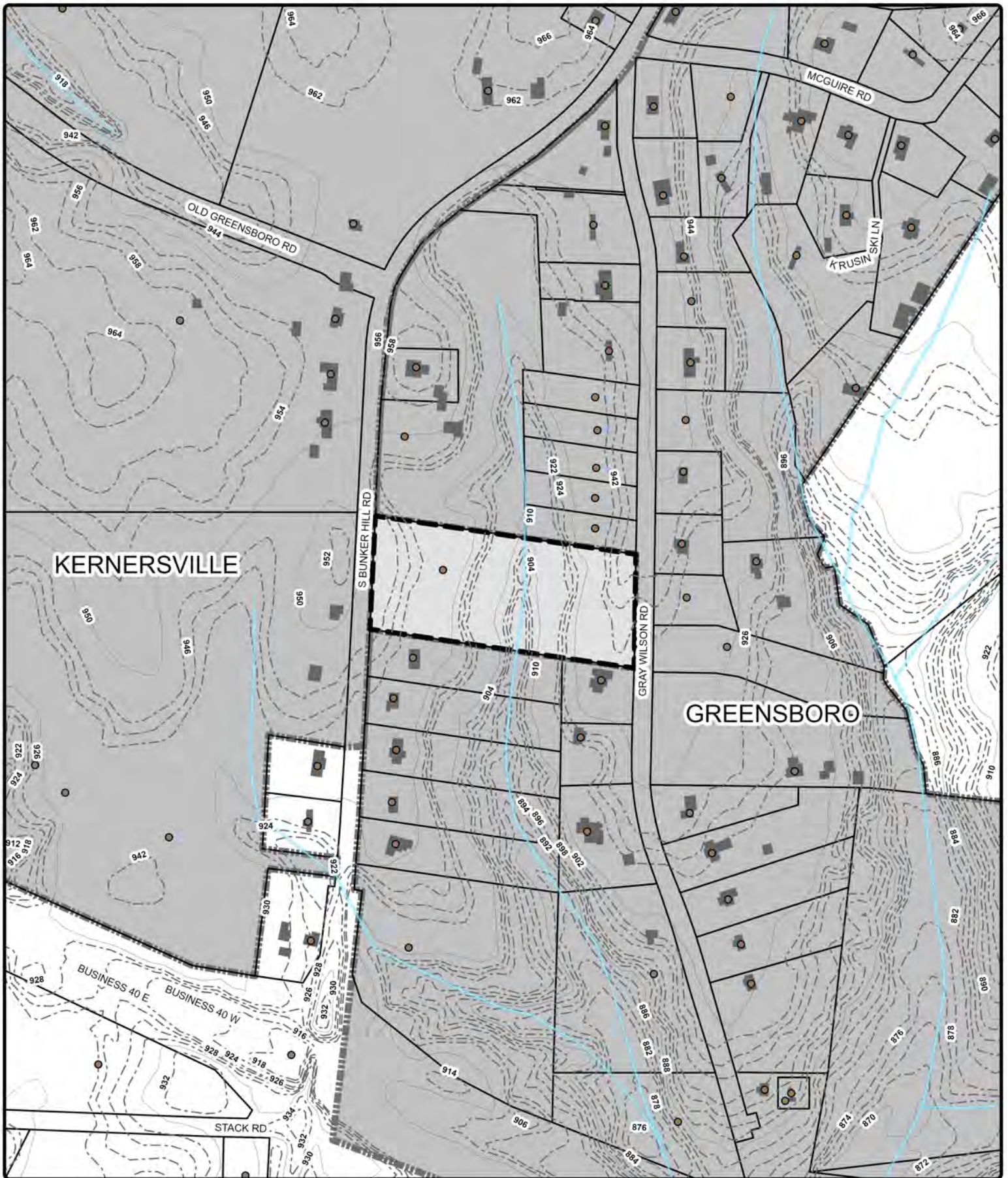
GREENSBORO



CASE #22-07-GCPL-05652

Scale: 1" = 400'





KERNERSVILLE

GREENSBORO



CASE #22-07-GCPL-05652

Scale: 1" = 400'



REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022, to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022, to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #227941, from R-3, Residential Single-Family (Greensboro)/Unzoned as of August 29, 2022, to AG, Agricultural (Guilford County) because:

- 1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

- 2. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022, to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #227941, from R-3, Residential Single-Family (Greensboro)/Unzoned as of August 29, 2022, to AG, Agricultural (Guilford County) because:

- 1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

- 2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022, to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #227941, from R-3, Residential Single-Family (Greensboro)/Unzoned as of August 29, 2022, to AG, Agricultural (Guilford County).

- 1. This approval also amends the **Airport Area Plan**. [Applicable element of Comp Plan]
- 2. The zoning map amendment and associated **Airport Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Airport Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

- 3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-07-GCPL-05652: R-3, RESIDENTIAL SINGLE-FAMILY (Greensboro)/UNZONED AS OF AUGUST 29, 2022, to AG, AGRICULTURAL (Guilford County), 407 S. BUNKER HILL ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #227941, from R-3, Residential Single-Family (Greensboro)/Unzoned as of August 29, 2022, to AG, Agricultural (Guilford County) because:

- 1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

- 2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Rezoning
Application

Date Submitted: 8/10/22

Fee: \$500.00 Receipt # 168995

Case Number 22-08-GCPL-06007
EPL # 22-08-PLBD-00010

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid, the form below is completed and signed, and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request. A pre application meeting with Planning staff is required. Scheduling for the Planning Board agenda will be based on the determination of a complete application submittal.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the RS-40 & AG zoning district to the RS-30 zoning district. Said property is located @ 4856 Woody Mill Road in CLAY Township, being a total of: 154.66 acres.

Further referenced by the Guilford County Tax Department as

Tax Parcel # 1 2 2 2 6 4

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One:

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Check One:

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third party rezoning.

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

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

Submitted by

Tammy P. Ryals
Property Owner Signature
Tammy P. Ryals
Name
119 Breezeway Ln
Mailing Address
Greensboro, NC 27405
City, State and Zip Code
336-361-9131 tammyryals@bellsouth.net
Phone Number Email Address

Patrick J. Donnelly
Representative/Applicant Signature (if applicable)
Patrick J. Donnelly
Name
7 Corporate Center Court, Ste B.
Mailing Address
Greensboro, NC 27408
City, State and Zip Code
336-3692188 pdonnelly@byrondel.com
Phone Number Email Address

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2010051042

GUILFORD CO, NC FEE \$17.00

PRESENTED & RECORDED:

09-29-2010 04:06:19 PM

JEFF L. THIGPEN

REGISTER OF DEEDS
BY: SHERRY W FARMER
DEPUTY-GS

BK: R 7166

PG: 2994-2995

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

**AMENDMENT TO CERTIFICATE OF TRUST FOR THE
2007 MARY McFARLAND PEGRAM LIVING TRUST**

THIS AMENDMENT TO CERTIFICATE OF TRUST FOR THE 2007 MARY McFARLAND PEGRAM LIVING TRUST is made this the 24 day of September, 2010, by TAMMY SUE PEGRAM RYALS, Trustee of THE 2007 MARY McFARLAND PEGRAM LIVING TRUST ("trust"), as follows:

1. Tammy Sue Pegram Ryals and Pamela G. Gosnell (as co-trustees) heretofore executed the ACCEPTANCE OF TRUSTEESHIP AND CERTIFICATE OF TRUST FOR THE 2007 MARY McFARLAND PEGRAM LIVING TRUST and the same is recorded in Book 7028 at Page 2109 in the Office of the Register of Deeds of Guilford County, North Carolina.
2. This amendment to the ACCEPTANCE OF TRUSTEESHIP AND CERTIFICATE OF TRUST FOR THE 2007 MARY McFARLAND PEGRAM LIVING TRUST is executed by Tammy Sue Pegram Ryals, trustee of the trust, to certify and give notice that:
 - a. Pamela G. Gosnell has given written notice of her resignation as co-trustee of the trust and Pamela G. Gosnell has resigned as co-trustee of the trust effective no later than the 15th day of July, 2010, at twelve o'clock midnight.
 - b. Due to the resignation of Pamela G. Gosnell as co-trustee of the trust effective no later than the 15th day of July, 2010, at twelve o'clock midnight, Tammy Sue Pegram Ryals succeeded to the position of sole trustee of the trust effective no later than the 15th day of July, 2010, at twelve o'clock midnight.

- c. Tammy Sue Pegram Ryals accepts the sole trusteeship of and under the trust and is currently acting as the sole trustee of the trust. In accepting the sole trusteeship of the trust, Tammy Sue Pegram Ryals claims all rights, privileges, protections, benefits, and powers provided to the trustee under the trust and by law.
- d. The trust is in existence.
- e. The address of Tammy Sue Pegram Ryals, acting sole trustee of the trust, is 119 Breezeway Lane, Greensboro, NC 27405.

Except as herein amended, the representations in the ACCEPTANCE OF TRUSTEESHIP AND CERTIFICATE OF TRUST FOR THE 2007 MARY McFARLAND PEGRAM LIVING TRUST remain true and correct.

WITNESS the undersigned trustee's hand and seal this the day and year first above written.

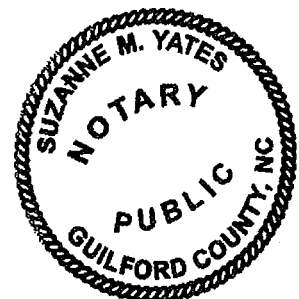
Tammy Sue Pegram Ryals (SEAL)
 Tammy Sue Pegram Ryals, Trustee of The 2007
 Mary McFarland Pegram Living Trust

STATE OF NORTH CAROLINA
 COUNTY OF GUILFORD

I, Suzanne M. Yates, a Notary Public of the County of Guilford, State of North Carolina, do hereby certify that Tammy Sue Pegram Ryals, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day, each acknowledging to me that she voluntarily signed the foregoing instrument for the purposes stated therein, and in the capacity indicated.

Witness my hand and official seal this 24 day of September, 2010.

My Commission Expires Sept. 21, 2013 *Suzanne M. Yates*
 Notary Public



REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

Property Information

Located at 4856 Woody Mill Road, on the south side of Woody Mill road approximately 600 feet east of the intersection with Southstone Drive, in Clay Township, Guilford County Parcel #122264, approximately 154.66 acres. The property is owned by The 2007 Mary McFarland Pegram Living Trust.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

The applicant requests to rezone the property from RS-40 and AG to RS-30.

District Descriptions

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

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

The RS-30 district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivisions) are permitted.

Character of the Area

This request is an area of transition from rural and agriculture to single-family residential communities. Several major subdivisions have developed west and north of the subject parcel.

Existing Land Use(s) on the Property: Agricultural and horticulture

Surrounding Uses:

- North: Major RS-40 single-family residential subdivisions and individual lots
- South: Rural residential and agricultural
- East: Rural residential and agricultural
- West: Major RS-40 single-family residential subdivisions and individual lots

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities:

Zoning Case				
Guilford County				
Schools Boundaries	Built Capacity 2022-23	2022-23 Projected 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students
Alamance Elementary	730	479	6	56-58
Southeast Guilford Middle School	1032	842	13	28-30
Southeast Guilford High School	1542	1295	4	25-27
Remarks: With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools experienced annual reductions in capacity through 2021-22. Elementary built capacity assumes maximum reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Emergency Response:

Fire Protection District: Split between Alamance FPSD Southeast FPSD

Miles from Fire Station: Approximately 1.3 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Woody Mill is classified as a Collector Street. NCDOT 2020 AADT count is 6100 vehicles daily.

Proposed Improvements: None proposed, Subject to NCDOT driveway permit

Projected Traffic Generation: Data not available

Environmental Assessment

Topography: Nearly flat, gently sloping, moderately sloping, and steeply sloping.

Regulated Floodplain/Wetlands:

There is regulated floodplain on the property. There are no mapped wetlands on the property.

Streams and Watershed:

There are multiple mapped streams running throughout the property. The property is in the Lake Mackintosh WS-IV Water Supply Watershed in the General Watershed Area.

Land Use Analysis

Land Use Plan: Alamance Creek Area Plan

Plan Recommendation: Conditional Residential Single-Family (CRSF)

Consistency:

The RS-30 is established as generally consistent with the Conditional Residential Single-family recommendation of the Alamance Creek Area Plan. This area is designated to recognize and preserve existing rural residential development while acknowledging the availability of public water and sewer and the potential for higher density development. The Plan seeks to balance the interests of property owners desiring preservation of the area's rural character with the rights of land owners to develop property utilizing available infrastructure.

Recommendation

Staff Recommendation: Staff recommends approval.

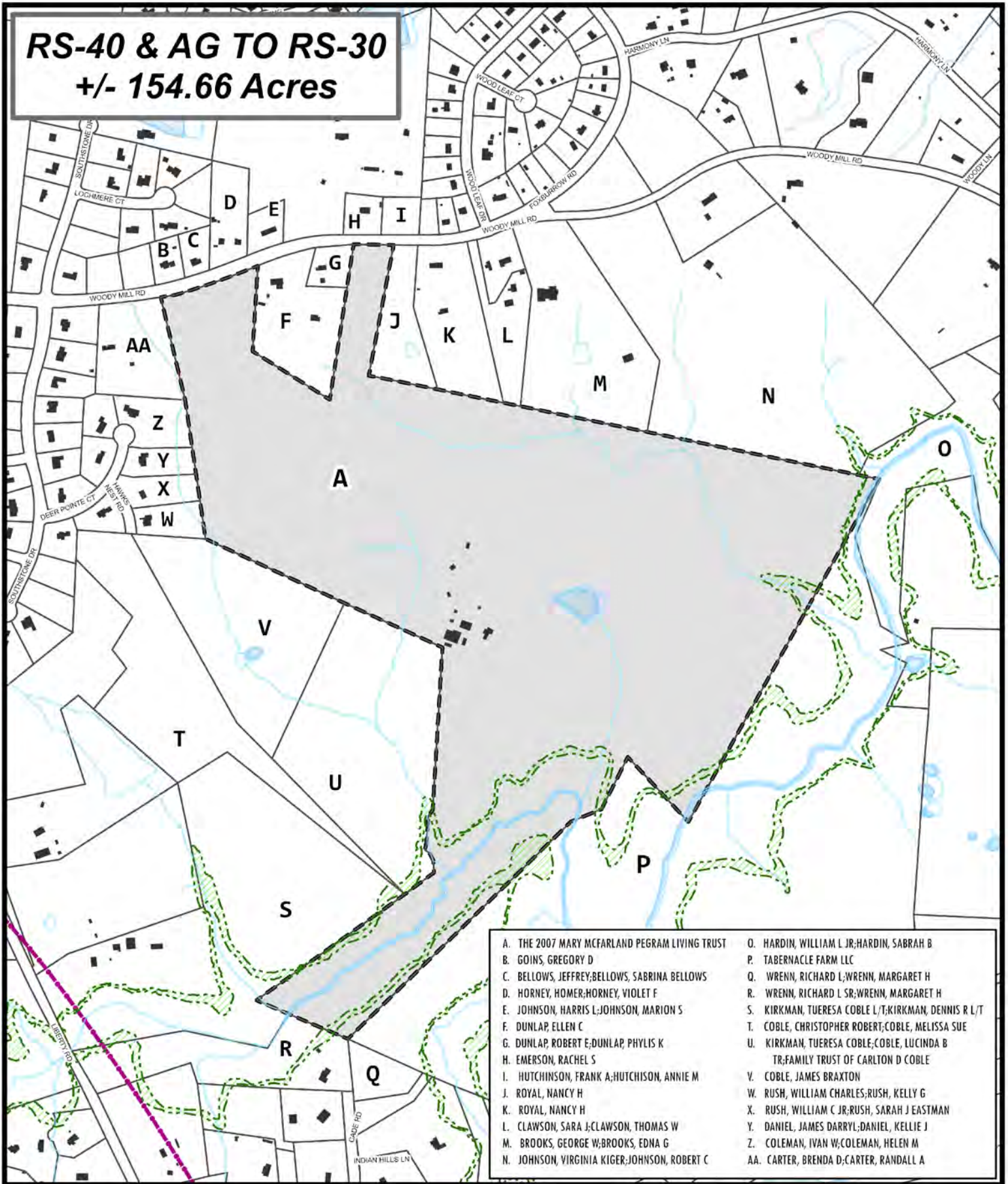
The requested action is reasonable and in the public interest because it is consistent with the recommendation of the Alamance Creek Area Plan. The permitted residential density is comparable to surrounding subdivisions in the vicinity. This action would provide future residents with housing options and opportunities.

Area Plan Amendment Recommendation:

The proposed zoning is generally consistent with the Alamance Creek Area Plan of Conditional Residential Single-Family (CRSF), thus if approved, no plan amendment would be required.

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RS-40 & AG TO RS-30 +/- 154.66 Acres



- | | |
|--|---|
| A. THE 2007 MARY MCFARLAND PEGRAM LIVING TRUST | O. HARDIN, WILLIAM L JR;HARDIN, SABRAH B |
| B. GOINS, GREGORY D | P. TABERNACLE FARM LLC |
| C. BELLOWS, JEFFREY;BELLOWS, SABRINA BELLOWS | Q. WRENN, RICHARD L;WRENN, MARGARET H |
| D. HORNEY, HOMER;HORNEY, VIOLET F | R. WRENN, RICHARD L SR;WRENN, MARGARET H |
| E. JOHNSON, HARRIS L;JOHNSON, MARION S | S. KIRKMAN, TUESA COBLE L/T;KIRKMAN, DENNIS R L/T |
| F. DUNLAP, ELLEN C | T. COBLE, CHRISTOPHER ROBERT;COBLE, MELISSA SUE |
| G. DUNLAP, ROBERT E;DUNLAP, PHYLIS K | U. KIRKMAN, TUESA COBLE;COBLE, LUCINDA B |
| H. EMERSON, RACHEL S | TR;FAMILY TRUST OF CARLTON D COBLE |
| I. HUTCHINSON, FRANK A;HUTCHISON, ANNIE M | V. COBLE, JAMES BRAXTON |
| J. ROYAL, NANCY H | W. RUSH, WILLIAM CHARLES;RUSH, KELLY G |
| K. ROYAL, NANCY H | X. RUSH, WILLIAM C JR;RUSH, SARAH J EASTMAN |
| L. CLAWSON, SARA J;CLAWSON, THOMAS W | Y. DANIEL, JAMES DARRYL;DANIEL, KELLIE J |
| M. BROOKS, GEORGE W;BROOKS, EDNA G | Z. COLEMAN, IVAN W;COLEMAN, HELEN M |
| N. JOHNSON, VIRGINIA KIGER;JOHNSON, ROBERT C | AA. CARTER, BRENDA D;CARTER, RANDALL A |



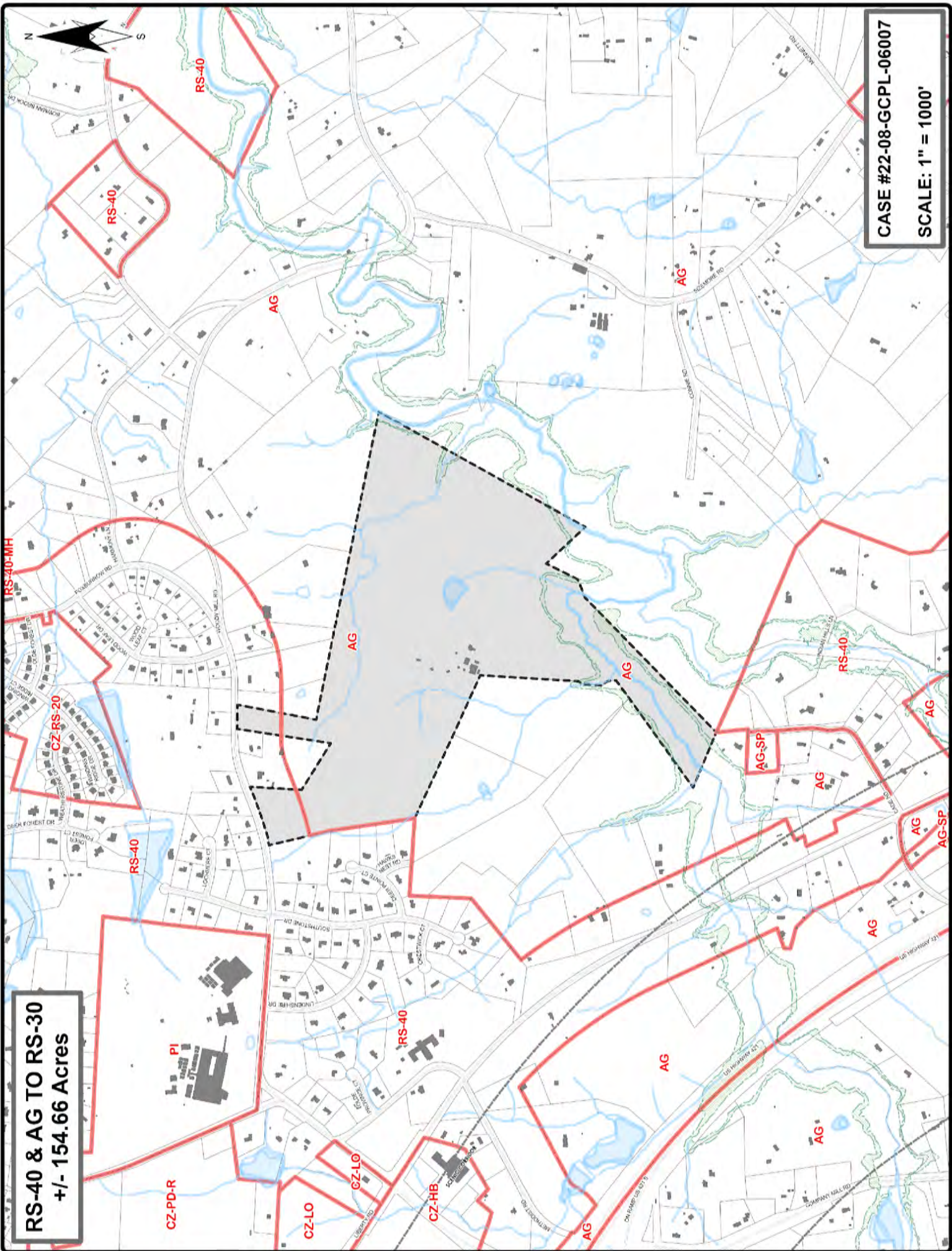
JURISDICTION:
GUILFORD COUNTY
Guilford County
Planning & Development
Department

Rezoning Case #
RZ-22-08-GCPL-06007

Scale: 1" = 700'

Map:
122264

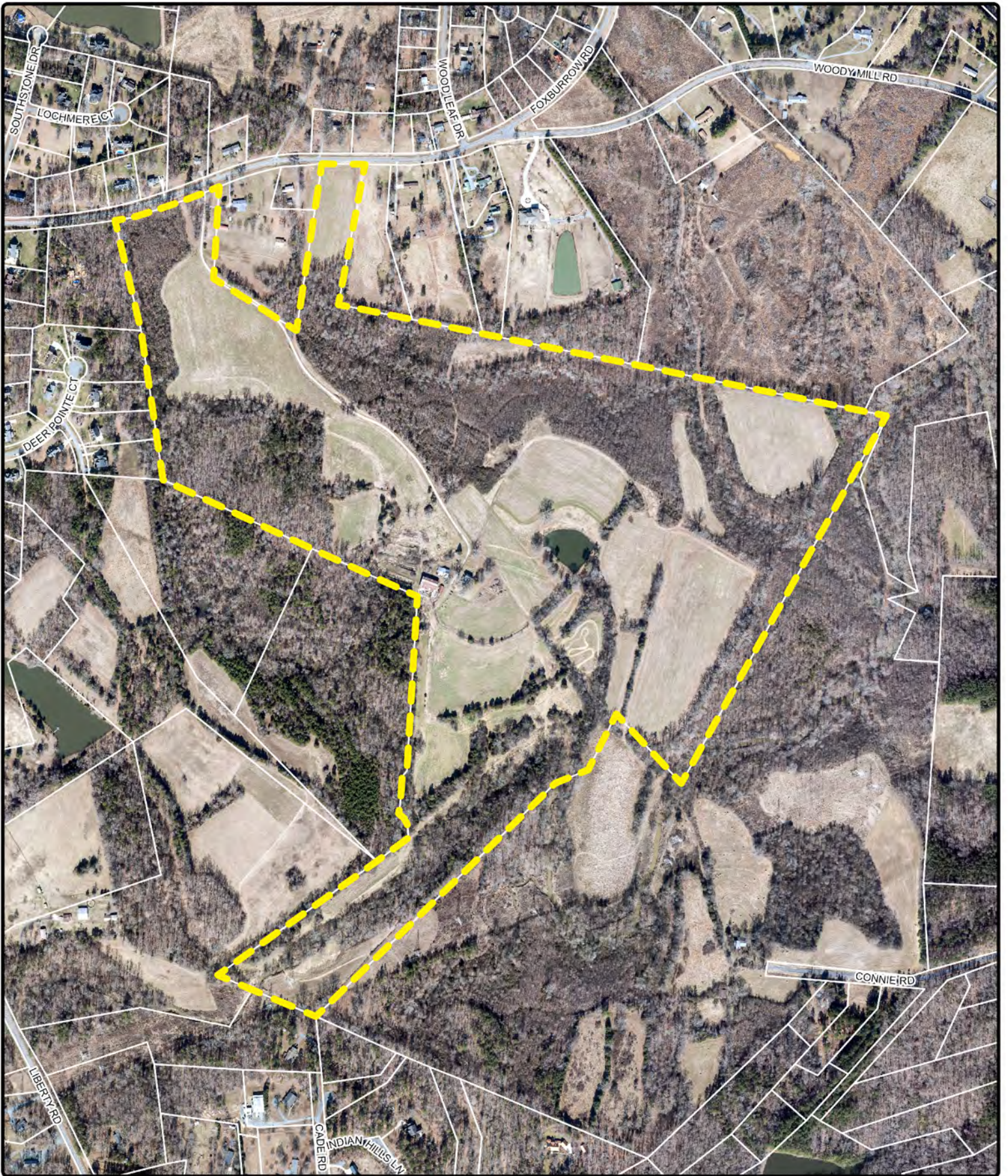




CASE #22-08-GCPL-06007
SCALE: 1" = 1000'

RS-40 & AG TO RS-30
+/- 154.66 Acres

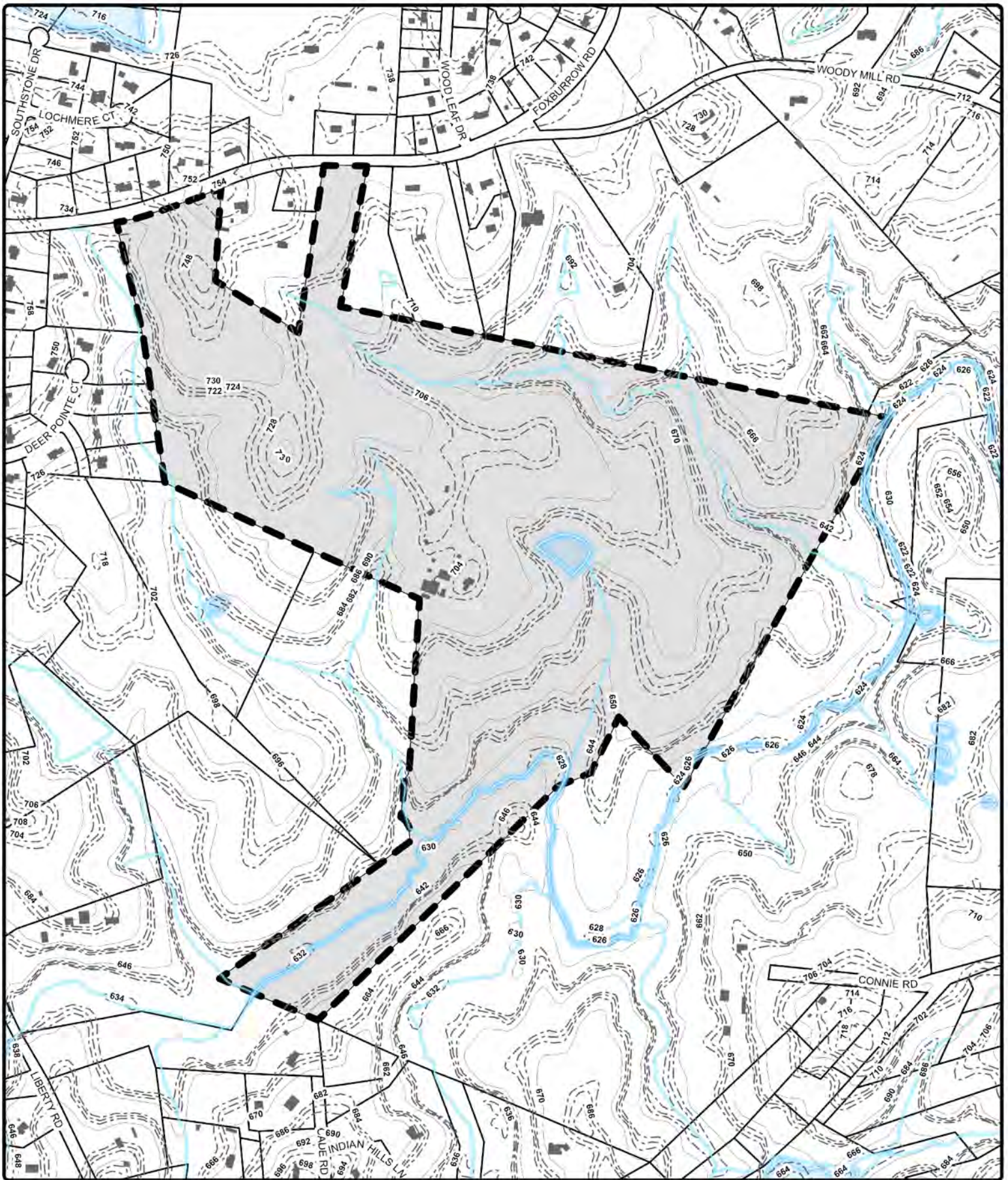




CASE #22-08-GCPL-06007

Scale: 1" = 650'





CASE #22-08-GCPL-06007

Scale: 1" = 650'



REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #**122264**, from **RS-40 and AG** to **RS-30** because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #**122264**, from **RS-40 and AG to RS-30** because:

1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #**122264**, from **RS-40 and AG** to **RS-30**.

1. This approval also amends the **Alamance Creek Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Alamance Creek Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Alamance Creek Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-08-GCPL-06007 (EPL #22-08-PLBD-00010): 4856 WOODY MILL ROAD; RS-40, RESIDENTIAL SINGLE-FAMILY, AND AG, AGRICULTURAL, TO RS-30, RESIDENTIAL SINGLE-FAMILY

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #**122264**, from **RS-40 and AG to RS-30** because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Rezoning
Application

Date Submitted: 10/4/22 Fee \$500.00 Receipt # REC-001024-2022 Case Number 22-10-PLBD-00022

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the RS-40/AG zoning district to the Agriculture zoning district.

Said property is located 335 Knox Rd. Gibsonville, NC 27249
in Guilford Township; Being a total of: 0.78 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 0 1 1 7 3 1 7 Tax Parcel # _____

Tax Parcel # _____ Tax Parcel # _____

Tax Parcel # _____ Tax Parcel # _____

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One:

- Public services (i.e. water and sewer) are ~~not requested~~ required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Check One:

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third-party rezoning.

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

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

Submitted by

Johnny L. Henderson
Property Owner Signature

Johnny L. Henderson
Name

335 Knox Rd.
Mailing Address

Gibsonville, NC 27249
City, State and Zip Code

910 574-6074 jhenderson605@outlook.com
Phone Number Email Address

Representative/Applicant Signature (if applicable)

Name

Mailing Address

City, State and Zip Code

Phone Number Email Address

Additional sheets for tax parcels and signatures are available upon request.

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REZONING CASE #22-10-PLBD-00022 RS-40, Single-Family & AG, Agriculture to AG, Agriculture, 335 Knox Road

Property Information

Located at 335 Knox Road approximately 1,670 feet northeast of the intersection of Knox Road and Burlington Road. This rezoning includes all of Guilford County Tax Parcel #117317 in Jefferson Township and comprises approximately 0.78 acres.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

This is a request to rezone Guilford County Tax Parcel #117317 from RS-40 and AG to AG.

District Descriptions

The RS-40 district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

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

Character of the Area

This request is in a low-density residential area along Knox Road with agricultural uses on adjacent properties to the rear of subject parcel.

Existing Land Use(s) on the Property: Single-family residential on approximately 0.78 of an acre, which is approximately 33,976 square feet.

Surrounding Uses:

- North: Low-density residential and agricultural
- South: Low-density residential
- East: Low-density residential
- West: Low-density residential

Historic Properties: This parcel does not include any Landmark Properties.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact.

Emergency Response:

Fire Protection District: McLeansville FPSD.

Miles from Fire Station: Approximately 0.50 of a mile.

Water and Sewer Services:

Provider: Private Septic Systems and Wells.

Within Service Area: This parcel is within or adjacent to the Greensboro Growth Tier 1: 2013-2019 Water & Sewer area.

Feasibility Study or Service Commitment: Not applicable.

Transportation:

Existing Conditions: Knox Road is a major thoroughfare. Annual Average Daily Trips (AADT) is 5,000 vehicles north of subject parcel per NCDOT 2019 traffic counts.

Proposed Improvements: None proposed.

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Moderately sloping.

Regulated Floodplain/Wetlands:

There is no regulated floodplain on the property. There are no mapped wetlands on the property.

Streams and Watershed:

There are no mapped streams on the property. The property is located in the Lake Mackintosh (Big Alamance Creek) WS-IV Water Supply Watershed in the General Watershed Area.

Land Use Analysis

Land Use Plan: Northeast Area Plan

Plan Recommendation:

Residential Single-Family (RSF) and AG, Rural Residential (AGRR)

Consistency:

The land use designation of the subject parcel is Residential Single-Family (RSF) along the street frontage, and AG, Rural Residential (AGRR) along the rear of the parcel. The requested action is consistent with both designations under the Northeast Area Plan because each designation recognizes AG as a compatible zoning district.

Recommendation

Staff Recommendation: Staff recommends approval.

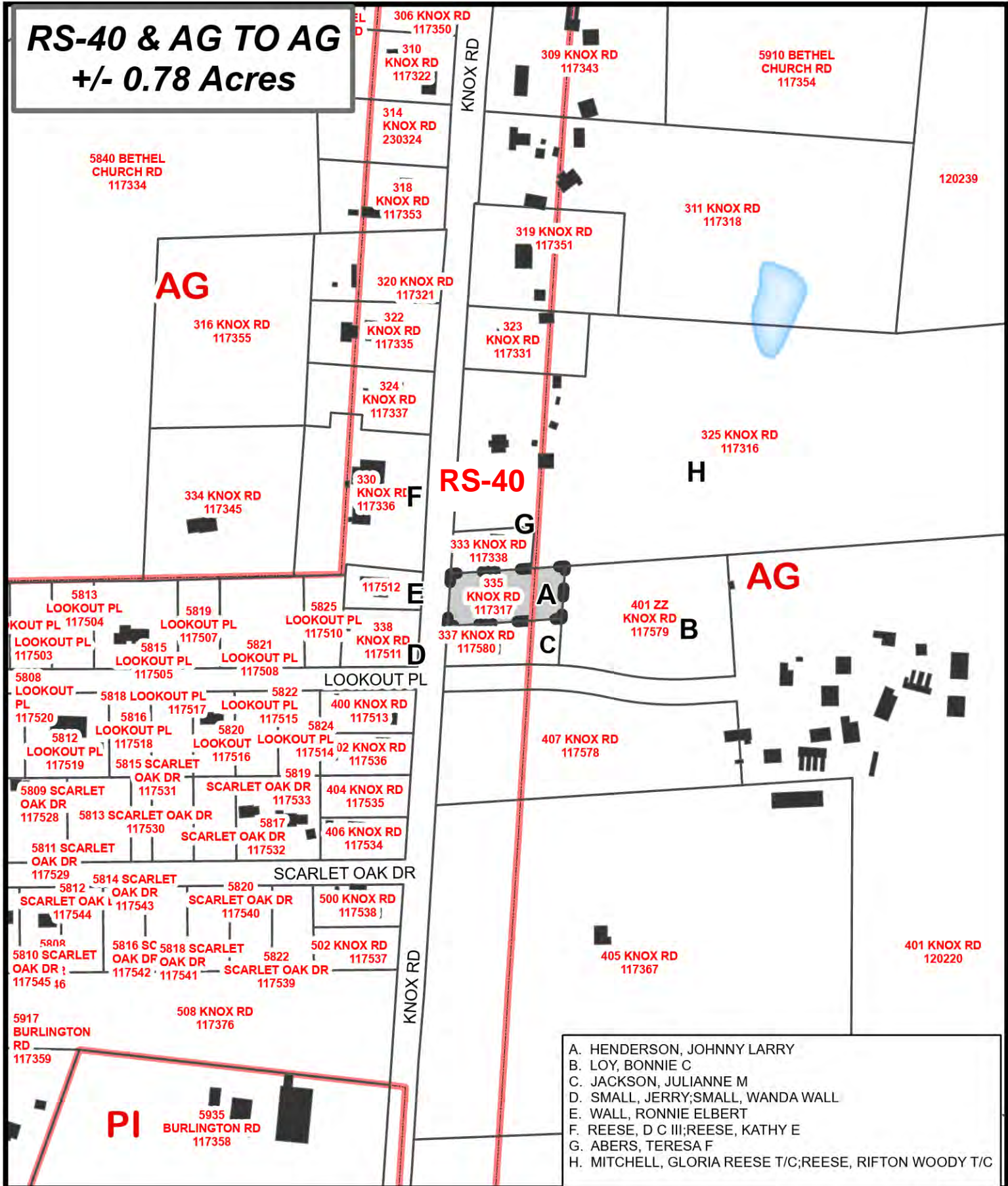
The requested action is reasonable and in the public interest because current use of the subject parcel is consistent with both the RS-40 and AG zoning and both the RSF and AGRR land use designations. The nonconforming status of the parcel exists in both the RS-40 and AG zoning; therefore, it will not expand the nonconformity. However, the request will create a single zoning designation for the entire parcel.

Area Plan Amendment Recommendation:

The proposed rezoning is consistent with the Northeast Area Plan recommendations of Residential Single-Family (RSF) and AG, Rural Residential (AGRR); thus, if approved, an Area Plan amendment will not be required.

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RS-40 & AG TO AG +/- 0.78 Acres



- A. HENDERSON, JOHNNY LARRY
- B. LOY, BONNIE C
- C. JACKSON, JULIANNE M
- D. SMALL, JERRY; SMALL, WANDA WALL
- E. WALL, RONNIE ELBERT
- F. REESE, D C III; REESE, KATHY E
- G. ABERS, TERESA F
- H. MITCHELL, GLORIA REESE T/C; REESE, RIFTON WOODY T/C



JURISDICTION:
GUILFORD COUNTY
 Guilford County
 Planning & Development
 Department

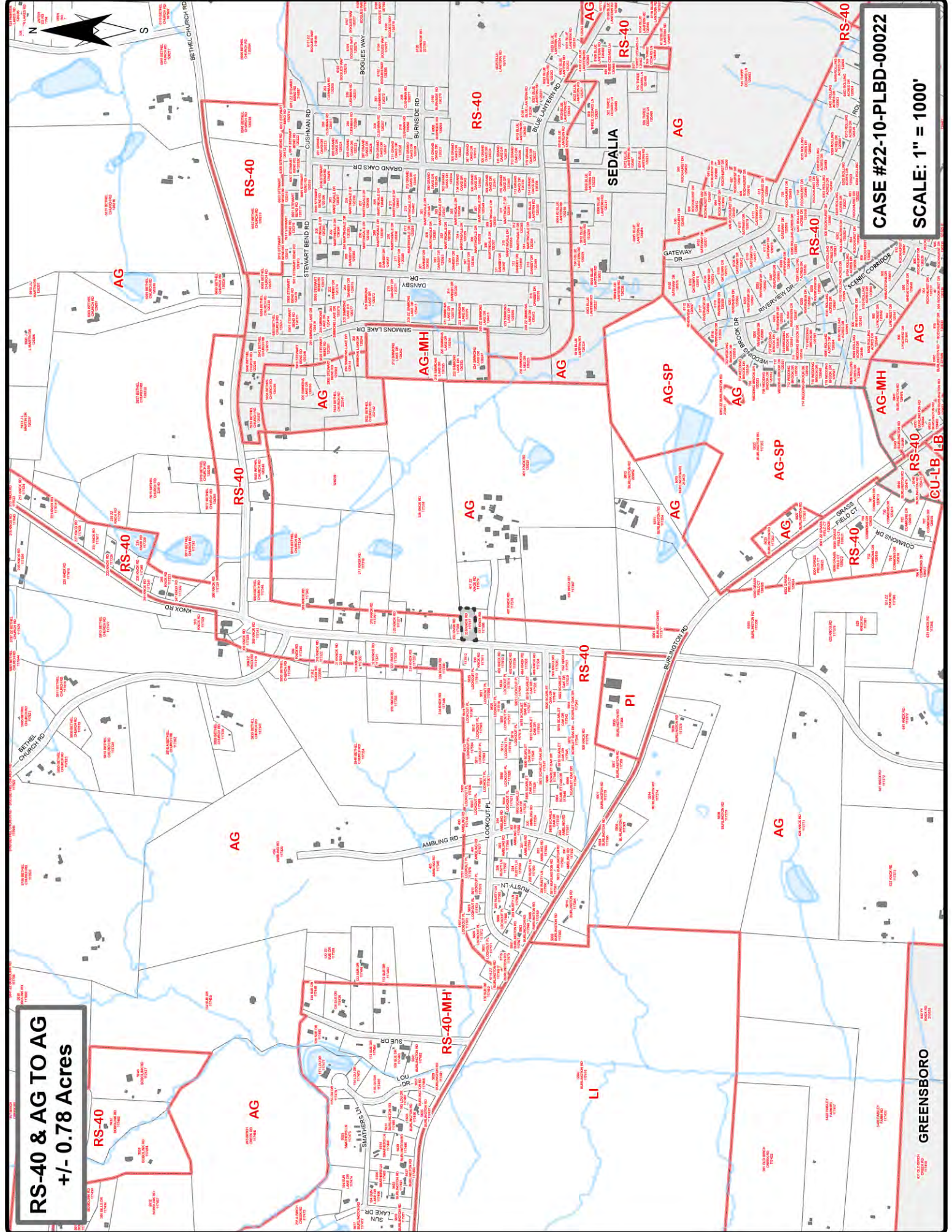
Rezoning Case #
RZ-22-10-PLBD-00022
 Scale: 1" = 300'

Map:
 117317

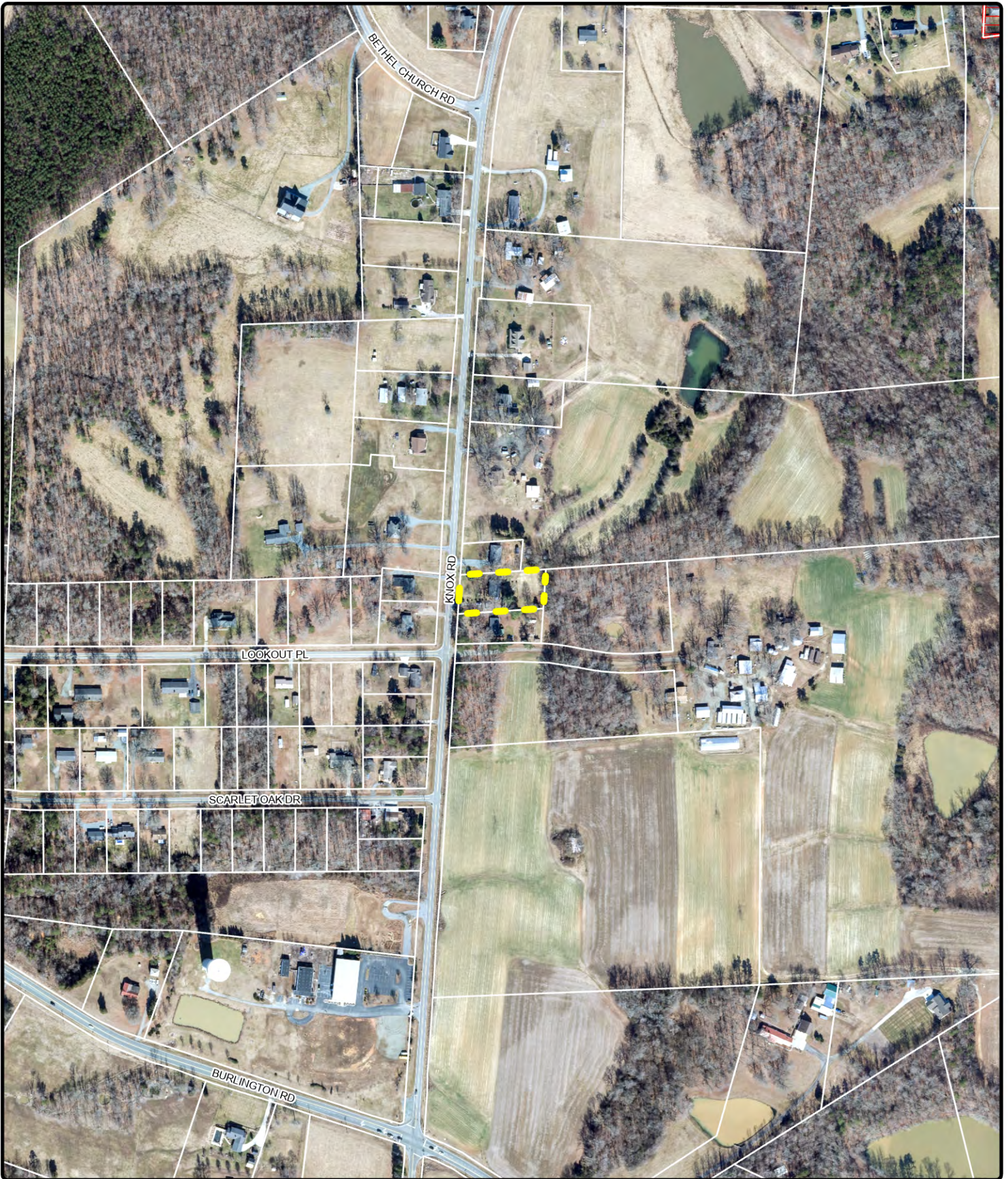


RS-40 & AG TO AG
+/- 0.78 Acres

CASE #22-10-PLBD-00022
SCALE: 1" = 1000'



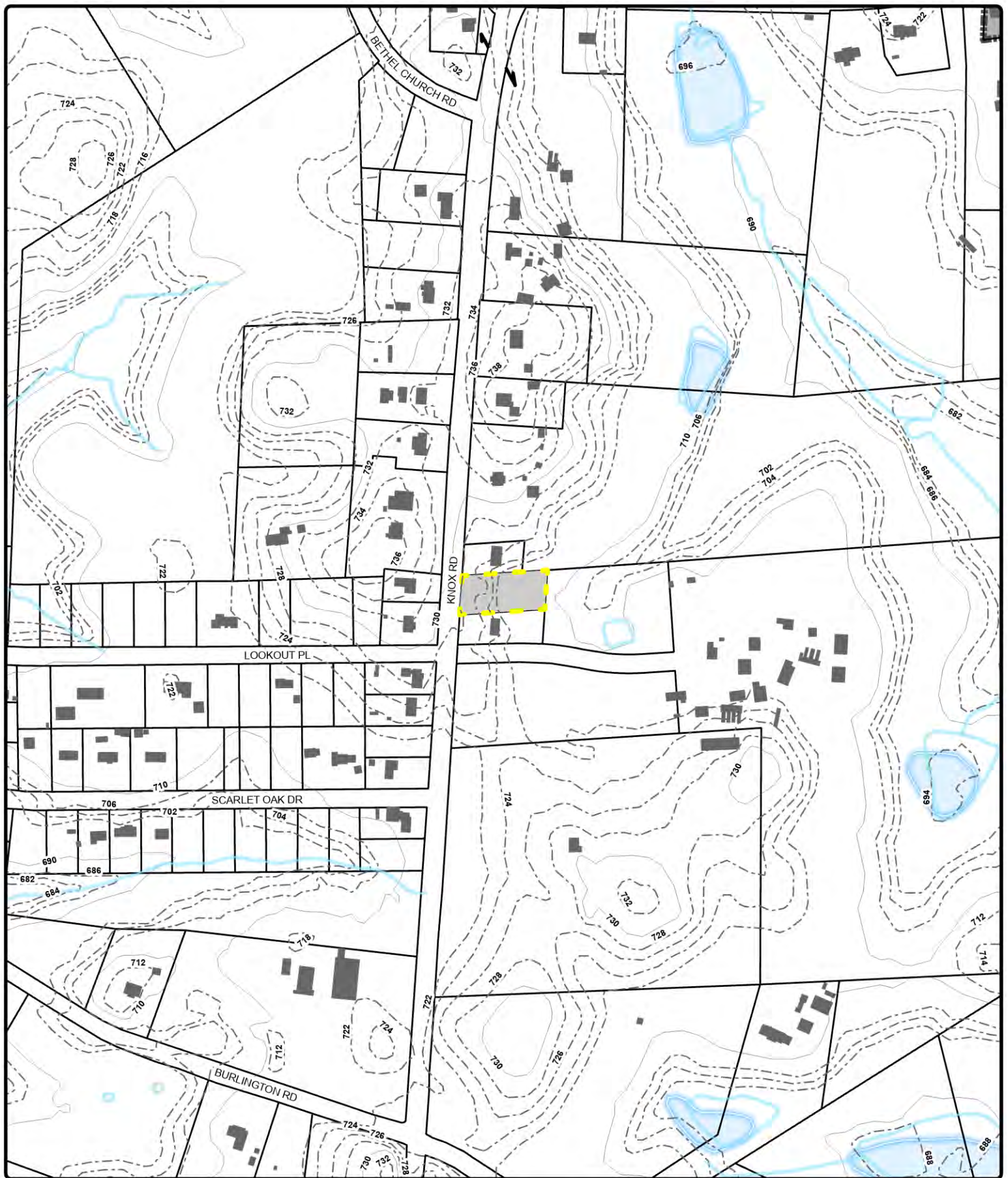
GREENSBORO



CASE #22-10-PLBD-00022

Scale: 1" = 400'





CASE #22-10-PLBD-00022

Scale: 1" = 400'



**REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL,
AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

(This page intentionally left blank.)

REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL, AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #117317 from **RS-40 and AG** to **AG** because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL, AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #117317 **from RS-40 and AG to AG** because:

- 1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

- 2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL, AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #117317 from **RS-40 and AG** to **AG**.

- 1. This approval also amends the **Northeast Area Plan**. [Applicable element of Comp Plan]
- 2. The zoning map amendment and associated **Northeast Area Plan** amendment are based on the following change(s) in condition(s) in the **Northeast Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

- 3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

REZONING CASE #22-10-PLBD-00022: FROM RS-40, SINGLE-FAMILY RESIDENTIAL, AND AG, AGRICULTURAL, TO AG: 335 KNOX ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #117317 **from RS-40 and AG to AG** because:

- 1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

- 2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

(Insert Color Paper)

TEXT AMENDMENT CASE #22-09-PLBD-00021 UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #22-09-PLBD-00021 TO CLARIFY AG AS A RESIDENTIAL ZONING DISTRICT IN SECTION 4.2 ZONING DISTRICTS TRANSITION, SUBSECTION A, TRANSITION TABLE, AND TO DISTINGUISH AND DEFINE THE INTENSITY OF USES BY CREATING LIGHT AND HEAVY RECREATION AND ENTERTAINMENT USE CATEGORIES IN TABLE 4.3-1, PERMITTED USE SCHEDULE, ELIMINATE OUTDOOR RECREATION AND INDOOR RECREATION USE TYPES DUE TO REDUNDANCY WITH OTHER USES, ADD NEW, SEPARATE USES FOR PAINTBALL FIELD AND BATTING CAGES (WITH BOTH USES ALLOWED IN CERTAIN ZONING DISTRICTS AS INDICATED BELOW AND WITH DEVELOPMENT STANDARDS), AMEND SECTION 5.6 (L) RECREATION VEHICLE PARK (RVP) OR CAMPSITE (WHERE REQUIRED: HB) TO ADD THE WORD "CAMPSITE" TO CORRESPOND TO THE TITLE OF THAT SECTION AND TO CLARIFY THAT STANDARDS APPLY TO CAMPSITES, AND MAKE SUBSEQUENT CHANGES TO RELATED SECTIONS 4.3, USE MATRIX; 5.6, RECREATION AND ENTERTAINMENT; AND TABLE 6-1-1, PARKING REQUIREMENTS FOR LANGUAGE CONSISTENCY.

Description

Staff has identified the need to distinguish uses by intensity within the Recreation and Entertainment use category in **Chapter 15, Article II, Section 15-56, Subsection 4, 4.3 (A): Use Matrix, Permitted Uses (4-3), Table 4.3-1: Permitted Use Schedule**. Subsequently, the changes create a **Light** and **Heavy** classification within the former Recreation and Entertainment category with uses reorganized within these new categories. Additionally, uses for Outdoor Recreation and Indoor Recreation are to be eliminated due to redundancy with other uses, and new, separate uses for **Paintball Field** (proposed to be allowed in the AG, RS40, HB, CP, and LI zoning districts administratively with Development Standards) and **Batting Cages** (proposed to be allowed in the AG, HB, LI, HI zoning districts administratively with Development Standards) are to be added and classified within **Section 5.6: Recreation and Entertainment** as Subsections (B) and (C). Additionally, amend **Subsection 5.6 (L): Recreation Vehicle Park (RVP) or Campsite (Where Required: HB)** to add the word "campsite" to correspond to the title of that section and to clarify that standards apply to campsites.

In addition to the changes proposed for Recreation and Entertainment, staff has identified the need to clarify that the Agricultural (AG) zoning district is, in fact, a residential zoning district, so subsequent changes have been made to the **Transition Table** in **Section 4.2(A)** to identify which districts are residential.

SEE ATTACHED

Consistency Statement

Consistency with Adopted Plans: The proposed Unified Development Ordinance (UDO) was prepared in accordance with NCGS 160D and supports Future Land Use Element Goal #1, Objective 1.3, Policy 1.3.2 of the Guilford County Comprehensive Plan (effective Oct. 1, 2006) which states that Guilford County will "Review and recommend additional permitted commercial uses, with or without development standards, to the AG section of the Table of Permitted Uses...". Additionally, the changes to the transition table maintain the language from the previous development ordinance adopted circa 1992.

Staff Recommendation

Staff Recommendation: Staff recommends approval of all text amendments proposed.

The recommended action is reasonable and in the public interest because the proposed amendments are 1) consistent with the goals and objectives of Guilford County's adopted Comprehensive Plan; 2) consistent with established land development patterns; and 3) create sensible changes to the Unified Development Ordinance that will create flexibility for development while protecting adjacent property owners.

Text Amendment to Article 4, Section 4.2A Transition Table

4.2 ZONING DISTRICTS TRANSITION

A. TRANSITION TABLE

The Zoning District Transition Table identifies the zoning districts in effect before and after the adoption of this Ordinance. For ease of transition and to reflect the rich agricultural heritage and established relatively lower-density development patterns of part of the County, the AG; RS-40; RS-30; and RS-20 zoning districts already established remain unchanged from past ordinance(s). Previous districts with strikethroughs are districts that have been either replaced or absorbed by decidedly similar districts.

Previous District	Districts Established
AGRICULTURE	
AG	AG Agricultural ¹
RESIDENTIAL²	
RS-40	RS-40
RS-30	RS-30
RS-20	RS-20
RS-12, RS-15	RS-3
RS-7, RS-9	RS-5
RS-5	RS-7
RM-8, RM-5	RM-8
RM-18, RM-12	RM-18
RM-26	RM-26
CIVIC	
PI	PI Public and Institutional
COMMERCIAL – OFFICE & RETAIL	
LO	LO Limited Office
NB	NB Neighborhood Business
LB	LB Limited Business
GO-H, GO-M	MXU Mixed-Use
GB	GB General Business
HB, SC	HB Highway Business
CP	CP Corporate Park
INDUSTRIAL	
LI	LI Light Industrial
HI	HI Heavy Industrial
Planned Unit Development Districts	
RPD	RPD Rural Preservation District
PD-R	PD-R Planned Unit Dev.- Residential
PD-M	PD-M Planned Unit Dev.- Mixed
No Change to Overlay Districts	
¹ The following shall be considered residential zoning districts: AG Agricultural, any RS Single Family Residential District and any RM Multifamily Residential District.	
² RS-40; RS-30; and RS-20 Districts established reflect min. lot sizes x 1,000 ft ² . All other Residential Districts established reflect Dwelling Units Per Acre (DU/Acre).	

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Text Amendment to Unified Development Ordinance, Chapter 15, Article II, Section 15-56, Subsection 4, 4.3 (A): Use Matrix, Permitted Uses (4-3) such that use categories for Recreation and Entertainment shall be divided into Recreation and Entertainment (Light) and Recreation and Entertainment (Heavy) to better classify the intensity of the uses.

Sec. 15-56 Unified Development Ordinance

Subsec. 4 – Zoning Districts

- **Add clarifying text to Section 4.3(A)d: Recreation and Entertainment to define light recreation and entertainment uses and to distinguish them from heavy uses. Add subsection (e) to define heavy recreation and entertainment uses.**

With the proposed addition of subclassifications for Recreation and Entertainment uses in the Permitted Use Schedule 4.3-1 for Light and Heavy, it is necessary to also define and distinguish these uses below. The insertion of subsection (e) creates a sequential re-numbering of the remaining subsections.

4.3 USE MATRIX

A. PERMITTED USES (4-3)

1. Table 4.3.1: Permitted Uses, provides classifications for various uses based on characteristics and intensity.
2. **Use Categories.** All uses permitted in the UDO have been divided into the following categories, defined as follows: ...

d. Recreation and Entertainment (Light): Uses and premises available for recreation, entertainment, sports, and other similar areas of assembly that customarily involve low to moderate amounts of vehicular traffic and noise. Uses in this category tend to be of a low to moderate intensity and are generally permitted in certain residential districts.

e. Recreation and Entertainment (Heavy): Uses and premises available for recreation, entertainment, sports, and other similar areas of assembly that customarily involve high amounts of vehicular traffic and noise. Uses in this category tend to be of high intensity and are generally not permitted in residential districts...

[Re-number items e through r accordingly]

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Text Amendment to Unified Development Ordinance, Chapter 15, Article II, Section 15-56, Subsection 5, 5.6, Recreation and Entertainment such that development standards shall be removed for Outdoor Recreation and added for Paintball Field and Batting Cages to correspond to proposed changes to the Permitted Use Schedule in Table 4.3-1 and to add campsite to the text for Subsection 5.6(L) to correspond to the heading title.

Sec. 15-56 Unified Development Ordinance

Subsec. 5 – Development Standards for Individual Uses

5.6 RECREATION AND ENTERTAINMENT...

- **Amend Section 5.6 (B) to remove Outdoor Recreation from Development Standards.**
This section is not required because the principal uses listed either have their own individual development standards or do not have required development standards per the Permitted Uses Schedule 4.3-1.

~~B. OUTDOOR RECREATION (WHERE REQUIRED: AG, HB, LI, HI)~~

- ~~1. **Principal Uses of Outdoor Recreation.** Stadium, amphitheater, paintball field, drive-in theatre, campground, marina, batting cage, amusement park, miniature golf facility, skateboarding or bicycle park, ballfield.~~
- ~~2. **Related Uses.** Clubhouse, concession stands, indoor storage, and other structures supporting the principal uses.~~
- ~~3. **Use Separation.** Shall not abut a residential district.~~
- ~~4. **Lighting.** Lighting shall be placed at least one hundred (100) feet away from residential uses and abide by lighting standards set forth in this ordinance.~~

- **Add new Sections 5.6 (B) and (C) to create development standards for Paintball Fields and Batting Cages to correspond to the addition of these uses in the Permitted Use Schedule 4.3-1.** The addition of development standards for (B) and (C) below corresponds to the Permitted Use Schedule and creates a sequential re-numbering of the rest of the list.

B. PAINTBALL FIELD (WHERE REQUIRED: AG, RS40, HB, CP, LI)

1. **Minimum Area.** Minimum lot size shall be five (5) acres.
2. **Use Separation.** No buildings or structures, temporary or otherwise erected as part of the gaming area, or designated gaming area shall be located within one hundred (100) feet of any property line or street right-of-way line, nor shall they be located within any required buffer area(s). This 100-foot separation may be reduced to fifty (50) feet if a Type A Planting Yard, netting and/or berms are installed around the perimeter of the gaming area(s) to restrict projectiles or participants from leaving the gaming area(s).
3. **Boundary Demarcation.** The boundaries of the gaming area shall be clearly identified by one (1) or more of the following measures: a fence, netting, trees, berms, or any combination thereof. Signage is recommended to warn patrons and guests to watch for potential projectiles.
4. **Lighting.** No part of the gaming area shall be lighted when located in the AG zoning district. All other lighting standards in this Ordinance shall apply, as applicable.

C. BATTING CAGES (WHERE REQUIRED: AG, HB, LI, HI)

1. **Use Separation.** No cages or buildings shall be located within one hundred (100) feet of any residential structure.
2. **Security Fencing.** Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.
3. **Lighting.** With the exception of required security lighting, no part of the site shall be lighted after 10:00 PM when located in the AG zoning district. All other lighting standards in this Ordinance shall apply, as applicable...

[Re-number Items C through P accordingly]

- **Amend Section 5.6 (L) to add text for campsites to match the section heading.** The word campsite has been added to subsection (L) below to correspond to the title of that section and to clarify that standards apply to campsites as well.

L. RECREATION VEHICLE PARK (RVP) OR CAMPSITE (WHERE REQUIRED: HB)

a. Minimum space requirements:

- i. Each RV/campsite space shall consist of a minimum of two thousand (2,000) square feet.
- ii. Each RV/campsite space shall be designated on the ground by permanent markers or monuments.

b. Setbacks: All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.

c. Roads and Driveways:

- i. Each RV/campsite space shall directly abut a private concrete or asphalt paved road and driveway. See Section 8 of this Ordinance.
- ii. Entrance and circulation drives must meet the minimum design standards of Subsec. 8

(Subdivisions and Infrastructure Standards).

d. **Parking:** Parking spaces shall be sufficient to accommodate at least one (1) automobile and camping vehicle and shall be constructed within each space and shall be paved...

e. **Installation, Alteration, and Use of Utilities:**

- i. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
- ii. Water Supply.
 - 1. A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.
 - 2. Areas around faucets or drinking fountains shall be properly drained.
- iii. Sanitary Facilities.
 - 1. Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for each gender.
 - 2. The minimum number of sanitary facilities per gender shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

3. All sanitary facilities shall be provided and maintained in sanitary conditions and kept in good repair at all times. These facilities shall be adequately lighted. Required site plans shall indicate compliance with the outdoor lighting standards, fixture types, shielding, and fixture heights per Section 6 (Development Standards).

- iv. Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.
- f. **Insect and Rodent Control Measures:** Insect and rodent control measures to safeguard the public health and comfort shall be practiced in the park.
- g. **Retail Sales:** The RVP may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
- h. **Permanent Sleeping Quarters:** Permanent sleeping quarters shall not be permitted within the park for guests.
- i. **Mobile Homes in RVPs:** One (1) mobile home may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a mobile home be located in an area designated on the site plan.

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Text Amendment to Unified Development Ordinance, Chapter 15, Article II, Section 15-56, Subsection 6, 6.1, Table 6-1-1: Parking Requirements such that the parking categories under the Recreation and Entertainment heading are changed to better match the wording and uses in the Permitted Use Schedule 4.3-1.

Sec. 15-56 Unified Development Ordinance

6.1 PARKING STANDARDS ...

- **AMEND TABLE 6-1-1: PARKING REQUIREMENTS TO MAKE LANGUAGE CONSISTENT FOR ADULT-ORIENTED ESTABLISHMENTS WITH SECTIONS 4.3-1 AND 5.6(A) AND TO CLARIFY OTHER CATEGORIES OF USES FOR WHICH PARKING STANDARDS APPLY.**

This helps clarify the name of an adult-oriented establishment to match Permitted Use Schedule 4.3-1 and Section 5.6(A), and it helps identify that all other indoor recreation uses not otherwise listed would be subject to these standards. Additionally, it creates a better specificity and understanding that any other recreation or entertainment uses not listed in the table below are also subject to certain parking standards.

D. MAXIMUM NUMBER OF SPACES PERMITTED

1. If a commercial use exceeds one hundred twenty-five percent (125%) of the minimum number of parking spaces required in Table 6-1-1, but no more than one hundred seventy-five percent (175%), approval of an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) by the Planning Director, or designee, shall be required.
2. If a commercial use exceeds one hundred seventy-five percent (175%) of the minimum number of parking spaces required in Table 6-1-1, then an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) must be approved by the Technical Review Committee.

TABLE 6-1-1: PARKING REQUIREMENTS

USE CATEGORY/SPECIFIC TYPE	MINIMUM REQUIRED AUTO SPACE
AGRICULTURAL/ANIMAL SERVICES:	
All	No Requirements
HOUSEHOLD LIVING:	
Single-Family & Two-Family Detached Dwelling	1.5 per unit
Townhouse Dwelling and Multi-Family	1.8 per unit within 200 ft. of unit plus 0.25 spaces for visitor parking
Accessory Dwelling	1 per unit
Live/Work	1 per 500 sf (GFA)
Cluster Mailbox Unit	2 spaces per location, one space must meet ADA accessibility requirements
Other	1 per unit
GROUP LIVING/SOCIAL SERVICES:	
	1 per 2 resident rooms
RECREATION & ENTERTAINMENT:	
Adult-Oriented Establishments and Uses	1 per 200 sf (GFA)
Theater	1 per 1,000 sf of seating area
Other Indoor Recreation	1 per 300 sf (GFA)
Other Uses Not Listed Above	See Subsection E - Uses with Flexible Parking Demand Characteristics
BUSINESS, PROFESSIONAL & PERSONAL SERVICES:	
Medical Office	1 per examination table
Studio, Artist & Recording	1 per 400 sf (GFA)
Other	1 per 600 sf (GFA)
LODGING:	
	1 per room
RETAIL TRADE:	
	1 per 400 sf (GFA)
FOOD SERVICES:	
	1 per 200 sf (GFA)
FUNERAL & INTERNMENT SERVICES:	
Funeral Home or Crematorium	1 per 4 seats in main assembly room
Cemetery or Mausoleum	See Subsection E - Uses with Flexible Parking Demand Characteristics
TRANSPORTATION, WAREHOUSING & WHOLESALE TRADE:	
Wholesale Trades (Heavy & Light)	1 per 1,000 sf (GFA)
Car Wash	1 per 500 sf (GFA)
Automobile Repair Services (Major & Minor)	1 per 300 sf (GFA)
All other transportation, warehousing & wholesale trade uses	1 per 2,500 sf (GFA)
UTILITIES & COMMUNICATIONS:	
Utilities, Major	1 per 1,500 sf (GFA)
All other utilities & communications uses	See Subsection E - Uses with Flexible Parking Demand Characteristics
WASTE-RELATED USES:	
	1 per 2,500 sf (GFA)
GENERAL INDUSTRIAL:	

TABLE 6-1-1: PARKING REQUIREMENTS

USE CATEGORY/SPECIFIC TYPE	MINIMUM REQUIRED AUTO SPACE
Warehouse (General Storage Enclosed)	1 per 2,500 sf (GFA)
Laundry or Dry-Cleaning Plant	1 per 500 sf (GFA)
Self-Storage	1 per 400 sf of office space area
MANUFACTURING:	
All	.67 spaces per employee on peak shift + 1 per 200 sf of retail sales or customer service area + 1 per vehicle used in operations
MINING USES:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics
AIRPORT:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics
SPECIAL EVENTS:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics

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