



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**AMENDED**

**Regular Meeting Agenda**

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

**May 10, 2023**

6:00 PM

- A. Roll Call
- B. Agenda Amendments
- C. Approval of Minutes: April 12, 2023
- D. Rules and Procedures
- E. Continuance Requests
- F. Old Business

Rules & Procedures

**Legislative Hearing Item(s)**

**REZONING CASE #23-01-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL: 107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR MEETING)**

Located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township), the subject of this request is approximately 290 feet north of the intersection of Marshall Smith Road and W. Market Street and comprises approximately 7.37 acres.

This is a request to rezone the property from AG, Agricultural, to LI, Light Industrial.

The proposed rezoning is not consistent with the Guilford County Airport Area Plan recommendation of Mixed Use; therefore, if the request is approved, a plan amendment to Non-Residential will be required.

Information for **REZONING CASE #23-01-PLBD-00035** can be viewed by scrolling to the May 10, 2023, Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

## G. New Business

### **Legislative Hearing Item(s)**

#### **CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU, CONDITIONAL ZONING-MIXED-USE: 5805 CHURCH STREET**

Located at 5805 Church Street (Guilford County Tax Parcel #138935 in Center Grove Township), the subject of this request is approximately 850 feet south of the intersection of Church Street and NC Highway 150 East and comprises approximately 4 acres.

This is a request to Conditionally Zone property from AG to CZ-MXU with the following conditions:

Use Condition: (1) The following uses shall be prohibited: a) Animal Services (Livestock); b) Animal Services (Other); c) Townhouse Dwelling; d) Multifamily Dwelling (including Condominium); e) Congregate Care Facility; f) Group Care Facility; g) Nursing and Convalescent Home; h) Homeless Shelter; i) Athletic Fields; j) Club or Lodge; k) Country Club with Golf Course; l) Place of Worship; m) Vocational, Business or Secretarial School; n) Fraternity or Sorority (University or College Related); o) Hotel or Motel; p) Beneficial Fill Area; q) Heliport; r) Construction or Demolition Debris Landfill, Minor; s) Land Clearing & Inert Debris Landfill, Minor; t) Hospitals.

Development Condition: (1) Building height for any structure used for a non-residential use shall not exceed 30 feet.

The proposed rezoning is partially consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential; thus, if the request is approved, a plan amendment to Mixed-Use (MU) will be required.

Information for **CONDITIONAL REZONING CASE #23-04-PLBD-00042** can be viewed by scrolling to the May 10, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY ROAD**

Located at 6524 Liberty Road (Guilford County Tax Parcel #123513 in Julian Township), the subject of this request is approximately 210 feet northwest of the intersection of Liberty Road and NC Highway 62 East and comprises approximately 3.08 acres.

This is a request to Conditionally Zone property from RS-30 to CZ-HB with the following conditions:

Use Condition: (1) The following uses shall be prohibited: a) Nursing and Convalescent Home; b) Homeless Shelter; c) Athletic Fields; d) Batting Cages; Country Club with Golf Course; f) Golf Course; g) Paintball Field; h) Amusement or Water Parks, Fairgrounds; i) Auditorium, Coliseum or Stadium; j) Recreational Vehicle Park or Campsite; k) Special Event Venue; l) Shooting Range, Indoor; m) Theater (Outdoor); n) Theater (Indoor); o) Other Outdoor Uses Not Listed; p) Other Indoor Uses Not Listed; q) Place of Worship; r) Vocational, Business or Secretarial School; s) Hospital; t) Advertising, Outdoor Services; u) Boat Repair; v) Furniture Stripping or Refinishing (including Secondary or Accessory Operations); w) Motion Picture Production; x) Hotel or Motel; y) Pawnshop or Used Merchandise Store; z) Bar Private Club/Tavern; aa) Automotive Towing and Storage Services; bb) Equipment Repair, Light; cc) Bus Terminal and Service Facilities; dd) Beneficial Fill Area; ee) Heliport; ff) Railroad Terminal or Yard; gg) Taxi Terminal; hh) Construction or Demolition Debris Landfill, Minor; ii) Land Clearing & Inert Debris Landfill, Minor; jj) Laundry or Dry Cleaning Plant; kk) Laundry or Dry Cleaning Substation.

Development Condition: (1) Building square footage shall not exceed 16,000 square feet; (2) Building height shall be limited to 30 feet.

The proposed rezoning is not consistent with the Alamance Creek Area Plan recommendation of AG Rural Residential; thus, if the request is approved, a plan amendment to Heavy Commercial will be required.

Information for **CONDITIONAL REZONING CASE #23-04-PLBD-00043** can be viewed by scrolling to the May 10, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

**CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL TO PD-R, PLANNED DEVELOPMENT-RESIDENTIAL; 6820 HOLT STORE ROAD**

Located at 6820 Holt Store Road (Guilford County Tax Parcel #109703 in Greene Township) on the south side of Holt Store Road approximately 5,100 feet west of the intersection of NC Highway 61 S and comprises approximately 56.15 acres.

This is a request to Conditionally Zone property from AG to PD-R. The associated sketch plan proposes a maximum of 60 single-family residential lots with an overall density of 1.1 du/ac.

The subject parcel is in an area not covered under a current Area Plan.

Information for **CONDITIONAL REZONING CASE #23-03-PLBD-00040** can be viewed by scrolling to the May 10, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the Sketch Site Plan also is included under the **MEETING CASE INFORMATION** section at the link above.

#### **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**

**April 12, 2023, 6:00 PM**

**A. Roll Call**

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

James Donnelly, Chair; Guy Gullick, Vice Chair; David Craft; Dr. Nho Bui; Cara Buchanan; Sam Stalder; Ryan Alston; and Rev. Gregory Drumwright (Joined after the roll call and during the Public Hearing for Rezoning Case #23-1-PLBD-00035).

The following Board member was not in attendance at this meeting:

Jason Little

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Rachel Teague, Office Specialist; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney; and Matthew Mason, Chief Deputy County Attorney

**B. Agenda Amendments**

None

**C. Approval of Minutes: January 11, 2023, and February 8, 2023**

Mr. Donnelly indicated that he provided Mr. Bell some minor non-substantial comments to the January 11, 2023 minutes.

Ms. Buchanan moved to approve both the January 11, 2023 (as noted) and February 8, 2023 minutes, seconded by Mr. Gullick. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Buchanan, Craft, Bui, Alston, Stalder. Nays: None. Absent: Little, Rev. Drumwright).

**D. Rules and Procedures**

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

**E. Continuance Requests**

None

**F. Old Business**

None

**G. New Business****Legislative Hearing Item(s)**

**REZONING CASE #23-1-PLBD-00035:** AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL: 107 MARSHALL SMITH ROAD Located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township), the subject of this request is approximately 290 feet north of the intersection of Marshall Smith Road and W. Market Street and comprises approximately 7.37 acres. **(CONTINUED TO THE MAY 10, 2023 MEETING)**

This is a request to rezone the property from AG, Agricultural, to LI, Light Industrial. The proposed rezoning is not consistent with the Guilford County Airport Area Plan recommendation of Mixed Use; therefore, if the request is approved, a plan amendment to Non-Residential will be required.

Aaron Calloway, Planning Department, stated that this property is located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township and is approximately 290 feet north of the intersection of Marshall Smith Road and W. Market Street and comprises approximately 7.37 acres. There is no history of denied cases. This is a request to rezone the entirety of Guilford County Tax Parcel #170647 from AG, Agricultural, to LI, Light Industrial. The AG, Agricultural 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 LI, Light Industrial, district accommodates limited, small-scale manufacturing, wholesaling, research and development, and related commercial activities that have little adverse effect through noise, odor, or visual distraction on neighboring properties. Development shall provide adequate screening and buffers and be located where there are adequate public utilities and access to arterial streets and highways.

Pertinent information related to this request was included in the Board members' packets for their review.

**Staff Recommendation**

Staff recommends approval of the request. The requested LI zoning is reasonable and in the public interest because the property is in proximity to commercial and industrial activity within the City of Greensboro. Additionally, the subject parcel is less than 300 feet away from the intersection of Marshall Smith Road and W. Market Street. As such, the infrastructural capacity at the site will be more than sufficient to facilitate light industrial uses. While the surrounding parcels within the County are zoned AG, the development around this portion of W. Market Street has been trending toward a growing industrial hub. Therefore, approval of this request will satisfy Policy 1.3.2 of the Governmental Coordination Element of the Guilford County Comprehensive Plan, which states that government entities within the County should coordinate comprehensive planning efforts for the promotion of complementary land use development patterns. The LI zoning district would be conducive for this area due to the availability of public water and sewer for future non-residential development and the general consistency of the request with the commercial and industrial uses around the W. Market Street

intersection. Therefore, associated light industrial uses would be complementary to existing development patterns. Area Plan Amendment Recommendation: The proposed rezoning is not consistent with the Airport Area Plan recommendation of Mixed Use, thus if approved, an Area Plan amendment to Non-Residential will be required.

Chair Donnelly stated that one of the things the Board would be looking at tonight is what kind of regulatory protections there are in a case where there is Light Industrial property adjacent to Agricultural property. He asked staff what kind of buffers would be in place separating those two (2) areas.

Aaron Calloway responded that the buffering requirements would be pretty substantial because this would be a non-residential use, and particularly in the LI zoning district abutting AG or RS zoning. It would require a Type A planting yard buffer, which has a minimum width of 40' along the property lines. When a site plan would be submitted to staff for review, they would ensure that all the property lines where they would be abutting an AG or RS zoning district, would comply with the minimum of 40' of buffering. The buffering language also addresses the types of trees and how many would be required within that 40' of buffering.

Mr. Craft asked if there was any discussion with the City of Greensboro about water and sewer service pertaining to this request? Aaron Calloway stated that he has had conversations with their staff, and access to water and sewer for this property will be contingent upon a voluntary annexation because this property is within the Growth Tier 1.

Reverend Drumwright asked if the applicant had held any meetings with the public in regard to this request? Aaron Calloway stated that this is the public meeting.

Chair Donnelly stated that the Board will now open the Public Hearing portion and asked the applicant and any others speaking in favor of the request to come forward for their presentation. With a show of hands there were approximately 2-3 people present in favor of the request. There were approximately 3-6 people present in opposition to the request.

Chair Donnelly reminded everyone that there was a total of 20 minutes for each side to make their comments.

In Favor:

Oscar Threatt, 5010 Shady Grove Lane, Greensboro, NC, stated that he would like to build a 10,000 square foot building/warehouse on the property. The use would have minimal traffic, mostly in the daytime and would not interfere with the traffic pattern very much at all.

Chair Donnelly stated that when the Board considers a zoning case, they consider whether or not it is consistent with the existing land use plan and/or whether or not it is reasonable and in the public interest. In this case, there is actually a plan change that would be required, and he wanted to know why the applicant wanted this use on this particular part of the land, which would be slightly out of character with what the long-range land use plan has indicated. Mr. Threatt responded that he has a couple of properties in the area that are Light Industrial, and he would like to continue that use. Mr. Gullick asked if there was a specific use that Mr. Threatt has planned for the property? Mr. Threatt responded that anything in Light Industrial would work as a 10,000 square foot building would probably take up two (2) of the seven (7) acres. Other uses would be determined at a later date. Mr. Craft asked if there was a plan for water and sewer on the property? Mr. Threatt stated that sewer is not available, and it would



have to be septic tank. It could be a well or City water is available [on] the street. Reverend Drumwright asked if the applicant plans to meet with his neighbors to explain the use of the property and the proposed 10,000 square foot building. Mr. Threatt stated that he has not done that, and he didn't know that he should, but he would be willing to do so. He thought that the sign the County put out had all the information and his phone number in case somebody wanted to call him with questions. No one has contacted him. Mr. Bell indicated that the phone number on the sign was to the County Planning Department.

Chair Donnelly stated that it is typical for the Planning Staff to suggest a meeting as a way to try to ensure that development happens in concert with the interest of a property owner, as well as the neighbors. In light of the fact that the applicant has not held a meeting, he asked if the applicant would be willing to continue the request to the next meeting to give time for a meeting with the neighbors? Mr. Threatt stated that he would be willing to do that.

Chair Donnelly stated that, to be clear, the Board would expect the applicant to hold a meeting with the neighbors to obtain their input and concerns. Mr. Bell stated that there would need to be a motion that the applicant wishes to continue the request.

Mr. Craft moved to approve the applicant's request to continue this matter to the May 10, 2023 meeting to give the applicant time to speak with the neighbors in a community meeting, seconded by Mr. Alston. The Board voted unanimously 8-0, in favor of the motion to **continue the request**. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Craft; Bui; Buchanan; Alston; Stalder; Drumwright. Nays: None.)

Chair Donnelly stated that a staff member will be available in the lobby to obtain names and contact information, so that everyone can be notified of the future community meeting.

#### **Evidentiary Hearing Item(s)**

**SPECIAL USE PERMIT CASE #23-03-PLBD-00039:** ENERGY SUBSTATION (MAJOR UTILITY); 1872 ANDREWS FARM RD, (Guilford County Tax Parcel #229086 in Jefferson Township) at the northwest intersection of McConnell Road and comprises approximately 12.53 acres. The subject parcel is zoned AG, Agricultural. **(REQUEST DENIED)**

This is a request for approval of a Special Use Permit for an Energy Substation and the associated Sketch Site Plan. Energy substations are allowed as a Major Utility in the AG district pursuant to the Guilford County Unified Development Ordinance.

Chair Donnelly explained the rules for holding an Evidentiary Hearing and stated that the Board is to make a determination of whether the Permit can be issued based on competent, substantial, and material evidence. The Chair opened the Evidentiary Hearing and asked that those speaking today be sworn or affirmed for their testimony. All speakers were sworn or affirmed at this time.

Mr. Gullick disclosed that he understood that Parker Poe is a firm working on this case. He stated that his daughter works for the Raleigh office of Parker Poe, however, the County attorney has confirmed that it is not a conflict for him to participate in this case.

Chair Donnelly invited Oliver Bass, Senior Planner, to present the staff report on the Special Use Permit.

Oliver Bass, Senior Planner, in presenting the staff report, stated that this property is located at 1872 Andrews Farm Road (Guilford County Tax Parcel #229086 in Jefferson Township), at its northwest intersection with McConnell Road, and comprises approximately 12.53 acres. The subject parcel is zoned AG, Agricultural. There is no history of denied cases.

This is a request for approval of a Special Use Permit for an Energy Substation and the associated Sketch Site Plan. Energy substations are allowed as a Major Utility in the AG district pursuant to the Guilford County Unified Development Ordinance. The subject parcel is in an area that is mainly single-family residential on subdivided lots and includes a major residential subdivision off Andrews Farm Road. A 95-acre tract west of the site is undeveloped but has an approved Special Use Permit for a Solar Collector, Principal.

Pertinent information related to this request was included in the Board members' packets for their review.

#### **Staff Comments**

Oliver Bass stated that during consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. A written application was submitted and is complete in all respects;
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
3. The use, Energy Substation (Major Utility) subject to the submitted Sketch Site Plan along with the following proposed conditions: (as presented or agreed to by applicant), for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications;
4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs; and
5. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

After reviewing the proposed development plan for this request, staff offers the following for Planning Board consideration:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (GCUDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.
4. Added conditions, if applicable.

5. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

TRC comments on 1872 Andrews Farm Road Sketch Plan Duke Energy Transfer Station are provided in the Planning Board meeting packet for this case:

Chair Donnelly explained that the decision will be based on the evidence presented to the Planning Board as a part of the hearing. Chair Donnelly asked for those speaking on behalf of the applicant to come forward.

Attorney Fox, attorney representing the applicant, Duke Energy, presented an Exhibit Book to the Board members to follow during the presentation. He asked that the Exhibit Book be entered into evidence for the purposes of this hearing. The Exhibit Book includes the Special Use Permit application; the PowerPoint presentation and various diagrams that show the site, the aerial view, the zoning of adjacent parcels; the Site Plan for the proposed sub-station; and a detail of applicant materials that demonstrate each element of the five (5) findings that the Board is required to find as they consider the application. Attorney Fox introduced several subject matter experts that may be called to speak on this request and are available for questions. Attorney Fox emphasized that the Guilford County UDO indicates that one of the findings of fact states "That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity."

Attorney Fox stated that this application is one that is a public necessity because the area in which the current substation serves has experienced issues with the service. The capacity of this substation is challenged, and the need for a new substation is dictated by the failings of that current substation equipment. Also, there is a need to increase and produce reliability for the production of electricity in this area in the future.

Attorney Fox stated that the Exhibit Book shows that the Guilford County standards have been met for the request, and he went through and explained their qualifications for same. He pointed out that the Ordinance provides for the use of electric substations in all the zoning districts, but it does require a Special Use Permit process to occur and be approved pursuant to the process.

Tom Hahn, Senior Siting Lead with Jacobs Engineering, presented a PowerPoint presentation. He explained that he has about 17 years of experience in linear siting and permitting associated with the request. He stated that Mr. Bass had already covered the high points of the request in the staff presentation. He then walked through the application and pointed out how they have met all the requirements for approval of the request. He explained that there is the Cover Letter, the Statement of Justification, and all pertinent signatures needed for the application.

Chris Cleary, Siting Manager employed by Duke Energy, stated that there is a draft site plan and draft sketch map included in the packet. The sketch plan shows the land use, the zoning, property ownership adjoining the proposed parcel, and watershed (also indicated on the draft site plan).

Mr. Craft asked whether right-of-way would have to be acquired? Mr. Cleary responded that they do not have that information at this time. The first step is to acquire the Special Use Permit, and once that is achieved they then will consider the right-of-way acquisition process. In response to a question posed by Chair Donnelly in regard to the 100-kV(kilovolt) substation request being near an unlimited kV

transmission line, Mr. Cleary stated that he could speak to that from a siting standpoint, but not from an engineering standpoint, as that is not his subject matter. From a siting standpoint, they looked at a lot of different areas for the substation location. The Development Planning Group is presented with a general area, and the substation location is usually within two miles of that area. There is a multi-step process of looking at substation sites and looking at constraints in the area. Chair Donnelly asked if this substation would tap into that 100-kV line that is nearby at some point in time? Mr. Cleary stated that he could not answer that at this time because they have not gotten to that step yet.

John Schultis, the Principal in Charge for Jacobs, stated that in regard specifically to the 100-kV transmission line question, they have not sited the 100-kV transmission line yet, so the distance of that line is unknown at this time. The substation will require a 100-kV power source that will be powered by a future transmission line that will hopefully be sited to the nearest 100-kV transmission line available. Atty. Fox pointed out that the Ordinance regulates the location of electric substations and does not regulate transmission line locations.

Mr. Gullick asked Mr. Hahn if, in looking under Tab D on the aerial view for site K, it shows the buffer surrounding the property and actually shows on all four sides. On the site plan under Tab E, the buffer tends to go around the back of the substation where there are two (2) entry roadways, and he pointed out that is not really buffered and in driving by you would just be looking in at the substation. Mr. Hahn responded that there would be remaining tree cover on the western, northern, and eastern sides, and it will be buffered as shown on the site plan. Page 7 of 11 of the Applicant's Submittal Materials shows that Duke Energy research shows that "It is not feasible or safe to install vegetative screening and buffering on McConnell Road directly in front of the substation. Such vegetative screening would prevent access to the substation and interfere with the operation and maintenance of the distribution structures; however, tree cover will remain on either side of the distribution line along McConnell Road, which will help blend the substation in its environs." There are distribution lines drawn that go from the middle of the substation down toward McConnell Road. There would be an 8' chain-link fence, topped by 3-strand barbed-wire.

Mr. Alston asked, if approved by the Board, would the applicant be open to a contingency that there would not be any further construction on that particular lot, and would the substation be manned or unmanned? Mr. Hahn responded that the sole use of the property is for the substation, and there are no plans for any other construction. The substation would be unmanned except for times where there would be maintenance calls to the property. Mr. Craft asked if they wanted to enlarge the substation, would that require another Special Use Permit? Mr. Bell responded that it would require another Special Use Permit if there is a substantial change while minor modifications are allowed, and that is defined in the Ordinance.

Ms. Buchanan asked how tall a typical substation is? Mr. Cleary stated that from experience transmission line height varies between 150 and 185 feet, but the height of a substation is typically shorter and therefore shorter than the existing vegetation on the site. No decision has been made on the characteristic of the transmission line. Design will be determined after a site study.

Rev. Drumwright asked if there had been any community meetings with the neighbors of this property to give people an opportunity to voice their concerns and/or questions? Atty. Fox stated that when they start having discussions about the routing of the transmission line, they will address the neighbors at that time. They have not held a community meeting for the substation siting at this time.

Chair Donnelly asked what measures Duke Energy uses to assess the reliability scale that has been referred to? Mr. Hahn stated that the Distribution Planner will present the purpose and need at the beginning of the siting process, and a lot of these things have been discussed (e.g., talking about overloaded circuits, etc.). They look into the future and noted that by 2026, at least one of the circuits is anticipated to be overloaded. They ultimately look to improve the reliability by trying to relieve those overloads, as they tend to lead to outages. By building a substation, it would hopefully relieve the outage situations and provide resiliency into the system. Chair Donnelly asked what the standards of reliability actually are? Mr. Hahn stated that they present charts that show overloaded circuits, and if it seems to be somewhere over 95%, it raises a red flag, and they want to stay under that amount. Atty. Fox referred to page 3 of 11 of the Applicant's Submittal Materials that referenced an incident in 2017-2018, where the maximum capacity of circuit 1201 peaked in the winter of that year due to extreme cold temperatures.

Dr. Bui asked if the proposed new substation would be an improvement to the circuits, and if this substation is built now, would they have to come back again at some point in time to either expand the substation or look for another location for a bigger substation? Atty. Fox stated that would need to be answered by a Distribution Planner, and that person is not here tonight.

Mr. Alston stated that he realizes the applicant has their own procedures to go through, but this seems to be a bit counter-productive for the Board to approve something like this when they don't feel as though they have all of the information for future needs. It puts the surrounding community in an awkward position because they don't know what the future may hold for them. He is concerned about a lack of engineering questions that the applicant cannot answer at this time. He feels that maybe it would be better to continue the request until more information can be clarified.

Atty. Fox stated that they would be able to get the information the Board might need to answer their questions. They are attempting to demonstrate a demand occurrence that created questions of reliability and the need to try to address that to provide a valuable service for the population and the proposed growth that is occurring in this area and will continue to occur.

Rev. Drumwright stated that because of all the interest this request has generated, he feels it would have been important for Duke Energy to reach out to the community to have discussions about their plans for the proposed substation, because they should certainly have the opportunity to voice their concerns and questions before this meeting occurred. The neighborhood will certainly be impacted by the proposed substation in this area. Atty. Fox stated that he cannot speak for his client on that point, but he can certainly raise the question if that is something that the Board feels is beneficial and helpful. He stated that if the Board would like to take a short recess, he would certainly be willing to do so.

Chair Donnelly stated that it is his perception that the business before the Board tonight is to respond to a specific Special Use Permit and respond to the evidence that is presented today, to demonstrate the suitability, or lack thereof, for this substation relative to the parameters that are outlined in the Guilford County Ordinance. While this is certainly interesting and important for the community, it may fall outside of the bounds of what the Board has the ability to incorporate as a part of its decision, because this is an Evidentiary Hearing, so he feels that they need some clarification of whether or not that evidence has standing for the Board to consider in this particular case.

Atty. Andrea Leslie-Fite, legal counsel for Guilford County, stated that what the Chair has described is the proof-positive type of examples of the difference between quasi-judicial proceeding versus a regular

hearing. Evidence related to those factors are extremely important, not to foreclose any conversations that those folks want to have independently. The Board's standards are purely evidentiary and based on those factors.

At this time, Chair Donnelly suggested that the Board take a ten-minute recess. Mr. Stalder moved to take a ten-minute break, seconded by Mr. Gullick. The Board voted unanimously 8-0, in favor of the motion to **continue the request**. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Craft; Bui; Buchanan; Alston; Stalder; Drumwright. Nays: None.)

Mr. Bell reminded the Board about *ex parte* communication during the recess. Atty. Leslie-Fite also followed up and reminded the Board to refrain from having conversations with anyone in the audience about the case during the recess.

\*There was a break from 7:50 p.m. until approximately 8:03 p.m., when the meeting proceedings resumed.

Atty. Fox asked that the Exhibit Book be admitted into evidence. Chair Donnelly responded that the Board would certainly consider accepting the Exhibit Book as evidence for this hearing.

Mr. Stalder moved to accept the Exhibit Book into evidence, seconded by Dr. Bui. The Board voted unanimously 8-0, in favor of the motion to **admit the Exhibit Book into evidence**. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Craft; Bui; Buchanan; Alston; Stalder; Drumwright. Nays: None.)

Chair Donnelly asked for those wishing to speak in opposition to the request to come forward with their questions or concerns. Speakers were invited to come forward and share with the Board information that would be considered relevant to what has been heard from Duke Power. They were asked to share their name and address and comments and were advised there may be some questions from the Board members.

John Goodman, 5107 Zante Road, Whitsett, NC, was previously sworn in/or affirmed, and stated that there has been no communication from Duke Energy or the representatives concerning this request. He only found out about it earlier this afternoon and felt that he should attend this hearing. He owns property that adjoins the proposed substation property to the west. He also owns a house and property just up the road. There is a 100-kV power line, which are big steel towers with big wires on them. He is an electrical engineer and graduated from NC State University in 1972. He worked 28 years for DuPont and was a Principal Engineer with them. He is also an advanced class amateur radio operator since 1981. He pointed out that these large power towers and lines are in his front yard. He feels that Duke Energy is getting the cart before the horse as they are trying to get a substation and then trying to get the towers placed. He feels they should ask for the towers first, then build the substation. There are 25 homes within sight of this substation. He was told by the surveyor when he purchased his property that nobody owns the right-of-way there. His property "N" [as shown on the County's map] does not perk, and property "B" [as shown on the County's map] does not perk, and his home on Zante Road does not perk. He has a septic lot on the hill across the road that he has to pump his sewage to. He pointed out that there is a historical structure (log cabin) on the subject property. It is starting to cave in and deteriorate but it is the old Mary Brookshire homeplace. There used to be several other log-type structures on the property, and one of the heirs tore those down. As an amateur radio operator, he would not want to live near a high voltage line, as it is a proven fact that electromagnetic fields (EMF) from those power lines have possibly caused cancer. He certainly would not want any children exposed to those high voltage

lines because of the radio frequencies (RF) from the towers. He has never seen or heard of 100-kV underground; it's always on the tall poles and large wires to carry the electrical current. The Special Use Permit would ruin this neighborhood for those 25 families in the immediate area. There is a lift station on Stewart Mill Road where the City took over the whole development of 25-30 acres or more, and there is not a single residential home within sight of that lift station. Why can't they build the substation down there? He does not want to have this in his front or back yards with the high voltage lines running overhead. Chair Donnelly asked Mr. Goodman if he had any information that he could introduce to the Board to consider as he talked about the EMF? Mr. Goodman stated that he did not have it with him, but he can find something that he could introduce if another meeting is held. He did point out that there has been proof that walkie-talkies and cell phones can cause cancer because of the radiation.

Chair Donnelly asked about the historical building on the site. Mr. Bass responded that the staff report was speaking about registered or landmark historical sites. Mr. Goodman pointed out that they could put the substation out at the end of McConnell Road where there are industrial or commercial uses instead of near residential properties.

Lisa Jordan, 5052 McConnell Road, who was previously sworn in/or affirmed stated that her property is right across the street. The letter she got was postmarked the 29<sup>th</sup>. She does not know anything about planning or zoning law, so she doesn't know if she was supposed to send the letter back or anything. She moved to her property 18 years ago in the County so they could get away from the city. They don't want the noise, don't want the lights, don't want traffic, or construction. Most people don't even know where Whitsett is, and that's why she moved out there. She likes the wildlife, the environment, and there would be an environmental impact to the animals and nature. The applicant cannot assure her that their lights won't shine right across the road to her property, and there won't be some residual effect with regard to looking at the night sky and being able to see the stars. She agreed with Mr. Goodman that all this building is coming this way, and they didn't ask for it. The big corporations don't seem to want to have a conversation with the neighborhood residents. The access road would be right across the street from her, and there are already 18-wheelers going up and down McConnell Road and disturbing people who live there. She goes to work every day, and she wants to come home to peace, quiet, her quality of life, and her overall well-being. She wants to enjoy her yard without looking at some overhead wires and towers and any possible noise. They don't know what effects there will be to the environment or people's health. They don't know for sure if the trees will cover the substation or not. There are several other places that the substation could be located instead of right across from her. She does not want it there and is opposed to it. She also is opposed to the possibility of eight or more months of construction in the area if this SUP is approved. Trees will be cut down, and there will be additional traffic in the area.

Jan Grafton, 1824 Andrews Farm Road, was previously sworn in/or affirmed and stated that she agrees with what Ms. Jordan and Mr. Goodman have said. Those signs were put up two weeks ago, and they did not receive the letter that was sent out to some people. She said with all the available land in this area, why do they want to choose where there are houses in a residential neighborhood to build an eyesore? It makes more sense to put the substation out near Interstate 85 and the industrial area, out that way.

Alex Elkin, attorney with Brooks Pierce Law Firm in Greensboro, stated that he is representing Dianne Cornish, who owns the 12 acres immediately north of the subject property on property labeled "B" [as shown on the County's map]. He would suggest that they are asking for a free pass. Mr. Alston and the people in the neighborhood have it right. Duke Energy should have to prove at this hearing with substantial and competent evidence, as it is their obligation to do, that there is a public need. They told

you that they don't have to get the certificate from the Utility Commission, that flies under the radar there, so they need to come here and prove to you that there is a public need. You have heard testimony that there is other property available for this substation. He would submit that what the Board has heard is hearsay and not substantial evidence of the need for a substation even in this area. The applicant pointed out that there was a deficit about six years ago at one time, and they are now trying to roll that and tell the Board that there is the need for a 100-kV substation here. They need to prove that there is a need for a substation in this area to meet energy demand, but they also need to show the Board that there is a need for this property to be used in this manner; and, they have fallen woefully short of that. They have not even attempted to prove that there is not going to be a significant detrimental impact on nearby property values. They talked about light and noise and buffers, but there was no appraiser; nobody came and said when you have a substation within 200 feet of an adjacent residential property, there is no impact on property values. So, there is no way that they have proven one of the requirements, #4, "that the use will not substantially injure the value of adjoining or abutting properties" or that the use is a public necessity. It is hearsay that maybe you need a substation here because previously six years ago there was a deficiency. They do not even attempt to show that this is in keeping and in harmony with the neighborhood, as it clearly is not in harmony with the residential area. Applicant's attorney would also have you believe that you cannot or should not consider the ancillary power lines that will be required if this use is allowed to go forward. He agrees with Mr. Alston that the Board does not have the information to make the determination. This Board should not give them a free pass and should hold them to the proof requirements of the Ordinance for substantial and competent evidence of each of the elements to obtain a Special Use Permit. He would suggest that this application be denied. Dr Bui asked Mr. Elkin what was the main concern for his client? Mr. Elkin stated that his client's main concern was about the negative impact on property values and how it will impact her ability to utilize her property.

Juan Vasquez, 1858 Andrews Farm Road, previously sworn in, stated that his property is north of letter "B" [as shown on the County map] of the subject property. He saw the sign on the road and called to get more information and provided the case number. When he spoke with someone on staff and asked what was being proposed, the response was, "Well, nothing at this point, it's just a permit." And he stated that he would like to get more information about it because he wanted to know what is going on. And the person indicated, "Well, you have to come to the hearing to get the details." He is here now and getting all these surprises. There is something off about the notification process and the information that is provided to the public that makes him wonder why he couldn't get the information he called about. Separate from that, he just found it very interesting that the applicant comes with a PowerPoint presentation with the binders and all the pictures and drawings trying to justify the need, but the reality is that it is like they are trying to create the need of the power lines, but they really don't know, and they don't want to talk about the power lines, and they hide behind that just to create the need for the power lines. Of course, if they build that substation there, they will need to run it, it will need power to run, and that will be the Phase B. He is sure or confident that they do know the plan for the power lines because nobody builds anything or proposes something like this without being prepared. He certainly would not purchase a property without knowing whether the property would perk for residential use or not. He feels that they came with a bunch of pictures and words but not actual facts. He wants to know what is the evidence that proves that there is a true need.

Rebecca Stafford, 5032 McConnell Road, previously sworn in, stated that she had not planned to say anything, but the house she lives in, has been there since she was three years old. She moved away and went to college, taught school in Stoneville and lived in Eden, but she knew she was coming back home. Her father built this house and worked hard, and there are approximately ten acres. Across the road is



a field that does not perk, and she is glad because no one would move there. There are a lot of deer, a pet fox that brings her babies to visit, raccoons, and they accept the coyotes, wild turkeys, Guineas, and it is tranquility to look out and see all this wildlife. This substation will certainly screw up this tranquility where she was raised. She cannot explain what this country living is like.

John Goodman returned to the speaker's stand and stated that he is an electrical engineer, and he has lived in his house on 5107 Zante Road since 2003. He knew the city was going to come into this area, but he never thought there would be a substation on the corner lot in this area. He would like for the Board to consider how intrusive it would be to this residential area with the big power lines. He challenged the Board members to drive around and look at other substations and see if they would want that near their homes. It is an eyesore and the neighbors do not want this substation in their neighborhood. This will destroy their neighborhood.

Joy Landers, 5106 McConnell Street, previously sworn in, stated that her property is to the right of letter "H" [as shown on the County map]. They did not receive any information about this hearing or what Duke Energy is planning. The proposed substation would directly impact their home. She asked that the Board consider denying this request and choose a location that is not in a residential neighborhood.

Tonya Roberts, 1873 Andrews Farm Road, previously sworn in, stated that they have lived here for the past 18 years. She is concerned about the health risks that are involved, given the reports that have been in the news over the past ten years, and they keep rising with things that have happened to areas such as substations and the effects that happen to the surrounding areas. They feel it would be a major impact to the community. They are also concerned about that substation being attacked like the one in a nearby County a couple of months ago. There is no assurance that Duke Energy is going to have measures in place for their safety, and the dangers that are in line with the substation. They are concerned about emissions, radiation, and other environmental issues.

John Goodman returned to the speaker's stand and stated that he is also a licensed real estate broker in the state of North Carolina, and he can say, without a doubt, that if the substation goes in that property, it will certainly hurt the value of all the homes in that area. Mr. Fox confirmed for the record the real estate broker license presented by Mr. Goodman and asked about his qualification as a licensed appraiser.

**Rebuttal in Favor:**

Atty. Fox stated that he would like the Board to not consider the testimony from Mr. Goodman in regard to a decrease in property values in the area if the substation is allowed. He stated that Mr. Goodman is not a licensed Appraiser and has not reviewed appraised properties around other subdivisions or this subdivision with regard to his determination in stating a property value of homes in this area. These types of decisions are difficult, but growth creates these kinds of issues for communities. The growth here has dictated the need for a substation which is proposed to address the need and the development of this area. This is a quasi-judicial hearing, and the challenge and direction for this Board is to base a decision solely on the evidence that has been presented. The evidence submitted has been primarily presented by Duke Energy. The Board has heard the residents speak and they have concerns about the nature and wildlife that lives around them, they have talked about the tenure of how long they have lived there, they've talked about their preference that this use go elsewhere and not in their neighborhood, they have talked about how change is affecting them, and they prefer not to have change. He feels that is not competent material and substantial evidence for the five (5) findings that the Board must make.

The Board, by the Ordinance, guided by the factors that this Ordinance and the governing body has set out for the determination of a Special Use Permit for an electric substation. Those factors are whether there was a completed application, and there is no dispute that there is a completed application before this Board.

The second finding is whether or not the use will materially endanger public health or safety if located where proposed and developed according to the plans submitted. The overwhelming evidence, that is competent material, is the evidence that is contained in the showing of Duke Energy that there will not be a material injury to public health and safety. The evidence shows that on the site plan, it is 1.9 acres of a 12.53-acre site, it is completely fenced, it is situated off the road, and it is in a forested tract of land. They would submit that that finding in the evidence will support a finding in the affirmative as to those criteria.

The use as an electric substation for which the Special Use Permit is being sought is in conformance with all Special Use requirements applicable to the use. County staff went through the application and did not indicate any non-conformance of the application, and they did give some development factors, which Duke Energy committed to meet and comply with at the appropriate time. Most of those development factors occur after the site plan is finalized and before the Technical Review Committee. They would submit that has been met. On the other hand, there has been no evidence that has not been met. There has been no evidence from any of the neighbors with regards to the failure to comply with the requirements of the Guilford County Ordinance.

Regarding the location and character of the use, if developed according to the plans, will be in harmony with the area in which it is located and general conformity with the plan of development. The Board has heard testimony about the solar farm and that solar farm abuts this site and is 470 acres of use there. The evidence provides that this was an agriculturally-zoned area of the County. There are residential uses on the other side of the road, but for the area for which this site is located, the 12.53 acres and the 470 acres, the whole of those properties is zoned agricultural in use. It is for the Board to find that harmony exists between a substation that is proposed and the current solar farm use that this Board has recently approved.

With regard to the finding that the use will not injure the value of adjoining or abutting property [or] the use is a public necessity, the attorney from Brooks Pierce did raise the question of whether or not it injures the value of adjoining and abutting property and whether or not it is a public necessity. The Ordinance merely provides that the use is a public necessity and does not talk about where the public necessity is located and does not limit it to the lot or the area. It talks about the need of this community to accommodate the growth and development that is occurring in this community and the need for this community to make sure that there are electric generation power capabilities that are reliable. The overwhelming evidence - material, competent, substantial evidence - that is before the Board demonstrates that this is indeed a public necessity based upon an overload of the current substation that is 0.66 miles away, based upon a 2017 incident, in which there was a peak based upon weather conditions, and we need to guard against those capabilities. The public necessity is also evidenced by some of the discussion included in their materials, and they say that the public necessity is necessary for the County to maintain a reliable electric supply and to promote development. He asked that the Board look at what the standards are and affirm the application of Duke Energy for the SUP.

He would also ask that, I know there was concern about the transmission lines, but that is not before this Board. If your governing body had wanted transmission lines to be considered as an element of this

review, they would have incorporated it in your Ordinance, your UDO, and it's not a part of that for this hearing.

Mr. Craft wanted to confirm that it is the testimony of Duke Energy that a study or studies have been done, and that the current substation situation in that area will max out in 2026? Atty. Fox responded that is the representation that they have made in this application, and yes, studies have been done establishing that. Mr. Craft stated that this area is growing, but is it the testimony that there are two (2) Planned Unit Developments (PUDs) coming to that area? Atty. Fox stated that is the testimony and that is part of the evidence showing that they have provided to this Board.

Rev. Drumwright pointed out, again, that he feels that it is very important that the surrounding residents have an opportunity to give input about their concerns and objections.

Mr. Drumwright asked a question of staff stating that standard #4 uplifts the harmony and noting that the applicant has been forthcoming that conversations with [the] community is not something required by procedure. If this site is within 200-400 feet from adjacent residents and the residents find complication around the placement of this site, what is to be considered regarding the harmony of its use where there is land all around the site? Planning Director Bell stated that you go where the evidence leads you to go.

**Rebuttal in opposition:**

Juan Vasquez returned to the speaker's stand and stated that he is an ordained minister, but he is also an auditor for the federal government. One of the things that was highlighted by the proponent was the importance of the evidence, and he remembers that earlier in this hearing, they were saying that the distribution lines were not a topic to be addressed by the Board. But when they were trying to justify the reason why they chose this site, they are actually saying that the distribution lines are an important factor. Earlier they said they have no clue, at this point, where those distribution lines are going to be. Now, they are saying that the distribution lines were considered, and he wants to know which answer is correct? Do they know or not?

Alex Elkin, attorney for a property owner, returned to the speaker's stand and stated that when the applicant spoke, they described the applicant's burden of proof which is in the Ordinance, "The applicant bears the burden of submitting competent, substantial material evidence, establishing (more likely than not) each of the five (5) requirements for approval. If they fail to submit sufficient evidence, the request should be denied." He would submit that this is where they are, they have not submitted sufficient evidence as to the two (2) elements that he spoke about earlier: 1) "That the use will not substantially injure the value of adjoining or abutting properties." There has been no competent evidence demonstrating that from the applicant; or 2) That the use is a public necessity. This Board is not the Utilities Commission trying to determine that there is a public necessity for a substation. He would submit that is part of the evidence they should have provided to the Board. He does not feel that they have met the burden of proof on this application, and the application should be denied.

Chair Donnelly asked for a motion to close the Evidentiary Hearing.

Mr. Gullick moved to close the Evidentiary Hearing, seconded by Mr. Stalder. The Board voted unanimously 8-0, in favor of the motion to close the Evidentiary Hearing. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Craft; Bui; Buchanan; Alston; Stalder; Drumwright. Nays: None.)

**Board Discussion:**

Chair Donnelly stated that what is incumbent on the Board is to determine whether the evidence that has been presented is substantial against each of the five (5) criteria.

Rev. Drumwright stated that he would like to know if the other Board members have already decided on this matter or are they still on the fence? Chair Donnelly stated that Reverend Drumwright could ask, but he could not compel anyone to answer it. Rev. Drumwright stated that the Board has heard the testimony and unless there is someone who would like to talk about it some more, he would like to move to close the discussion period and to vote.

Chair Donnelly responded that the way they typically close the discussion period would be to offer a motion. Certainly, if someone is willing to do that, and the motion is seconded, then it would move forward for a vote.

Atty. Leslie-Fite stated that because this is a quasi-judicial meeting, it is very important that the Board build the record through their discussions and hearing the evidence, and they need to weigh that evidence as part of the discussion, and that will be the basis for a motion.

Mr. Craft stated that he would like to speak to one of the items - substantial injury to neighboring property values. Neither party provided a licensed appraisal or an appraiser to come before the Board to answer questions. It seems that the applicant is saying that because you can't hear it and you can't see it, for the most part, it's not going to substantially injure adjoining property values. They are asking the Board to just make that conclusion. Nobody who is competent to testify about that is available, so he wants to know where is he supposed to go with that?

Chair Donnelly stated that when he thinks about the Board's roles and responsibilities, it is the burden of the applicant to demonstrate how each of these criteria are satisfied, and he thinks from that perspective, as he thinks about the information they have shared tonight, is that sufficient enough to satisfy all of these conditions? If they are looking at property values, if it's anybody's responsibility, he would see it being the applicant to try to affirm what property values are or are not. He wrestles with that. The second piece that he wrestles with is in the 3<sup>rd</sup> criteria, which is whether something is in harmony with the area in which it is to be located. On one hand, the information that was presented clearly indicates that the substation would seem to have minimal impacts as the information was presented to the Board. He also heard in testimony, that the substation, by itself, is not sufficient to serve the community, and there will be some kind of transmission line that comes into play and while he appreciates that that's not the purview of what the Board is permitting, as he thinks about what that transmission line might include, it is suggested that this would not be in harmony with the neighborhood. It is difficult for him to separate that out as something that is separate, when in fact, the substation cannot operate without that transmission line in place. The third piece that he wrestles with is that if you satisfy the criteria, that's one way to justify a SUP; the other one is to demonstrate the public necessity, and if you look at the package that has been put together and the applicant's information on [criterion] #4, those particular criteria really address whether the use reflects the abutting and adjoining properties. It was only under questioning that they got into the conversation about necessity, and from his perspective, if this was going to be built on a public necessity, there would be some more substantial data than was presented backing up the level of that necessity.

Ms. Buchanan stated that in her opinion the substation itself does not injure property values, but the transmission lines is her concern.

Rev. Drumwright stated he feels that there is a major lack of transparency concerning Mr. Alston's point earlier on order of the [Duke Energy's] plan, and Mr. Vasquez made it clear in the line of questioning that the transmission lines were a part of the decision-making process.

Mr. Stalder stated that there are questions about impacts on property values and the public necessity of the substation that have not been fully answered, but he also does not feel that Duke would go about building substations that they don't really need.

Mr. Gullick stated that he is a little disappointed about the lack of evidence, just as everyone has stated. He did not see any evidence that it is a public necessity and didn't see any documentation on that as there was not a real estate appraiser to testify, and he agrees with everyone else's comments.

Dr. Bui stated that she is having a problem with the "use will not materially endanger the public health or safety if located where proposed for development according to the plan submitted." Being a Doctor of Health Science, which she has been a President and CEO for Central Health Care System since 2014, accepting that as evidence is hard when there are not statistics behind it. She has not personally worked on a case that was the result of a power plant affecting health, but she has heard and read of one that was quite big. Everything must be based on statistics when it comes to endangering public health, and if there are no statistics provided, then she wouldn't be able to accept or believe that it would not materially endanger the public health.

An initial motion was made by Mr. Craft to **approve** the request, seconded by Mr. Alston. The Board voted 2-6 to approve the request; the motion to approve failed. (Ayes: Craft and Stalder. Nays: Donnelly, Chair; Gullick, Vice Chair; Drumwright; Alston; Bui; Buchanan.)

Mr. Craft stated that Special Use Permit 23-03-PLBD-00039: Energy Substation (Major Utility); 1872 Andrews Farm Rd. The Guilford County Planning Board, having held an Evidentiary Hearing on April 12, 2023, to consider a request for a Special Use Permit for an Energy Substation (Major Utility) subject to the submitted Sketch Site Plan along with the proposed conditions (no conditions listed) for the property located at 1872 Andrews Farm Road (Guilford County Tax Parcel 229086 in Jefferson Township) at the northwest intersection of McConnell Road, comprises approximately 12.53 acres, having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. The written application was submitted and **is** complete in all respects.
2. The use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based upon sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The substation will be designed with an 8' tall perimeter fence with protected barbed wire which will prevent unauthorized entry. It will be designed with the latest safety and operational protocols. The substation has been designed and graded to prevent groundwater contamination and erosion. The substation will not generate toxic or hazardous materials or any air emissions.
3. The use of an Energy Substation (Major Utility) for which the Special Use Permit is sought **is** in conformance with all the special requirements applicable to the use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The use of an Electric Substation for which the

Special Use Permit is sought is in conformance with all requirements as shown in Exhibit 4, the required setbacks have been incorporated in the substation design in accordance with "I. Tree Preservation," in Section 15-56 of the UDO, "any existing tree or group of trees within the required planting area meets or exceeds the Ordinance.

4. [That] the location and character [of] the use [if developed according to the plan submitted] **will** be in harmony [with] the area in which it is [to be] located and **is** in general conformity with the plan [of development] of [the] Jurisdiction [and its] environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The project is necessary to support the development of the area and to accommodate the future power demands and plan development. Similar uses are, such as, the West River Solar Project recently approved also required a similar special use permit.
5. The use **will not** substantially injure the value of adjoining or abutting property, [or] the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: Minimal impacts for light and noise of the substation operation and screenings and setbacks and natural buffering minimize any visual impact.

Mr. Craft continued with his motion stating that on the basis of all the foregoing, it is ordered that that the application for a Special Use Permit for an Energy Substation (Major Utility) be granted, subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the UDO.
2. The development shall proceed in conformity with all admitted plans and design features submitted as part of the special use permit application kept on file with the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee illustrating conditions related to the request and applicable development standards.
4. If these specified conditions addressed in the special use permit are violated, permit will be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

The motion to approve failed by 6-2 vote. **THEREFORE**, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **SPECIAL USE PERMIT** for an Energy Substation (Major Utility) be **DENIED**.

It was then determined by Atty. Leslie Fite, Guilford County Attorney, that a motion to deny the request would complete the record. Chair Donnelly moved to **deny** the request, seconded by Mr. Gullick, and with a vote of 6-2, the motion to **deny** was passed. (Ayes: Donnelly, Gullick, Drumwright, Alston, Bui, Buchanan. Nays: Stalder and Craft.)

Chair Donnelly stated the following:

1. A written application was submitted and **is** complete in all material respects.
2. That the use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and

evidence submitted during the Evidentiary Hearing which shows the following: The substation has been designed with an 8' tall perimeter fence from the applicant's package on page 8 of 11, C1a through e.

- a. The substation has been designed with an 8-foot-tall perimeter fence with protective 3-strand barbed wire extension designed to prevent unauthorized entry and to protect the public from potentially hazardous electrical equipment. The substation has been designed with the latest safety and operational protocols.*
  - b. The substation will reduce power outages and service interruptions experienced by Duke Energy customers.*
  - c. The substation has been designed and graded to prevent groundwater contamination and erosion.*
  - d. The substation will have adequate lighting within its perimeter and associated response procedures that will allow for the detection of potential spills from oil-filled electrical equipment.*
  - e. The substation will not generate toxic or hazardous materials or any air emissions as a result of its operation.]*
3. The use, an Energy Substation (Major Utility), for which a special use permit is sought, **is** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: Items under the [application] page 8 of 11, C2a and b. are incorporated
- a) The required setbacks described in the applicant package Section V. B, Agricultural District and Code Conformance, have been incorporated into the substation design.*
  - b) According to "I. Tree Preservation," in Section 15-56 of the UDO, "any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area [this ordinance, referring to Table 6-2-2: Planting Yard Chart]." As demonstrated in Section V.B, the existing trees on the site meet the standards of the UDO and thus satisfy the tree requirements of the planting area.]*
4. That the location and character of the use, if developed according to the plan submitted, **will not** be in harmony with the area in which it is to be located and **is not** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: For this particular power substation, it is not able to function without the connection to the larger network through distribution lines, which based on the testimony heard during the hearing, are not in harmony with the area in which the substation will be located and I don't see how those two can be separated.
5. The use **will** substantially injure the value of adjoining or abutting property, and/or the use is not a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: It was a lack of evidence as the reason for denial for both of these areas, and the lack of evidence provided on behalf of the applicant to demonstrate either the value of adjoining properties would not be harmed, or that it is a public necessity in this location as it was described.

**THEREFORE**, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **SPECIAL USE PERMIT** for an Energy Substation (Major Utility) be **DENIED**.

The motion to **deny** was seconded by Mr. Gullick. The Board voted (roll call) 6-2 to **deny** the request. (Ayes: Donnelly, Chair; Gullick, Vice Chair; Drumwright; Alston; Bui; Buchanan. Nays: Craft and Stalder.)

Appeal of a Special Use Permit decision may be filed with the Clerk of Superior Court by the later of (thirty) 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j).

#### H. Other Business

Mr. Bell stated that the Board is not requested to take any action on the proposed revised Rules of Procedures this evening. He asked that the revisions be on the May Agenda for action. A copy of the proposed changes was provided to the Board for review. Mr. Bell highlighted some of the proposed revisions such as prior revisions (highlighted peach color text) referencing NCGS 160D instead of 153A (which was the previous NCGS section for County Planning and Zoning regulations) and most recent revisions included in this draft (highlighted yellow color text). The Rules of Procedure continues to reference the Guilford County Board of Commissioners' Resolution Establishing Policy and Procedures for Appointments. There also is a change in what was previously referred to as the UNC Institute of Government (now known as the UNC School of Government) as it relates to a suggested School of Government guidance publication - Procedural Rules for Local Appointed Boards. Additionally, under the Officers and Duties section, item #6 is being proposed which reads, "In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, the members present shall elect a temporary Chair." He touched on some of the other proposed revisions primarily related to meetings where simultaneous communication is used and conflict of interest.

#### Comprehensive Plan Update

Mr. Bell stated that the Comprehensive Plan has kicked off, and back in December staff started doing some background and data gathering. Last week was the first Steering Committee meeting, and April 25 is the date selected for the first Citizen Input workshop. There will be press releases, and staff is working with the Public Information Office to get those press releases out. That meeting will be held at the Agricultural Center at 6:00 p.m.

Mr. Craft stated that he had sent an email to the Board members about Piedmont Land Conservancy (which covers the Greater Triad Region) having applied for some money though the non-profit part of the budget for a Countywide Trail and Greenway Plan with all the jurisdictions to get them working together and to set the stage for connecting the cities to the smaller towns in the Triad. He asked that the Board members look at the four-page memo and communicate with the Commissioners about putting that in the budget, which would be a real positive step for Guilford County.

Chair Donnelly mentioned that Mr. Bell sent out a notice today about some training that the School of Government is offering for quasi-judicial hearings. He went through a training previously, and it was very helpful. The County covers the costs for this, and there's an option for in-person training in Kernersville or online training, which are coming up in May and June. He invited members to consider attending, as it provides some very helpful perspectives for these conversations and how they are different from the legislative hearings.



**I. Adjourn**

Chair Donnelly stated that there being no further business before the Board, the meeting adjourned at 10:12 p.m.

***The next scheduled meeting is May 10, 2023, at 6:00 p.m.***

DRAFT

(Insert Color Paper)

**RULES OF PROCEDURE  
GUILFORD COUNTY PLANNING BOARD  
GREENSBORO, NORTH CAROLINA**

**I. PURPOSE, LEGAL AUTHORITY AND GENERAL RULES**

A. Purpose

The purpose of the Planning Board shall be set forth in the Guilford County Code of Ordinances, and other general and special State laws relating to planning in Guilford County. The Planning Board shall have those powers and duties delegated by ordinance to the Board by the Guilford County Board of Commissioners.

The Planning Board shall be governed by Sec. 160D-109, 160D-301 and 160D-604 of the North Carolina General Statutes, the Guilford County Unified Development Ordinance and policies established by the Guilford County Board of Commissioners.

The Guilford County Planning Board, realizing that rules and procedures are necessary for the orderly and proper discharge of its business and duties, adopts these rules of procedure to expedite the handling of matters coming before the Board.

B. General Rules

The Guilford County Planning Board shall be governed in its organization and operation by the terms of the North Carolina General Statutes, Article 18, Chapter 153A-160D, Local Planning and Regulation of Development Regulations, and other general and special acts relating to planning and related activities in Guilford County. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with applicable law and these rules. Additionally, the Guilford County Planning Board shall operate in accordance with the Guilford County Board of Commissioners' Resolution Establishing Policy And Procedures For Appointments [to County Boards, Commissions, Committees and Councils] as well as by the any other resolutions of the Board of County Commissioners relating to Planning and Zoning in Guilford County. Further, the Planning Board also shall operate according to may consult the most recent edition of Suggested Rules of Procedure for the Board of County Commissioners Procedural Rules for Local Appointed Boards, published by the University of North Carolina Institute School of Government. In instances where the Planning Board conducts Quasi-Judicial proceedings (i.e., acts as a Board of Adjustment), the Planning Board will operate according to provisions of North Carolina General Statute 153A-345.1 160D-406301.

All Board members shall become thoroughly familiar with the provisions of the statutes concerning county planning.

## II. OFFICERS AND DUTIES

*Electing Officers.* Election of officers shall occur as the last item of business before adjournment of the December meeting. The Planning Board shall elect one of its members to serve as Chair and preside over the Board's meetings and one member to serve as Vice Chair. The candidate for each office receiving a majority vote of the Planning Board members present shall be declared elected. Vacancies in these offices may be filled for the unexpired terms only.

A. The Chair. The Chair shall be elected by the Planning Board from among its members and shall have the following duties:

1. The Chair shall serve and preside over the Board's meetings for a term of one year, beginning as of the first meeting of January, and may be re-elected. ~~for no more than two successive terms.~~
2. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.
3. The Chair shall appoint any committees found necessary to investigate any matter before the Board.
4. On all *Quasi-Judicial* matters (e.g., Special Use Permits), the Chair or any member acting as Chair is authorized to administer oaths to witnesses in any matter coming before the Board. Additionally, the Board through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. The Chair shall issue requested subpoenas he/she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to question or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board.
5. The Chair shall perform such other duties as may be directed by a majority of the Board.
6. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the members present shall elect a temporary Chair.

B. The Vice-Chair. The Vice-Chair shall be elected by the Planning Board from among its members and shall have the following duties:

1. The Vice-Chair shall serve for a term of one year, beginning as of the first meeting of January, and may be re-elected. ~~for no more than two successive terms.~~
2. The Vice-Chair shall preside in the absence of the Chair, fill any unexpired term of the Chair, and assume all duties and responsibilities delegated by the Chair.

3. In the event the office of Chair becomes vacant, the Vice-Chair shall serve the unexpired term of the Chair and a Vice-Chair shall be elected to serve the unexpired term of the former Vice-Chair.
  4. The Vice-Chair shall perform such other duties as may be directed by a majority of the Board.
- C. The Secretary/Clerk. The Planning Director shall serve as Secretary/Clerk to the Planning Board and may designate a Planning Department staff member for that purpose. The Secretary/Clerk, subject to the direction of the Chair, shall have the following duties:
1. The Secretary/Clerk shall keep all minutes and records of the Planning Board, provide notice of the regular and special meetings to members, and any other such duties normally carried out by the Secretary/Clerk. The minutes shall show the record of all important facts pertaining to every meeting and hearing, every resolution acted upon by the Board, and all votes of Board members upon any resolution or upon the final determination of any question, indicating the names of members abstaining from voting.
  2. The Secretary/Clerk shall conduct all correspondence of the Board, and generally supervise the clerical work of the Board and its ad hoc committees.
  3. The Secretary/Clerk shall not be eligible to vote.
  4. On all *Quasi-Judicial* (e.g., Special Use Permits) matters, the Clerk to the Planning Board also may administer oaths to all witnesses.
- D. Other Officers and Duties. Should the Chair and Vice-Chair both be absent at any meeting, the Board shall elect a temporary Chairman to serve at the meeting.

### III. MEMBERS

- A. Membership. Membership on the Planning Board shall be governed by the terms of Chapter 160D-453-A of the North Carolina General Statutes and the Guilford County Code.
- B. Members. The Planning Board shall consist of nine (9) members appointed by the Board of Commissioners.
- C. Terms. Regular members are appointed for three (3) year terms, provided that upon initial appointment the terms of office may be staggered (i.e., the terms of all Board members shall not expire at the same time). Regular members shall not serve more than two (2) consecutive full terms- unless waived by the Board of Commissioners.
- D. Payment for Attendance. Board members are paid for attending meetings and mileage for expenses to each Board meeting. When Board members attend

meetings for the benefit of the Board and/or the Planning & Development Department for Guilford County generally, expenses may be paid in full or part by Guilford County as provided by current rules and regulations.

#### IV. MEETINGS

A. All meetings of the Planning Board are open to the public and subject to the open meetings laws in the State of North Carolina. Notice of the meetings shall be consistent with the regulations contained within the Unified Development Ordinance and State law.

~~A.~~ B. Regular Meetings. Regular meetings of the Planning Board shall be held monthly ~~twice a month~~ on the 2<sup>nd</sup> (second) and 4<sup>th</sup> (fourth) Wednesday, as needed, at 6:00 P.M. in the ~~County Blue Room, First Floor, Commissioners Meeting Room in the Old County Courthouse of Guilford County~~ NC Cooperative Extension Guilford County Center, 3309 Burlington Rd. in Greensboro, North Carolina; provided that upon direction of the Chair or a majority of the Board, any meeting may be held at any other time or place in the County. Regular monthly meeting dates shall be scheduled in advance of the Calendar Year and voted and approved by the Board.

~~B.~~ C. Special Meetings. Special meetings of the Planning Board may be called any time by the Chair as law provides.

~~C.~~ D. Cancellation of Meetings. Whenever there is no business for the Board, the Chair may dispense with a regular meeting by giving notice to all the members of the Board not less than twenty-four (24) hours prior to the time set for the meeting.

~~D.~~ E. Quorum. A quorum shall consist of a majority of the members of the Board. When there is a vacancy, unless a special provision is applicable, a quorum will consist of the majority of the members remaining qualified.

If a member withdraws from a meeting without being excused by majority vote of the remaining members present, he/she shall be counted as present for the purposes of determining whether a quorum is present, as provided by law.

1. A member or members of the Board participating from a remote location by simultaneous communication shall be counted as present for quorum purposes, and all votes of members of the Board made during an official meeting with simultaneous communication shall be counted as if the member were physically present in the place of the official meeting provided all of the criteria outlined in this Section and Section ~~E~~ F below are met.

~~E.~~ F. Simultaneous Communication. While in-person attendance is preferred, in order to participate in the meeting via simultaneous communication, the following criteria must be met:

1. The official meeting was properly noticed under NCGS 146-318.12 and under any other requirement for notice applicable to the public body.

2. The member or members participating from a remote location by simultaneous communication can fully participate in the deliberations.
3. The member or members of the Board participating from a remote location by simultaneous communication can be heard by the other members of the Board and any other individual in attendance at the official meeting.
4. The vote of the member or members of the public body participating from a remote location by simultaneous communication is not by electronic mail or facsimile.
5. If the Chair of the Board is participating from a remote location by simultaneous communication, the Vice-Chair or some other member of the Board who is physically present shall preside at the official meeting. The Chair or presiding officer of the Board participating from a remote location by simultaneous communication shall retain the same voting rights he/she has when presiding.
6. The official meeting, or part of an official meeting with a member or members of the Board participating from a remote location by simultaneous communication is not any of the following:
  - a) A quasi-judicial proceeding.
7. No written ballots may be taken at the official meeting with a member or members of the Board participating from a remote location by simultaneous communication.
8. If the official meeting involves a member of the Board participating from a remote location by simultaneous communication by which the member or members cannot be physically seen by the public body, that member must comply with all of the following:
  - a) The participation of the member or members must be announced when the meeting is commenced or at the beginning of participation.
  - b) The member identifies himself/herself prior to participating in the deliberations during the official meeting.
  - c) The member identifies himself/herself prior to voting.
9. The member or members participating from a remote location by simultaneous communication shall have been provided with any documents to be considered during the official meeting.

E. — **F. G. Vote.** The vote of a majority of those members present shall be sufficient to decide matters before the Board, except for zoning map amendments, where the provisions of Section 3.5(M)3-12 of the Guilford County Unified Development Ordinance (UDO) shall govern apply (see attached), and for certain Quasi-Judicial decisions. The Chair shall be entitled to the same voting privileges as any other member of the Board.

1. *Quasi-Judicial Decisions.* While variances shall require a four-fifths ( $\frac{4}{5}$ ) ~~v~~Vote for approval, a simple majority is required for approval for Special Use permits and ordinance interpretations.

Each member shall vote either “Yes or No” except upon matters involving the consideration of his/her own financial interests or official conduct. Additionally, per NCGS 160D, an appointed Board member means member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. Neither shall a Board member vote on any Quasi-Judicial matter before the Board (e.g., Special Use Permit) if the member has a close familial, business, or associational relationship. A “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

~~No Planning Board member shall participate in the decisions of any matter in which they have a personal financial interest. Each member shall vote either “Yes or No” except when excused by the Chair. The Chair shall be entitled to the same voting privileges as any other member of the Board. In the case where a Board member excuses himself/herself or herself from participation in Planning Board matters without prior approval of the Chair, the Board members vote shall be recorded as “Yes”.~~

In all other cases, a failure to vote by a member who is physically present in the meeting room or participating from a remote location by simultaneous communication, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

F. H. Meeting Procedures.

1. All meetings shall be open to the public.
2. The Order of Business at regular meetings shall be at the discretion of the presiding Chair. Normally for rezoning cases, proponents and opponents each will have twenty (20) minutes to present their side, and an additional five (5) minutes to proponents and opponents for rebuttal. At the discretion of the Chair, these time limits may be waived.
3. At the close of discussion of matters heard in Public Hearings, the Chair may:
  - a) Call for a formal motion, a second, and a vote by the members for or against the motion;
  - b) Call for a vote on the item without calling for a formal motion; or



- c) Call for a formal motion, a second, and a vote by the members to continue, to a date and time certain, the matter being heard until such time as additional necessary information may be obtained.

## **V. PERSONAL CONDUCT OF PLANNING BOARD MEMBERS**

### A. Personal Conduct

1. Membership on the Planning Board is accepted as a public service. Members shall conduct themselves in a professional manner and shall treat the public and fellow members in a respectful manner.
2. Board members may be paid for attending meetings and mileage for expenses to each Board meeting. When Board members attend meetings for the benefit of the Board, and/or the Planning & Development Department for Guilford County generally, expenses may be paid in full or part by Guilford County as provided by current rules and regulations.
3. Except at public meetings of the Board, its members should refrain from discussing their personal opinions concerning specific zoning cases scheduled or likely to come before the Board with proponents, opponents, or others with a direct interest.
4. Board members shall devise a method whereby insofar as possible the site of each zoning request will be inspected by a Board member.
5. When *Quasi-Judicial* decisions (e.g., Special Use Permits) are being considered, Board members shall not participate in or vote on any *Quasi-Judicial* matter in a manner that would violate affected persons' constitutional rights to an impartial decision-maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself or herself, the remaining members shall by majority vote rule on the objection. Members of the Planning Board shall request to be recused from discussion, citing a conflict consistent with G.S. 160D-109(b) or 160D-109(d) when the Board is sitting as a quasi-judicial board. Upon such a request, the Board shall vote on the recusal.
6. Disclosure of Interests. A Board member shall disclose any personal or financial interest in a case before the Board when it concerns property in which the Board member, a close relative (spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships), a business associate or employer:
  - a) Is the applicant before the Board;
  - b) Owns property within close proximity of the subject property (this shall be interpreted as being within the required notification area); or

- c) Has a financial interest in the subject property or improvements to be undertaken thereon.

No Board member shall take part in any hearings, consideration, determination or vote concerning a property in which the Board member or a close relative (spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships):

- a) Is the applicant before the Board;
- b) Owns property within close proximity of the subject property (this shall be interpreted as being within the required notification area); or
- c) Has a financial interest in the subject property or improvements to be undertaken thereon.

In addition, a Board member may request a vote of the Board excusing the member from taking part in any hearing, consideration, determination or vote concerning a property in which a business associate or employer of the Board member:

- a) Is the applicant before the Board or;
- b) Owns property within close proximity of the subject property (this shall be interpreted as being within the required notification area); or
- c) Has a financial interest in the subject property or improvements to be undertaken thereon.

6. When a Board member concludes that a matter before the Board involves or could involve a conflict of interest on his or her part or his or her voting might not be in the public interest, he/she ~~or she~~ should promptly inform the Board Chair. The Board member then refrains from any discussion or comment on the particular case and abstains from voting.

- 7. Each Board member decides which invitations, to attend or participate in public and private functions, he/she ~~or she~~ can appropriately accept as a member of the Board. He/She is careful to indicate when he/she is representing the Board rather than acting or speaking for himself/herself ~~or herself~~. Such allied efforts contributing to the work and purposes of planning in Guilford County are unpaid, except when infrequently acceptance of out-of-pocket expenses is necessary to make possible the constructive participation; in such instances, the Planning Board is officially consulted or advised.
- 8. Board members ~~do~~ shall not engage in any private and profitable employment, or in any personal business transaction, in which the fact of membership on the Board or any knowledge of its actions unique to membership would be qualification for such employment or a significant reason for the personal business transaction.
- 9. Board members ~~do~~ shall not accept gifts from applicants, their representatives, or other persons and institutions concerned with matters which have been or might come before the Board. ~~However well intended, acceptance of such gifts could lead to misconceptions by prospective donor or the public generally.~~

## VI. ORIENTATION AND TRAINING

### A. Orientation of New Members

The Planning Director shall meet with new Board members as soon as possible after their appointment to prepare them for effectively serving on the Planning Board. At that meeting, the Planning Director shall provide each new member a copy of the Planning Board handbook, all ordinances the Board typically deals with, and the comprehensive plan and other major statements of the County's growth management and land development policies. The Planning Director also shall generally explain the County's growth management and land development policies, the relationship between the Board and County Planning Staff, and the organization, duties and responsibilities, procedural rules, and legal constraints under which the Board operates.

### B. General

Board members are encouraged to expand their knowledge and understanding of planning issues by reading planning-related literature and attending planning conferences, courses, seminars, and workshops.

## VII. AMENDMENT

These Rules of Procedure may be amended, within the limits allowed by law, at any time by an affirmative vote of not less than five (5) members of the Planning Board, provided that such amendment is presented in writing at a regular or special meeting, ~~preceding the meeting at which the vote is taken.~~

Revised by the Guilford County Planning Board on ~~May 14, 2014~~ \_\_\_\_\_.

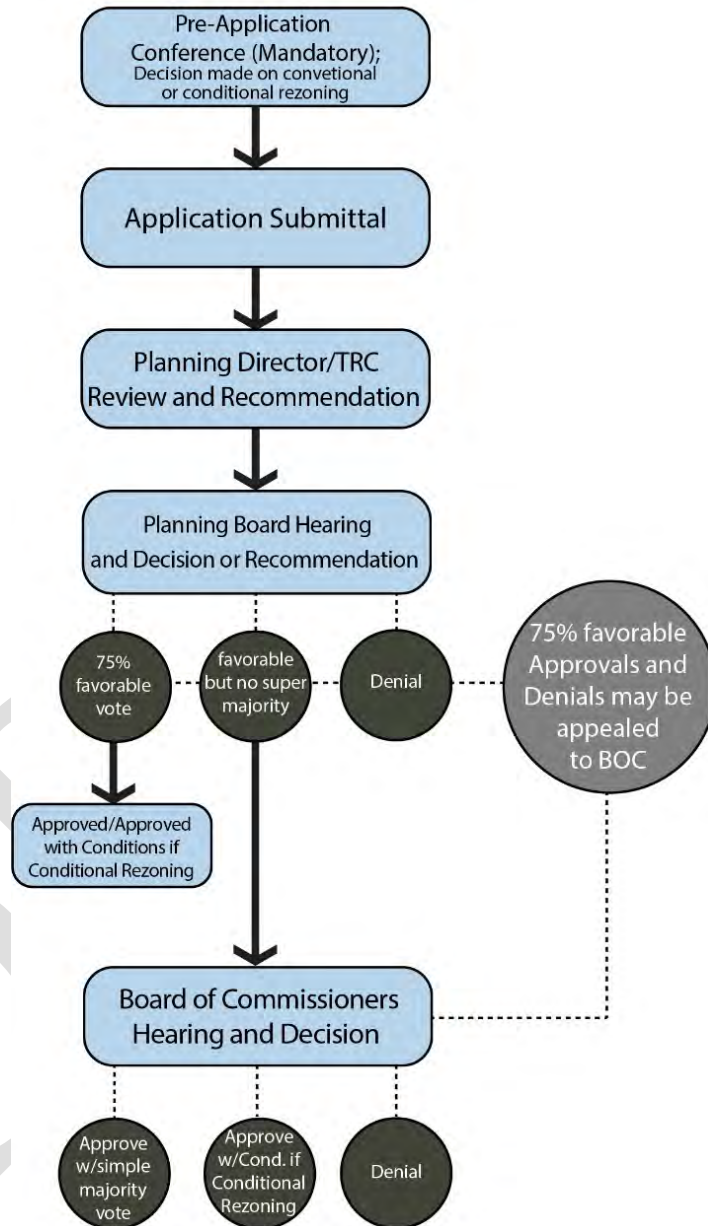
Approved by the Guilford County Board of Commissioners on ~~June 19, 2014~~ \_\_\_\_\_.

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**ATTACHMENT**

**ZONING MAP AMENDMENTS VOTING REQUIREMENTS**

**See Section 3-5(M) of the Guilford County Unified Development Ordinance**



**ATTACHMENT**

**ZONING MAP AMENDMENTS VOTING REQUIREMENTS  
SUMMARY**

**(See Section 3-12 of the Guilford County General Development Ordinance)**

**3-12.2. Requirements for Zoning Map Amendments.**

**(H) Voting:**

**VOID**

- 1) A favorable  $5/7$  vote from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration)\*.
- 2) Applications receiving less than a  $5/7$  favorable vote, but a majority favorable vote from the Planning Board members present and voting shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body.
- 3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute denial of the application unless appealed in accordance with Section 9-8 (Appeals)\*.
- 4) Applications receiving less than a  $5/7$  favorable vote from the Planning Board, appealed applications and their decisions shall be scheduled for a public hearing before the Governing Body.
- 5) Applications that are denied by the Planning Board and subsequently appealed to the Governing Body shall require a simple majority vote to be approved.

**(I) Appeals:**

- 1) Any decision of the Planning Board may be appealed to the Governing Body.
- 2) Such Appeals shall be made within fifteen (15) days of the decision by filling with the Clerk to the Governing Body a written notice of appeal.

\*References Sections in the Guilford County Development Ordinance.

(Insert Color Paper)



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

Planning Board  
Rezoning  
Application

Date Submitted: 1/3/2023 Fee \$500.00 Receipt # 3329-2023 Case Number 23-01-PLBD-00035

**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 AG zoning district to the LI zoning district. Said property is located 107 Marshall Smith Rd in Deep River Township; Being a total of: 7.37 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # <u>170647</u>	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

<u>Oscar J. Threatt III</u> Property Owner Signature	_____ Representative/Applicant Signature (if applicable)
<u>Oscar J. Threatt</u> Name	_____ Name
<u>5010 SHADY GROVE LN</u> Mailing Address	_____ Mailing Address
<u>GREENSBORO, N.C. 27407</u> City, State and Zip Code	_____ City, State and Zip Code
<u>336-402-2899</u> Phone Number	<u>GSDJACK@AOL</u> Email Address
_____ Phone Number	_____ Email Address



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**REZONING CASE #23-01-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL: 107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR MEETING)**

**Property Information**

Located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township), the subject of this request is approximately 290 feet north of the intersection of Marshall Smith Road and W Market Street and comprises approximately 7.37 acres.

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

**Nature of the Request**

This is a request to rezone the entirety of Guilford County Tax Parcel #170647 from AG, Agricultural, to LI, Light Industrial.

**District Descriptions**

The **AG, Agricultural 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 **LI, Light Industrial district** accommodates limited, small-scale manufacturing, wholesaling, research and development, and related commercial activities that have little adverse effect, through noise, odor, or visual distraction, on neighboring properties. Development shall provide adequate screening and buffers and be located where there are adequate public utilities and access to arterial streets and highways.

**Character of the Area**

Abutting to the north and west are comparably large tracts within Guilford County’s jurisdiction zoned AG. All other adjacent properties are within the City of Greensboro. The property adjoining to the south off Marshall Smith Road is zoned CD-C-M, Commercial, within the city limits of Greensboro and is a restaurant. The two properties across Marshall Smith Road are zoned CD-RM-18, Residential Multifamily, and CD-C-M, Commercial. South of the intersection of Marshall Smith Road and W. Market Street are industrial developments within the City, zoned HI, Heavy Industrial.

**Existing Land Use(s) on the Property:** The property is undeveloped and wooded.

**Surrounding Uses:**

North: Residential

South: Commercial fronting Marshall Smith Road; agricultural fronting W. Market Street

East: Commercial and Residential

West: Agricultural

**Historic Properties:** There are no inventoried historic landmarks located on or adjacent to the subject 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 anticipated impact.

**Emergency Response:**

Fire Protection District: Colfax

Miles from Fire Station: Approximately 2.1 miles

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Marshall Smith Road is classified as a Collector with an Average Annual Daily Traffic (AADT) of 1,200 vehicles per the 2021 NCDOT traffic count.

Proposed Improvements: Subject to NCDOT Driveway permit

Projected Traffic Generation: Undetermined

## Environmental Assessment

**Topography:** Gently sloping, moderately sloping and steeply sloping

**Regulated Floodplain/Wetlands:**

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

**Streams and Watershed:**

There is a mapped stream on the property and a mapped pond. The property is located in the Greensboro (Reedy Fork) WS-III Water Supply Watershed in the General Watershed Area.

## Land Use Analysis

**Land Use Plan:** Airport Area Plan (2008)

**Plan Recommendation:** Mixed Use

**Consistency:** The proposed rezoning is not consistent with the Airport Area Plan.

The Mixed-Use (MU) designation within Guilford County's Airport Area Plan is intended to recognize an opportunity for a mixture of complimentary and integrated principal land uses and/or housing types developed on large tracts under a unified development scheme. Mixed-Use (MU) areas should be characterized by pedestrian and bicycle interconnectivity and should incorporate many of the policies recommended by this plan. Traditionally, mixed-use developments have emphasized a variety of transportation options, recreational and/or open space amenities, and high standards of site and architectural design. It is envisioned that mixed-use projects will develop under the Planned Unit Development zoning districts of the Guilford County Development Ordinance.

## Recommendation

**Staff Recommendation:** Staff recommends approval of the request.

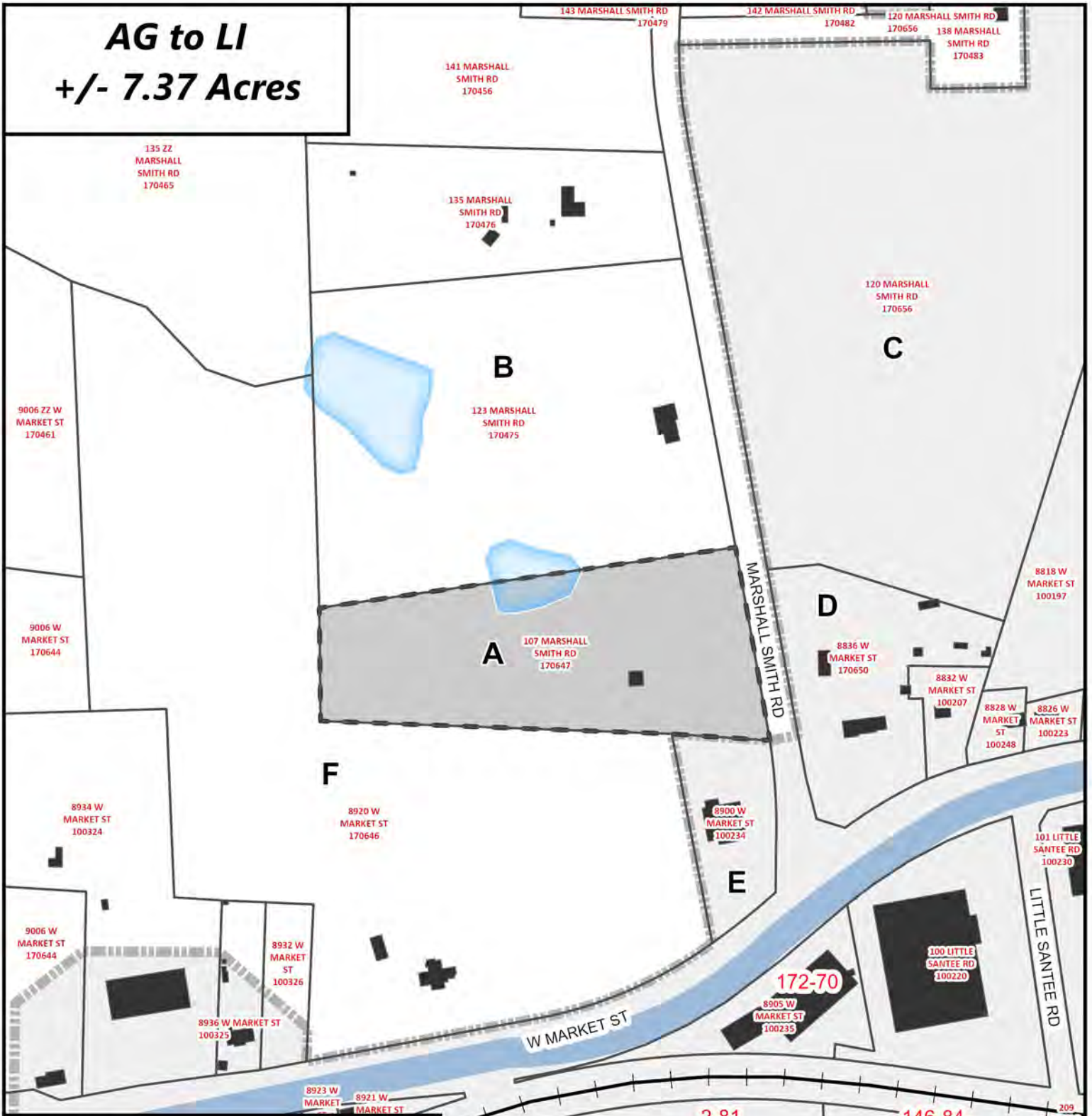
The requested LI, Light Industrial, zoning is reasonable and in the public interest because the property is in proximity to commercial and industrial activity within the City of Greensboro. Additionally, the subject parcel is less than 300 feet away from the intersection of Marshall Smith Road and W. Market Street. As such, the infrastructural capacity at the site will be more than sufficient to facilitate light industrial uses. While the surrounding parcels within the County are zoned AG, Agricultural, the development around this portion of W. Market Street has been trending toward a growing industrial hub. Therefore, approval of this request will satisfy Policy 1.3.2 of the Governmental Coordination Element of the Guilford County Comprehensive Plan, which states that government entities within the County should coordinate comprehensive planning efforts for the promotion of complementary land use development patterns. The Light Industrial zoning district would be conducive for this area due to the availability of public water and sewer for future non-residential development and the general consistency of the request with the commercial and industrial uses around the W. Market intersection. Therefore, associated light industrial uses would be complementary to existing development patterns.

### **Area Plan Amendment Recommendation:**



The proposed rezoning is not consistent with the Airport Area Plan recommendation of Mixed Use, thus if approved, an Area Plan amendment to Non-Residential will be required.

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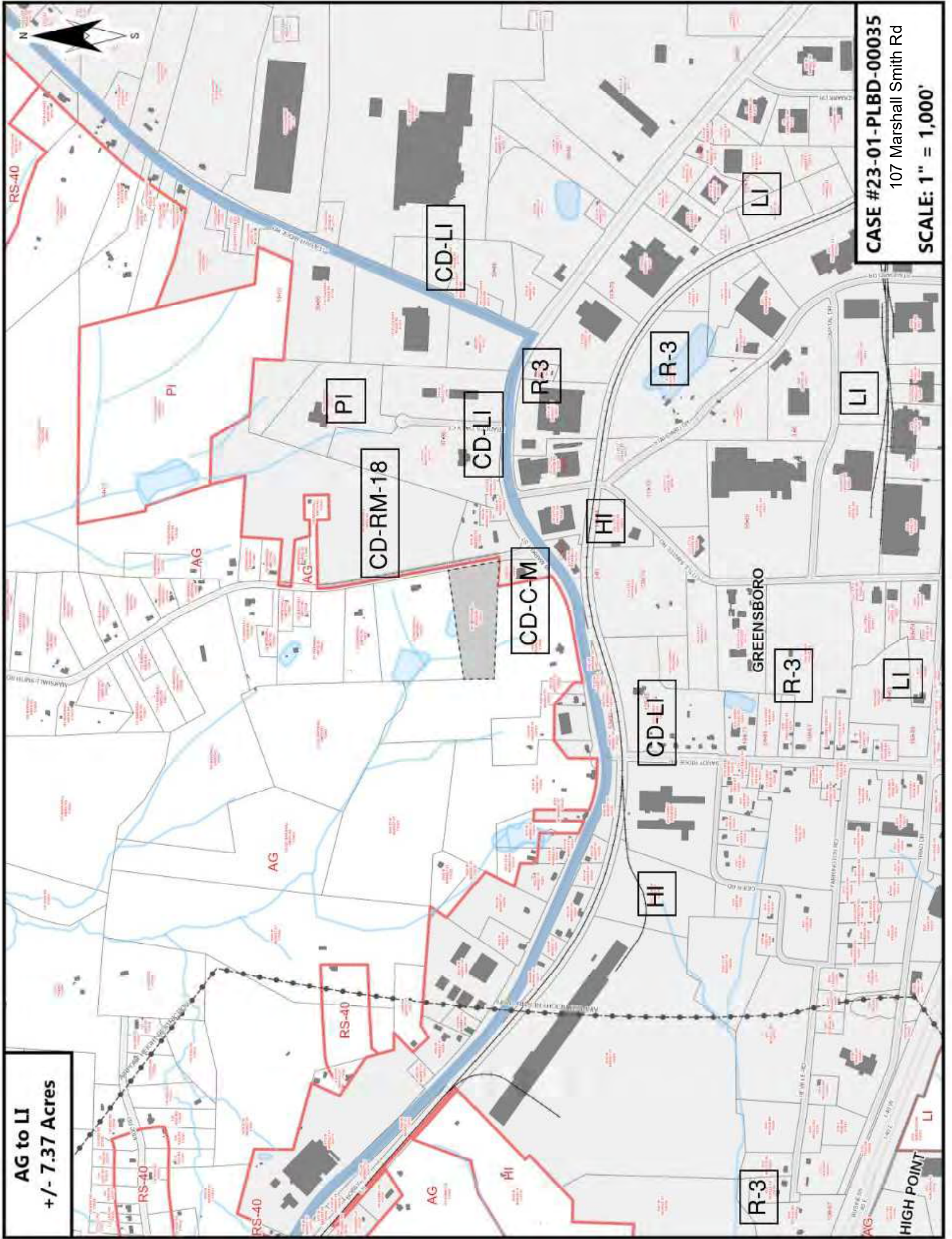
# AG to LI +/- 7.37 Acres



- A. THREATT, O J III
- B. MARSHALL, REBECCA W L/T; LITTLE, JEFFREY DAVID
- C. MARSHALL-SMITH PARTNERS LLC
- D. ADRONG, THANH; DACAT, NGE
- E. RIZOS, DINO NICK; RIZOS, BILL NICK
- F. WELCH, RICHARD LEE; WELCH, MARY Q

 Planning & Development Department	Jurisdiction: <b>GUILFORD COUNTY</b>	Case Number: <b>RZ 23-01-PLBD-00035          107 Marshall Smith Rd</b>	Case Area: <b>170647</b>	 Scale: 1" = 300'
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**AG to LI**  
**+/- 7.37 Acres**

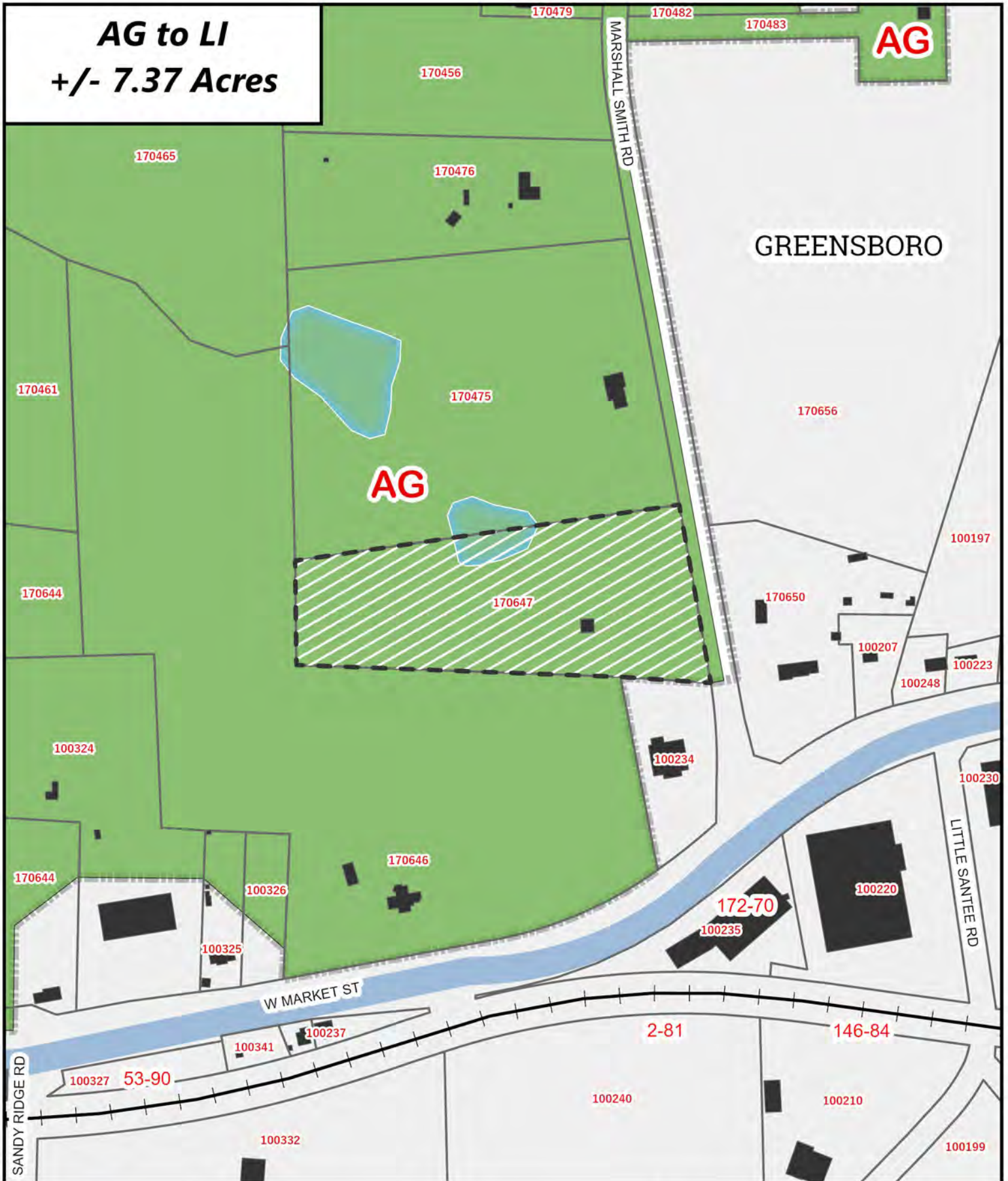


**CASE #23-01-PLBD-00035**

107 Marshall Smith Rd

**SCALE: 1" = 1,000'**

# AG to LI +/- 7.37 Acres



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ 23-01-PLBD-00035  
107 Marshall Smith Rd

Case Area:  
170647



Scale: 1" = 300'



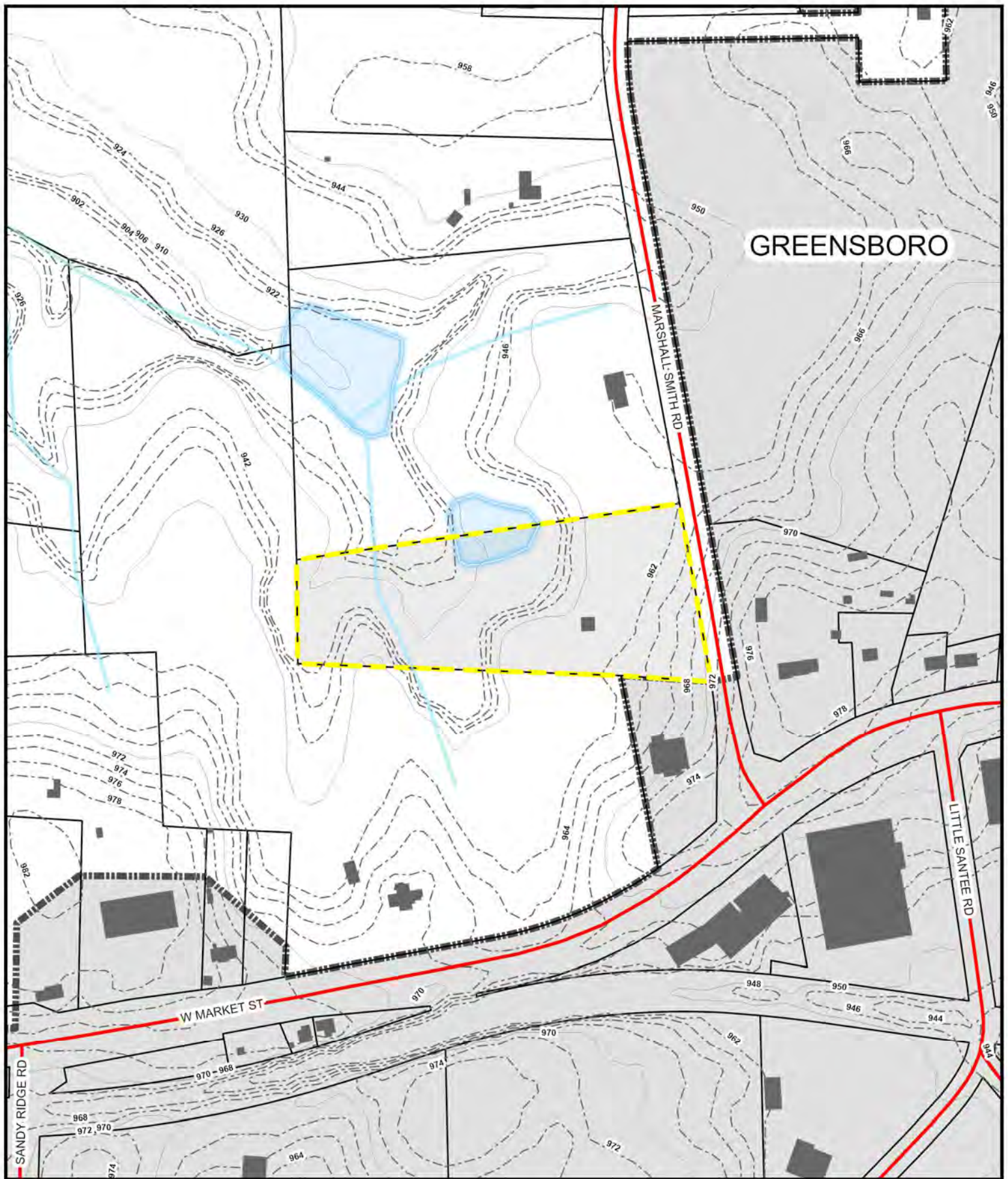


**Case: 23-01-PLBD-00035**

Scale: 1" = 300'

107 Marshall Smith Rd





**Case: 23-01-PLBD-00035**

Scale: 1" = 300 '  
107 Marshall Smith Rd



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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR  
MEETING)**

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

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR  
MEETING)**

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

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

I move to **Approve** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

1. The amendment **is** consistent with applicable plans because:

*[Describe elements of controlling land use plans and how the amendment is consistent.]*

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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.]*

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR  
MEETING)**

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

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

I move to **Deny** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI 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.]*

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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.]*

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR  
MEETING)**

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

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

I move to **Approve** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

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.]*

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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.]*

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD (REQUEST TO CONTINUE UNTIL JUNE 14, 2023 REGULAR  
MEETING)**

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

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

I move to **Deny** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

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

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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.]*

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**From:** Jack Threatt <gsojack@aol.com>  
**Sent:** Wednesday, April 26, 2023 3:44 PM  
**To:** Aaron Calloway  
**Subject:** Re: Marshall Smith Rezoning

**\*WARNING\* This email originated outside Guilford County's email system. \*WARNING\***

**Do not** click unrecognized links or attachments. **When in doubt**, use the **Phish Alert Report** button.

please reschedule my case until the june 16 meeting

On Wednesday, April 26, 2023 at 02:19:36 PM EDT, Aaron Calloway <[acalloway@guilfordcountync.gov](mailto:acalloway@guilfordcountync.gov)> wrote:

Good afternoon,

We will need written confirmation that you wish to continue your rezoning request to the June 14<sup>th</sup> Planning Board Meeting. You can reply to this email, and that will suffice.

Thank you again,



**Aaron Calloway, MPA**

**Planner I**

**Planning & Development Dept**

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**Guilford County Government**

400 West Market Street, Greensboro, NC 27401

336-641-2489 | f: 336-641-6988

[acalloway@guilfordcountync.gov](mailto:acalloway@guilfordcountync.gov) | [www.guilfordcountync.gov](http://www.guilfordcountync.gov)



Guilford County has transitioned to a new Planning, Permitting & Land Management System.

[click here for access](#)

The advertisement features a laptop displaying the "Civic Access Portal" with the Guilford County seal. The background is a light blue and green pattern of dots and lines.

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.

(Insert Color Paper)



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

Date Submitted: 4-5-23 Amended Fee \$500.00 Receipt # 6251-2023 Case Number 23-04-PLBD-00042  
4/21/23-OB

**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. 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 AG zoning district to the CZ-MXU zoning district. Said property is located at 5805 Church Street in Center Grove Township; Being a total of: 4 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # <u>1 3 8 9 3 5</u>	Tax Parcel # _____
Tax Parcel # _____	Tax Parcel # _____
Tax Parcel # _____	Tax Parcel # _____

*Additional sheets for tax parcels are available upon request.*

**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.

**Conditional Zoning Requirements:**

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Zoning Conditions. Use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

**Use Conditions**

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

- 1) The following uses shall be PROHIBITED: Animal Services, Townhome Dwelling, Multifamily Dwelling, Congregate Care Facility, Group Care Facility, Nursing and Convalescent Home, Homeless Shelter, Athletic Fields, Club or Lodge, Country Club with Golf Course,
- 2) Place of Worship, Vocational School, Fraternity or Sorority, Hospital, Hotel or Motel, Beneficial Fill Area, Heliport, Construction and Demolition Debris Landfill, Minor, Land Clearing and Inert Debris Landfill, Minor, Secretarial School or business school.
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

**Development Conditions**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

- 1) Building height for any structure used for a non-residential use shall not exceed 30 feet.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

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

**A Conditional Zoning Application must be signed by current property owner(s).**

*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.*

Respectfully Submitted,



Manager, Double G Properties, LLC

Property Owner Signature

Double G Properties LLC

Name  
8609 Cedar Hollow Dr.

Mailing Address  
Greensboro, NC 27455

City, State and Zip Code

Phone Number                      Email Address  
ptalley@triad.rr.com

Owner/ Representative/ Applicant Signature (if applicable)

Amanda Hodieme

Name  
804 Green Valley Road, Suite 200

Mailing Address  
Greensboro, NC 27408

City, State and Zip Code  
336-609-5137

Phone Number                      Email Address  
amanda@isaacsonsheridan.com

**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU, CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

**Property Information**

Located at 5805 Church Street (Guilford County Tax Parcel #138935 in Center Grove Township), the subject of this request is approximately 850 feet south of the intersection of Church Street and NC Highway 150 East and comprises approximately 4 acres.

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

**Nature of the Request**

This is a request to Conditionally Zone property from AG to CZ-MXU with the following conditions:

Use Condition: (1) The following uses shall be prohibited: a) Animal Services (Livestock); b) Animal Services (Other); c) Townhouse Dwelling; d) Multifamily Dwelling (including Condominium); e) Congregate Care Facility; f) Group Care Facility; g) Nursing and Convalescent Home; h) Homeless Shelter; i) Athletic Fields; j) Club or Lodge; k) Country Club with Golf Course; l) Place of Worship; m) Vocational, Business or Secretarial School; n) Fraternity or Sorority (University or College Related); o) Hotel or Motel; p) Beneficial Fill Area; q) Heliport; r) Construction or Demolition Debris Landfill, Minor; s) Land Clearing & Inert Debris Landfill, Minor.

Development Condition: (1) Building height for any structure used for a non-residential use shall not exceed 30 feet.

**District Descriptions**

The **AG, Agricultural 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 **MXU, Mixed-Use, District** is intended for a mix of high-intensity residential, retail, and commercial uses compatible with adjacent development. The mix of uses may be horizontal or vertical. This district shall consider connectivity via all modes of travel and provide multiple housing types to suit residents in all stages of life.

The **CZ, Conditional Zoning, District** is established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district 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 apply

## Character of the Area

The properties abutting to the north, west, and south are zoned AG and are single-family residential in use. Northeast across Church Street is a parcel zoned CZ-HB, Conditional Zoning Highway Business, which sites a grocery store and other commercial activities. Directly east of the subject lot are properties zoned AG and single-family residential in use. Southeast from the subject site is a large single-family subdivision zoned CZ-RS-30, Conditional Zoning Residential. Beyond directly abutting parcels, the area contains several large single-family subdivisions.

**Existing Land Use(s) on the Property:** Single-family residential

**Surrounding Uses:**

North: Residential

South: Residential

East: Commercial and Residential

West: Residential

**Historic Properties:** There are no inventoried historic landmarks located on or adjacent to the subject 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 anticipated impact.

**Emergency Response:**

Fire Protection District: Fire District 13

Miles from Fire Station: Approximately 6.5 miles

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Church is classified as a Major Thoroughfare with an Average Annual Daily Traffic (AADT) of 5,400 vehicles per the 2021 NCDOT traffic count.

Proposed Improvements: Subject to NCDOT Driveway permit

Projected Traffic Generation: Undetermined

## Environmental Assessment



**Topography:** Gently 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 streams on the subject property. The property is located in the Greensboro (Reedy Fork) WS-III Water Supply Watershed in Tier 4.

## Land Use Analysis

**Land Use Plan:** Northern Lakes Area Plan (2016)

**Plan Recommendation:** AG Rural Residential (AGRR)

**Consistency:** The proposed rezoning is partially consistent with the Northern Lakes Area Plan.

The **AG Rural Residential (AGRR)** designation is intended to accommodate agricultural (AG) uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer with densities not to exceed two (2) units per acre. Large major residential subdivisions in the AG Rural Residential area should incorporate into their design a minimum of two (2) policies recommended by this plan. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance. Higher densities may be appropriate as determined by the Guilford County Residential Rezoning Matrix.

**The Moderate Commercial Node** is intended to accommodate moderate-intensity office and commercial uses that provide retail and distributive services for an area beyond the immediate surroundings. Moderate Commercial Nodes are identified along current and proposed primary transportation routes and intersections, as envisioned uses rely on fluid access and high visibility. Particular attention should be given to architectural and transportation standards, as recommended by this plan, when Moderate Commercial Nodes develop. Moderate Commercial Nodes, although not designed to develop as regional shopping centers (Heavy Commercial Nodes) at this time due to current infrastructure limitations and surrounding development context, warrant special consideration in future plan updates to assess infrastructure progression. Moderate Commercial Nodes have an approximate radius of one-quarter of a mile. Examples of expected uses within Moderate Commercial Nodes can be found within the Limited Business (LB), General Office-Medium, and a range of moderate intensity uses in the Highway Business (HB) and General Business (GB) Zone of the Guilford County Development Ordinance.

The **Mixed-Use (MU)** designation is intended to recognize an opportunity for a mixture of complimentary and integrated principal land uses and/or housing types developed on large tracts under a unified development scheme. Mixed-Use (MU) areas should be characterized by

pedestrian and bicycle interconnectivity and should incorporate many of the policies recommended by this plan. Traditionally, mixed-use developments have emphasized a variety of transportation options, recreational and/or open space amenities, and high standards of site and architectural design. It is envisioned that mixed-use projects will develop under the Planned Unit Development zoning districts of the Guilford County Development Ordinance.

## Recommendation

**Staff Recommendation:** Staff recommends approval of the request.

The requested CZ-MXU, Conditional Zoning-Mixed-Use, zoning is reasonable and in the public interest because the property is within the quarter-mile radius of the Church Street and NC Highway 150 Moderate Commercial Node, and therefore the request would satisfy policies 1.1.1 and 1.5.3 of the Comprehensive Plan.

Policy 1.1.1 states that Planning staff will continue to utilize the future land uses depicted on citizen-based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations. While this request is not consistent with the future land use classification of AGRR, it is consistent with the Moderate Commercial Node which identifies uses that would be typical under General Office-Medium (GO-M) zoning districts. GO-M has been updated to MXU within the current revision of the UDO.

Policy 1.5.3 states that the County should consider traditional neighborhood design principles in appropriate locations, including mixed uses, pedestrian-friendly streets and commercial areas, and transit-oriented development. This proposal, if developed using architectural controls and pedestrian-oriented design, such as sidewalks, could lead to further mixed-use and pedestrian-oriented development within the designated Moderate Commercial Node of the Northern Lakes Area Plan. Additionally, the developer-proposed condition to restrict building heights to 30 feet lends itself to pedestrian-scale development.

### **Area Plan Amendment Recommendation:**

The proposed rezoning is partially consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential; thus, if the request is approved, a plan amendment to Mixed-Use (MU) will be required.

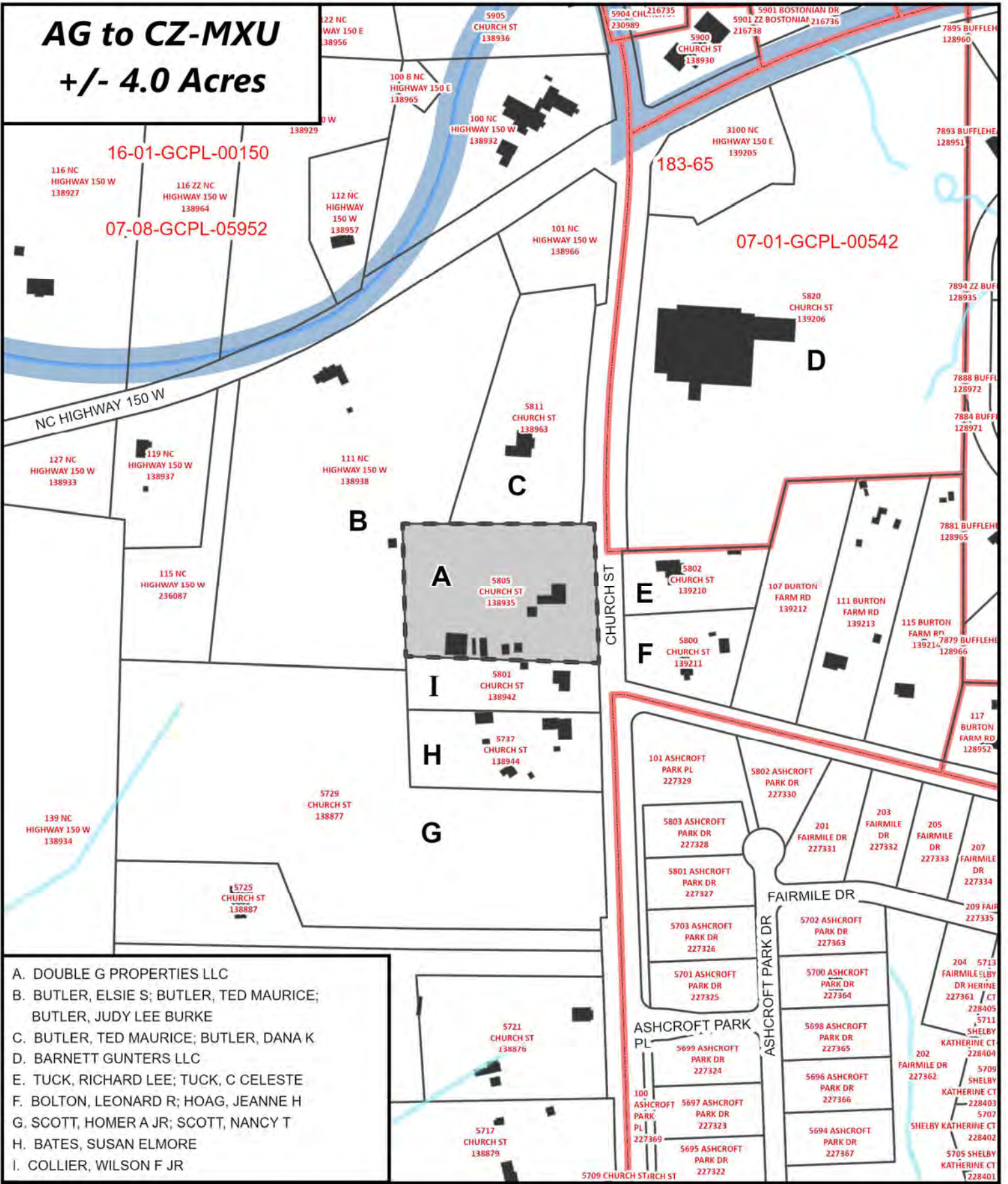
**TABLE OF PERMITTED USES FOR MXU ZONING DISTRICT**

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations  
 P = Use by Right    D = Individual Development Standards Apply - See Article 5    S = Individual Development Standards per Article 5 Apply & Special Use Permit Required

Use Category	Use Type	WCA Prohibited Use	MXU	
<b>Agriculture/Animal Services</b>	<del>Animal Services (Other)</del>		D	
	<del>Single-Family Detached Dwelling</del>		P	
<b>Household Living</b>	<del>Two-Family Dwelling (Twin Home or Duplex)</del>		P	
	<del>Townhouse Dwelling</del>		P	
	<del>Multifamily Dwelling (including Condominium)</del>		P	
	<del>Family Care Facility</del>		P	
	<del>Live/Work</del>		P	
	<del>Accessory Apartments/ Dwelling Units</del>		D	
	<del>Temporary Family Healthcare Structures</del>		D	
	<b>Group Living/Social Service</b>	<del>Boarding House, 3 - 8 Residents</del>		P
		<del>Rooming House, 9 or More Residents</del>		P
		<del>Congregate Care Facility</del>		D
<del>Group Care Facility</del>			D	
<del>Single Room Occupancy (SRO) Residence</del>			D	
<del>Nursing and Convalescent Home</del>			P	
<b>Recreation and Entertainment</b>	<del>Homeless Shelter</del>		D	
	<del>Athletic Fields</del>		P	
	<del>Club or Lodge</del>		P	
	<del>Country Club with Golf Course</del>		S	
	<del>Physical Fitness Center</del>		P	
	<del>Public Park (including Public Recreation Facility)</del>		D	
	<del>Swim and Tennis Club</del>		D	
<b>Civic, Educational, and Institutional</b>	<del>Place of Worship</del>		P	
	<del>Vocational, Business or Secretarial School</del>		P	
	<del>Daycare Centers in Residence (In-Home) (12 or Less)</del>		D	
	<del>Daycare Center (Not In-Home)</del>		D	
	<del>Emergency Services</del>		P	
	<del>Community or Social Service Agencies</del>		P	
	<del>Fraternity or Sorority (University or College Related)</del>		P	
	<del>Government Office</del>		P	
	<del>Library</del>		P	
	<del>Museum or Art Gallery</del>		P	
	<del>Post Office</del>		P	
	<del>Hospital</del>		P	
	<b>Business, Professional, and Personal Services</b>	<del>Office (General)</del>		P
		<del>Medical or Professional Office</del>		P
<del>Personal Service</del>			P	
<del>Bank or Finance without Drive- through</del>			D	
<del>Bank or Finance with Drive- through</del>			P	
<del>Insurance Agency (Carriers and On-Site Claims Inspections)</del>			P	
<del>Kennels or Pet Grooming</del>			D	
<del>Studios-Artists and Recording</del>			P	
<b>Lodging</b>	<del>Bed and Breakfast Home for 8 or Less Guest Rooms</del>		D	
	<del>Hotel or Motel</del>		S	
<b>Funeral and Internment Services</b>	<del>Cemetery or Mausoleum</del>		D	
	<del>Funeral Home or Crematorium</del>		P	
	<del>Beneficial Fill Area</del>		D	
	<del>Courier Service Substation</del>		P	
	<del>Heliport</del>	X	S	
<b>Transportation, Warehousing, and Wholesale</b>	<del>Communication or Broadcasting Facility</del>		P	
	<del>Wireless Communication Tower – Stealth Camouflage Design</del>		D	
<b>Utilities and Communication</b>	<del>Wireless Communication Tower – Non-Stealth Design</del>		D	
	<del>Small Cell Wireless Tower</del>		S	
	<del>Radio or TV Station</del>		P	
	<del>Utilities, Major</del>		S	
	<del>Utilities, Minor</del>		P	
	<del>Utility Company Office</del>		P	
	<del>Construction or Demolition Debris Landfill, Minor</del>		D	
	<del>Land Clearing &amp; Inert Debris Landfill, Minor</del>		D	
<b>Special Events</b>	Temporary Events/Uses		D	

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# AG to CZ-MXU +/- 4.0 Acres



16-01-GCPL-00150

07-08-GCPL-05952

183-65

07-01-GCPL-00542

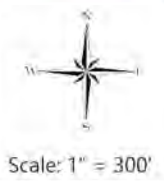
- A. DOUBLE G PROPERTIES LLC
- B. BUTLER, ELSIE S; BUTLER, TED MAURICE; BUTLER, JUDY LEE BURKE
- C. BUTLER, TED MAURICE; BUTLER, DANA K
- D. BARNETT GUNTERS LLC
- E. TUCK, RICHARD LEE; TUCK, C CELESTE
- F. BOLTON, LEONARD R; HOAG, JEANNE H
- G. SCOTT, HOMER A JR; SCOTT, NANCY T
- H. BATES, SUSAN ELMORE
- I. COLLIER, WILSON F JR

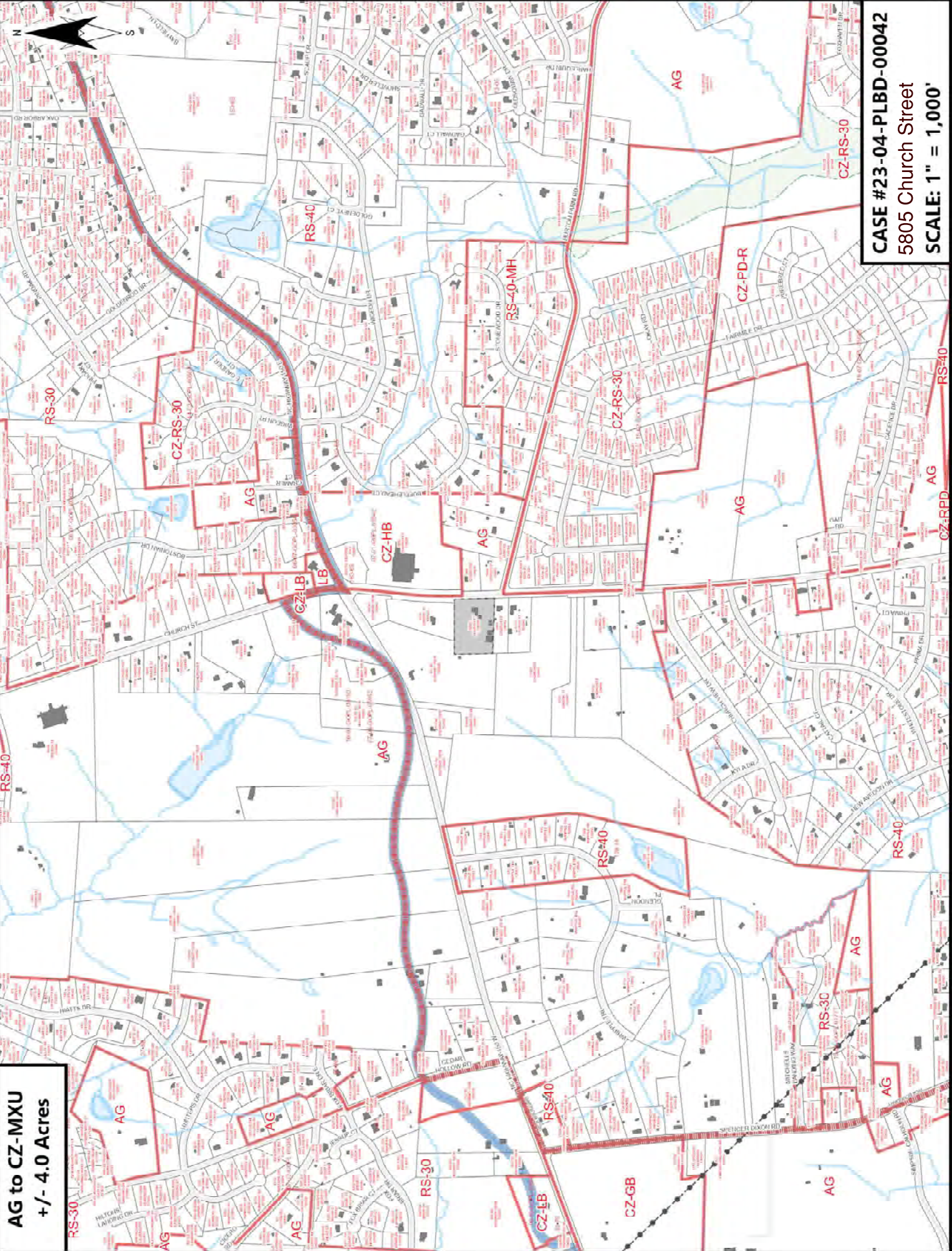


Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00042  
5805 Church Street

Case Area:  
138935

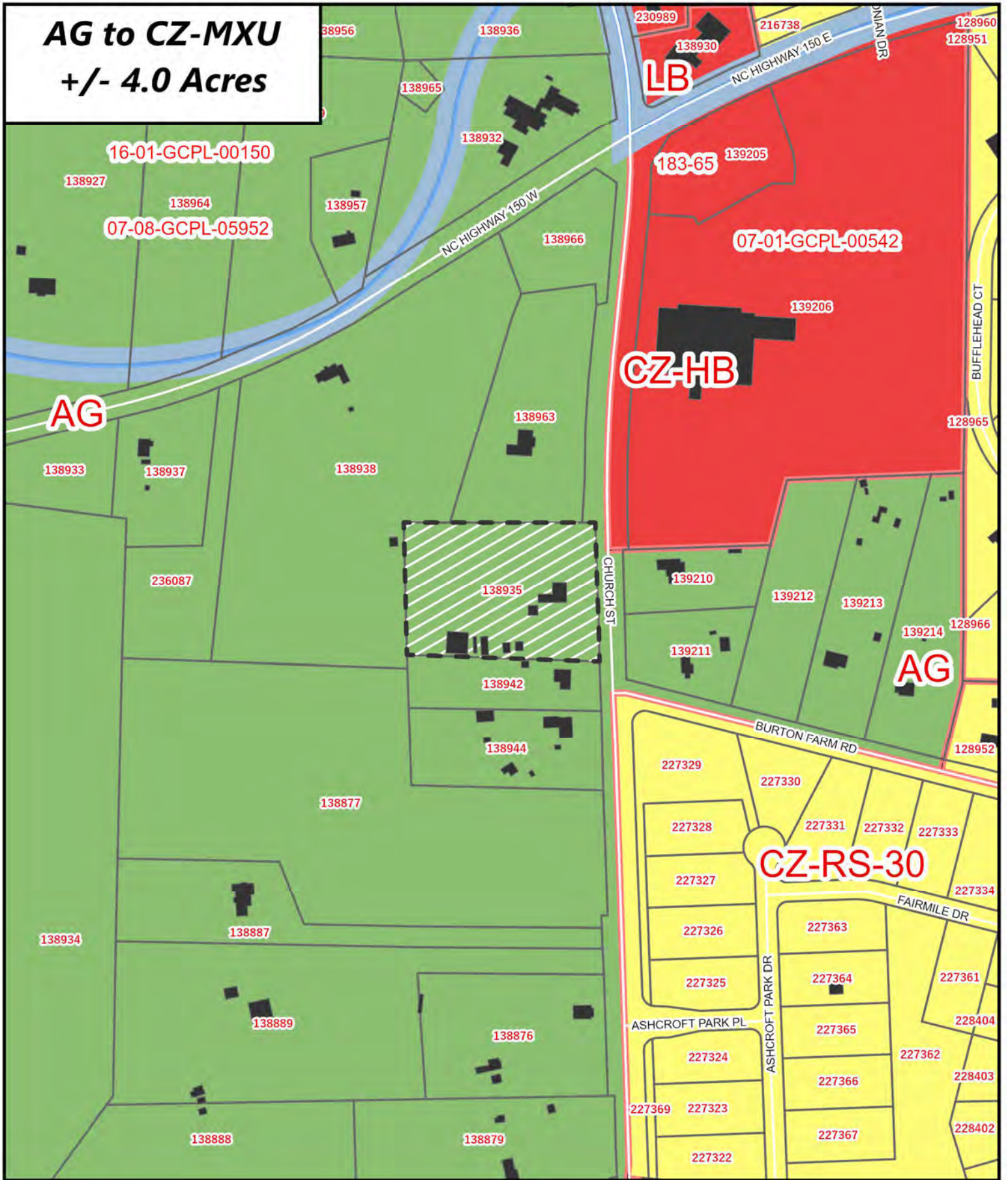




**AG to CZ-MXU  
+/- 4.0 Acres**

**CASE #23-04-PLBD-00042**  
**5805 Church Street**  
**SCALE: 1" = 1,000'**

# AG to CZ-MXU +/- 4.0 Acres



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00042  
5805 Church Street

Case Area:  
138935



Scale: 1" = 300'



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

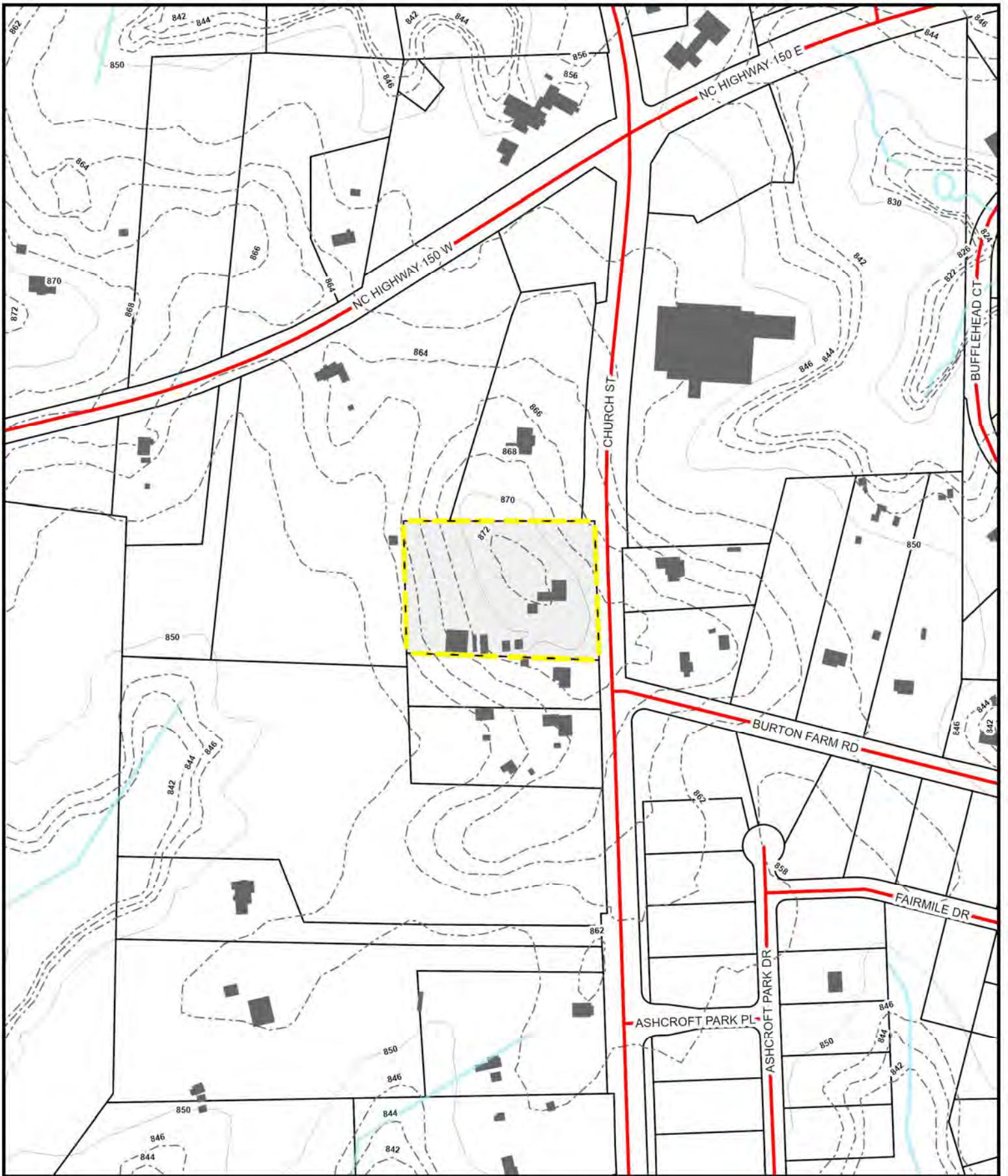
Case Number:  
RZ-23-04-PLBD-00042  
5805 Church Street

Case Area:  
138935



Scale: 1" = 300'





Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00042  
5805 Church Street

Case Area:  
138935



Scale: 1" = 300'

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**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU,  
CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

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

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU,  
CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

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

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

I move to **Approve** this zoning map amendment located on Guilford County Parcel #138935 from AG to CZ-MXU because:

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

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- 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.]*

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**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU,  
CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

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

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

I move to **Deny** this zoning map amendment located on Guilford County Parcel #138935 from AG to CZ-MXU 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.]*

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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.]*

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**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU,  
CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

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

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

I move to **Approve** this zoning map amendment located on Guilford County Parcel #138935 from AG to CZ-MXU because:

1. This approval also amends the **Northern Lakes Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Northern Lakes Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Northern Lakes 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.]*

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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.]*

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**CONDITIONAL ZONING CASE #23-04-PLBD-00042: AG, AGRICULTURAL, TO CZ-MXU,  
CONDITIONAL ZONING-MIXED-USE; 5805 CHURCH STREET**

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

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

I move to **Deny** this zoning map amendment located on Guilford County Parcel #138935 from AG to CZ-MXU because:

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

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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.]*

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(Insert Color Paper)



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

Date Submitted: 4-5-23

Fee \$500.00 Receipt # 6257-8023

Case Number 23-04-PLBD-00043

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. 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-30 zoning district to the CZ-HB zoning district. Said property is located at 6524 Liberty Road in Julian Township; Being a total of: 3.08 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 1 2 3 5 1 3

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

*Additional sheets for tax parcels are available upon request.*

**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.

**Conditional Zoning Requirements:**

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Zoning Conditions. Use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

**Use Conditions**

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

- 1) Please see attached.
- 2)
- 3)
- 4)

**Development Conditions**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

- 1) Building height shall be limited to 30 feet.
- 2) Building square footage shall not exceed 16,000 square feet.
- 3)
- 4)

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

**A Conditional Zoning Application must be signed by current property owner(s).**

*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.*

Respectfully Submitted,

*Shane Andrew White*     *Sandy Lashea Wilkins*

Property Owner Signature

Shane Andrew White and Sandy Lashea Wilkins

Name  
6524 Liberty Road

Mailing Address  
Julian, NC 27283

City, State and Zip Code  
336-855-8554

Phone Number

swilkins@lanicrlawgroup.com

Email Address

*Amanda Hodierno*

Owner/ Representative/ Applicant Signature (if applicable)

Amanda Hodierno

Name  
804 Green Valley Road, Suite 200

Mailing Address  
Greensboro, NC 27408

City, State and Zip Code  
336-609-5137

Phone Number

amanda@isaacsonsheridan.com

Email Address

**Proposed Zoning Conditions**

6524 Liberty Road

Proposed Zoning: CZ-Highway Business

Use Conditions:

1. The following uses shall be PROHIBITED on the subject property:
  - a. Nursing Home
  - b. Homeless Shelter
  - c. Athletic Fields
  - d. Batting Cages
  - e. Country Club with Golf Course
  - f. Golf Course
  - g. Paintball Field
  - h. Amusement Park, Water Park, Fairgrounds
  - i. Auditorium, Coliseum, Stadium
  - j. RV Park, Campsite
  - k. Special Event Venue
  - l. Indoor Shooting Range
  - m. Theater, Indoor or Outdoor
  - n. Other Indoor or Outdoor Recreational use
  - o. Place of Worship
  - p. Vocational School
  - q. Fraternity or Sorority
  - r. Hospital
  - s. Outdoor Advertising
  - t. Boat Repair
  - u. Furniture Stripping or Refinishing
  - v. Motion Picture Production
  - w. Hotel, Motel
  - x. Pawnshop or other Used Merchandise Store
  - y. Bar/Private Club, Tavern
  - z. Automobile Towing and Storage
  - aa. Equipment Repair, Light
  - bb. Bus Terminal and/or Service Facility
  - cc. Beneficial Fill Area
  - dd. Heliport
  - ee. Railroad Terminal or Yard
  - ff. Taxi Terminal
  - gg. Construction or Demolition Debris Landfill, Minor
  - hh. Land clearing and Inert Debris Landfill, Minor
  - ii. Laundry Dry Cleaning Plant
  - jj. Laundry Dry Cleaning Substation

### Guilford County, NC



*Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, Guilford County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use or interpretation by the User.*

Map Scale  
**1 inch = 500 feet**  
4/5/2023

**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY ROAD**

**Property Information**

Located at 6524 Liberty Road (Guilford County Tax Parcel #123513 in Julian Township), the subject of this request is approximately 210 feet northwest of the intersection of Liberty Road and NC Highway 62 East and comprises approximately 3.08 acres.

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

**Nature of the Request**

This is a request to Conditionally Zone property from RS-30 to CZ-HB with the following conditions:

Use Condition: (1) The following uses shall be prohibited: a) Nursing and Convalescent Home; b) Homeless Shelter; c) Athletic Fields; d) Batting Cages; Country Club with Golf Course; f) Golf Course; g) Paintball Field; h) Amusement or Water Parks, Fairgrounds; i) Auditorium, Coliseum or Stadium; j) Recreational Vehicle Park or Campsite; k) Special Event Venue; l) Shooting Range, Indoor; m) Theater (Outdoor); n) Theater (Indoor); o) Other Outdoor Uses Not Listed; p) Other Indoor Uses Not Listed; q) Place of Worship; r) Vocational, Business or Secretarial School; s) Hospital; t) Advertising, Outdoor Services; u) Boat Repair; v) Furniture Stripping or Refinishing (including Secondary or Accessory Operations); w) Motion Picture Production; x) Hotel or Motel; y) Pawnshop or Used Merchandise Store; z) Bar Private Club/Tavern; aa) Automotive Towing and Storage Services; bb) Equipment Repair, Light; cc) Bus Terminal and Service Facilities; dd) Beneficial Fill Area; ee) Heliport; ff) Railroad Terminal or Yard; gg) Taxi Terminal; hh) Construction or Demolition Debris Landfill, Minor; ii) Land Clearing & Inert Debris Landfill, Minor; jj) Laundry or Dry Cleaning Plant; kk) Laundry or Dry Cleaning Substation.

Development Condition: (1) Building square footage shall not exceed 16,000 square feet.

**District Descriptions**

The **RS-30, Single-Family Residential, 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.

The **HB, Highway Business, District** is primarily meant to accommodate auto-oriented retail service and other commercial uses typically located along major thoroughfares. These highly-visible establishments are characterized by large parking lots in front of the structures, anchor tenants, and outparcels. Attention should be paid to landscaping, site and architectural design.

The **CZ, Conditional Zoning, District** is established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district 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 apply.

## Character of the Area

The subject parcel is a generally low-density single-family residential area. Highway businesses uses are developed at the Liberty Road and US Highway 62 intersection. The subject parcel is approximately a half-mile from the Randolph Countyline near the Greensboro Randolph County Megasite. The US Highway 421 Corridor runs parallel to Liberty Road within a half-mile west of the subject parcel.

**Existing Land Use(s) on the Property:** The property has a single-family dwelling.

### Surrounding Uses:

North: Agricultural, single-family dwelling on subdivided lots, highway business

South: Dr. Clyde M Gilmore Memorial Park Cemetery

East: Single-family dwellings on a subdivided lot at intersection of Colonial Trading Path/NC Highway 62 E

West: Dr. Clyde M Gilmore Memorial Park Cemetery

**Historic Properties:** There are no inventoried historic landmarks located on or adjacent to the subject property.

**Cemeteries:** No cemeteries are shown to be located on the subject property, but there is a cemetery on the adjacent property to the north (Guilford County Tax Parcel #123505), so efforts should be made to rule out the potential of unknown or potentially unmarked grave sites.

## Infrastructure and Community Facilities

**Public School Facilities:** No anticipated impact.

### Emergency Response:

Fire Protection District: Julian FPSD, Station 36

Miles from Fire Station: Approximately 0.42 miles

### Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

### Transportation:

Existing Conditions: Liberty Road is a Major Thoroughfare with an Average Annual Daily

Traffic (AADT) of 4,100 vehicles per the 2021 NCDOT traffic count.

Proposed Improvements: Subject to NCDOT Driveway permit

Projected Traffic Generation: Undetermined

## Environmental Assessment

**Topography:** Gently sloping, moderately sloping and steeply sloping

**Regulated Floodplain/Wetlands:**

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

**Streams and Watershed:**

There is a mapped stream on the property. The property is not located in a designated Water Supply Watershed.

## Land Use Analysis

**Land Use Plan:** Alamance Creek Area Plan (2016)

**Plan Recommendation:** AG Rural Residential (AGRR)

**Consistency:** The proposed rezoning is not consistent with the Alamance Creek Area Plan.

The **AG Rural Residential (AGRR)** designation is intended to accommodate agricultural uses, large-lot residential development, and low- density residential subdivisions not connected to public water and sewer with densities not to exceed two (2) units per acre. Large major residential subdivisions in the AG Rural Residential area should incorporate into their design a minimum of two (2) policies recommended by this plan. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single- Family, RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance. Higher densities may be appropriate as determined by the Guilford County Residential Rezoning Matrix. The Highway Business district is not identified in the Rezoning Matrix as a compatible zoning district.

Goal #1 - Future Land Use Element of the Comprehensive Plan states that Guilford County shall position itself to accommodate new growth and redevelopment that is efficient and cost-effective; improves the quality of life for residents; enhances economic vitality; is respectful to citizen based Area Plans; supports creativity and innovative design; and protects and preserves the natural, historic, and cultural resources and assets of the County.

Policy 1.1.2: Existing Area Plans will be updated to reflect current jurisdictional boundaries, roadway improvements (existing and proposed), and emerging commercial areas...



The parcel is within a half-mile of the Randolph County line and the Greensboro Randolph Megasite, the site of the Toyota Battery Manufacturing plant. The Toyota plant is expected to generate new development opportunities along and near the US 421 Corridor.

## **Recommendation**

**Staff Recommendation:** Staff recommends approval of the request.

The request is reasonable and in the public interest because it fronts on a major thoroughfare, which is most suitable for the Highway Business district. In addition, it is in proximity of the new Toyota plant (Mega Site), which is expected to stimulate commercial growth in the general area of the subject parcel. The rezoning of the subject parcel will enhance the economic vitality of the County by creating new business and job opportunities for citizens. Uses on Highway Business zoned properties are subject to Type A Planting Yards Buffers (min. width 40', avg. width 50', max. width 75') when adjacent to any RS-zoned property.

**Area Plan Amendment Recommendation:**

The proposed rezoning is not consistent with the Alamance Creek Area Plan recommendation of AG Rural Residential; thus, if the request is approved, a plan amendment to Heavy Commercial will be required.

TABLE OF PERMITTED USES FOR HB ZONING DISTRICT

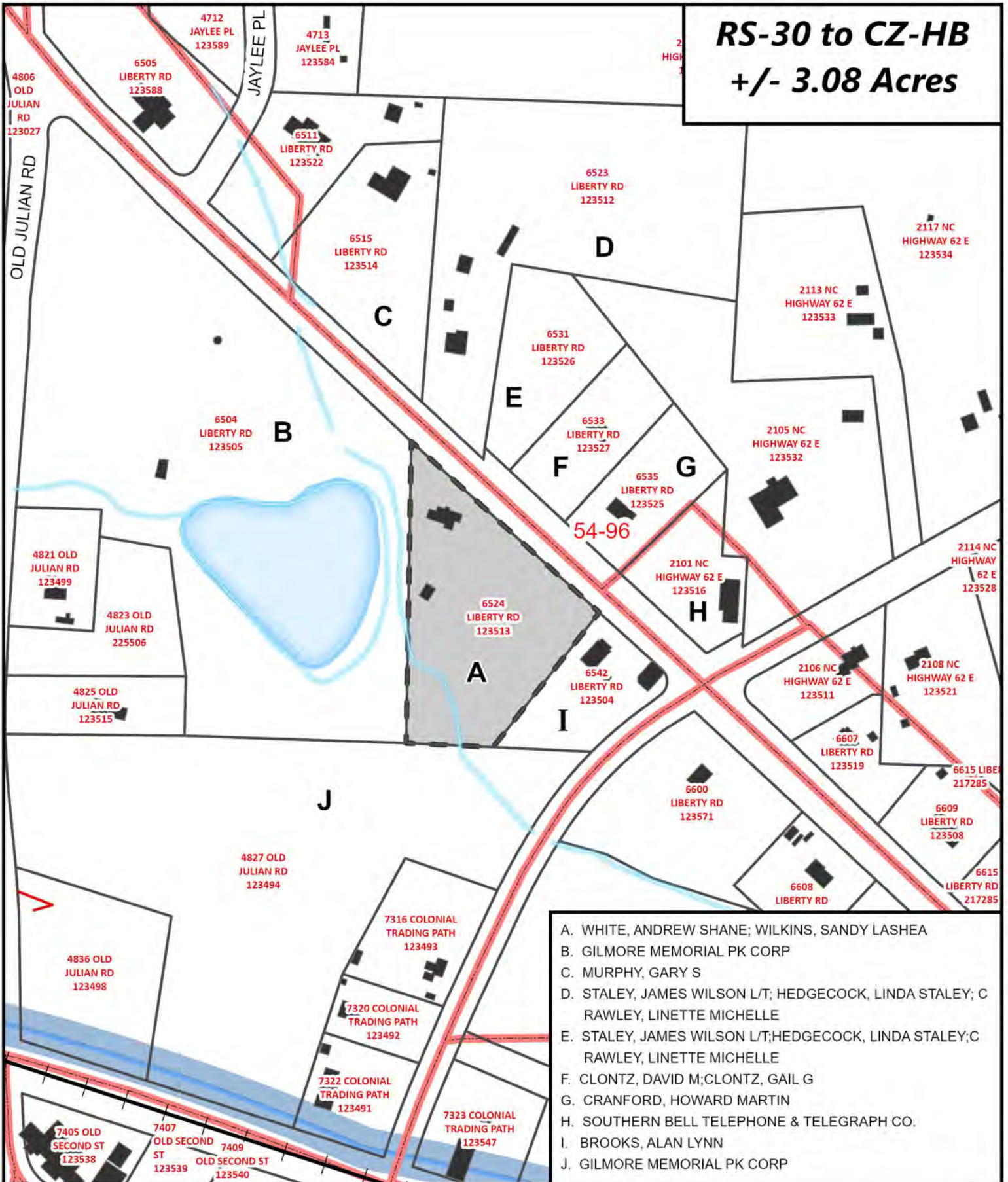
X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations  
 P = Use by Right D = Individual Development Standards Apply - See Article 5 S = Individual Development Standards per Article 5 Apply & Special Use Permit Required

Strikethrough=Excluded uses proposed by applicant



Use Category	Use Type	WCA Prohibited Use	HB	
Agriculture/Animal Services	Animal Services (Other)		D	
	Horticultural Specialties		P	
	Multifamily Dwelling (including Condominium)		P	
Household Living	Live/Work		P	
	<del>Nursing and Convalescent Home</del>		<del>P</del>	
Group Living/Social Service	<del>Homeless Shelter</del>		<del>D</del>	
	Indoor Recreation		P	
Recreation and Entertainment	<del>Outdoor Recreation</del>		<del>D</del>	
	<del>Amusement or Water Parks, Fairgrounds</del>		<del>D</del>	
	<del>Athletic Fields</del>		<del>P</del>	
	<del>Auditorium, Coliseum or Stadium</del>		<del>P</del>	
	<del>Boating Canals</del>		<del>D</del>	
	<del>Club or Lodge</del>		<del>P</del>	
	<del>Country Club with Golf Course</del>		<del>D</del>	
	<del>Go-cart Raceway</del>		<del>P</del>	
	<del>Golf Course, Miniature</del>		<del>P</del>	
	<del>Golf Course</del>		<del>D</del>	
	<del>Paintball Field</del>		<del>D</del>	
	<del>Physical Fitness Center</del>		<del>P</del>	
	<del>Public Park (including Public Recreation Facility)</del>		<del>D</del>	
	<del>Recreational Vehicle Park or Campsite</del>		<del>D</del>	
	<del>Special Event Venue</del>		<del>P</del>	
	<del>Shooting Range, Indoor</del>		<del>D</del>	
	<del>Swim and Tennis Club</del>		<del>D</del>	
	<del>Theater (Outdoor)</del>		<del>D</del>	
	<del>Theater (Indoor)</del>		<del>P</del>	
	<del>Place of Worship</del>		<del>P</del>	
	<del>Vocational, Business or Secretarial School</del>		<del>P</del>	
	<del>Daycare Centers in Residence (In-Home) (12 or Less)</del>		<del>D</del>	
	<del>Daycare Center (Not In-Home)</del>		<del>D</del>	
	<del>Emergency Services</del>		<del>P</del>	
	<del>Community or Social Service Agencies</del>		<del>P</del>	
	<del>Fraternity or Sorority (University or College Related)</del>		<del>P</del>	
	<del>Government Office</del>		<del>P</del>	
	<del>Library</del>		<del>P</del>	
<del>Museum or Art Gallery</del>		<del>P</del>		
<del>Post Office</del>		<del>P</del>		
<del>Hospital</del>		<del>P</del>		
Civic, Educational, and Institutional	<del>Office (General)</del>		<del>P</del>	
	<del>Medical or Professional Office</del>		<del>P</del>	
	<del>Personal Service</del>		<del>P</del>	
	<del>Advertising, Outdoor Services</del>		<del>D</del>	
	<del>Bank or Finance without Drive-through</del>		<del>P</del>	
	<del>Bank or Finance with Drive-through</del>		<del>P</del>	
	<del>Boat Repair</del>	X	<del>P</del>	
	<del>Building Maintenance Services</del>		<del>P</del>	
	<del>Furniture Stripping or Refinishing (including Secondary or Accessory)</del>	X	<del>P</del>	
	<del>Insurance Agency (Carriers and On-Site Claims Inspections)</del>		<del>P</del>	
	<del>Kennels or Pet Grooming</del>		<del>D</del>	
	<del>Laundromat or Dry Cleaner</del>	X	<del>P</del>	
	<del>Motion Picture Production</del>		<del>P</del>	
	<del>Pest or Termite Control Services</del>	X	<del>P</del>	
	<del>Payday Loan Services</del>		<del>P</del>	
	<del>Studios-Artists and Recording</del>		<del>P</del>	
	<del>Animal Slaughter or Rendering</del>	X	<del>P</del>	
	<del>Bed and Breakfast Home for 8 or Less Guest Rooms</del>		<del>P</del>	
	<del>Hotel or Motel</del>		<del>P</del>	
	Business, Professional, and Personal Services	<del>Retail (General)</del>		<del>P</del>
		<del>ABC Store (Liquor)</del>		<del>P</del>
<del>Auto Supply Sales</del>			<del>P</del>	
<del>Automobile Rental or Leasing</del>		X	<del>P</del>	
<del>Automobile Repair Services</del>		X	<del>P</del>	
<del>Car Wash</del>		X	<del>D</del>	
<del>Building Supply Sales (with Storage Yard)</del>			<del>D</del>	
<del>Convenience Store (with Gasoline Pumps)</del>		X	<del>P</del>	
<del>Equipment Rental and Repair, Light</del>			<del>D</del>	
<del>Garden Center or Retail Nursery</del>			<del>P</del>	
<del>Manufactured Home Sales</del>			<del>P</del>	
<del>Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)</del>		X	<del>P</del>	
<del>Pawnshop or Used Merchandise Store</del>			<del>P</del>	
<del>Service Station, Gasoline</del>		X	<del>P</del>	
<del>Tire Sales</del>			<del>P</del>	
<del>Bakery</del>			<del>P</del>	
Food Service		<del>Bar Private Club/Tavern</del>		<del>D</del>
	<del>Microbrewery, Private Club/Tavern</del>		<del>D</del>	
	<del>Restaurant (With Drive-thru)</del>		<del>P</del>	
	<del>Restaurant (Without Drive-thru)</del>		<del>P</del>	
	<del>Cemetery or Mausoleum</del>		<del>D</del>	
Funeral and Internment Services	<del>Funeral Home or Crematorium</del>		<del>P</del>	
	<del>Wholesale Trade-Light</del>		<del>P</del>	
	<del>Automobile Parking (Commercial)</del>		<del>P</del>	
	<del>Automotive Towing and Storage Services</del>	X	<del>D</del>	
	<del>Equipment Rental and Leasing (No Outside Storage)</del>		<del>P</del>	
	<del>Equipment Repair, Light</del>		<del>D</del>	
	<del>Truck Stop</del>	X	<del>D</del>	
	<del>Truck and Utility Trailer Rental and Leasing, Light</del>	X	<del>P</del>	
	<del>Beneficial Fill Area</del>		<del>D</del>	
	<del>Bus Terminal and Service Facilities</del>	X	<del>P</del>	
	<del>Courier Service Substation</del>		<del>P</del>	
	<del>Helipad</del>	X	<del>S</del>	
	<del>Railroad Terminal or Yard</del>	X	<del>P</del>	
Transportation, Warehousing, and Wholesale	<del>Communication or Broadcasting Facility</del>		<del>P</del>	
	<del>Wireless Communication Tower - Stealth Camouflage Design</del>		<del>D</del>	
	<del>Wireless Communication Tower - Non-Stealth Design</del>		<del>D</del>	
	<del>Small Cell Wireless Tower</del>		<del>S</del>	
	<del>Radio or TV Station</del>		<del>P</del>	
	<del>Utilities, Major</del>		<del>S</del>	
	<del>Utilities, Minor</del>		<del>P</del>	
	<del>Faxi Terminal</del>	X	<del>P</del>	
	<del>Utility Company Office</del>		<del>P</del>	
	<del>Construction or Demolition Debris Landfill, Minor</del>		<del>D</del>	
Waste-Related Uses	<del>Land Clearing &amp; Inert Debris Landfill, Minor</del>		<del>D</del>	
	<del>Warehouse (General Storage, Enclosed)</del>		<del>D</del>	
	<del>Warehouse (Self-Storage)</del>		<del>D</del>	
General Industrial	<del>Laundry or Dry Cleaning Plant</del>	X	<del>P</del>	
	<del>Laundry or Dry Cleaning Substation</del>	X	<del>P</del>	
Special Events	Temporary Events/Uses		D	

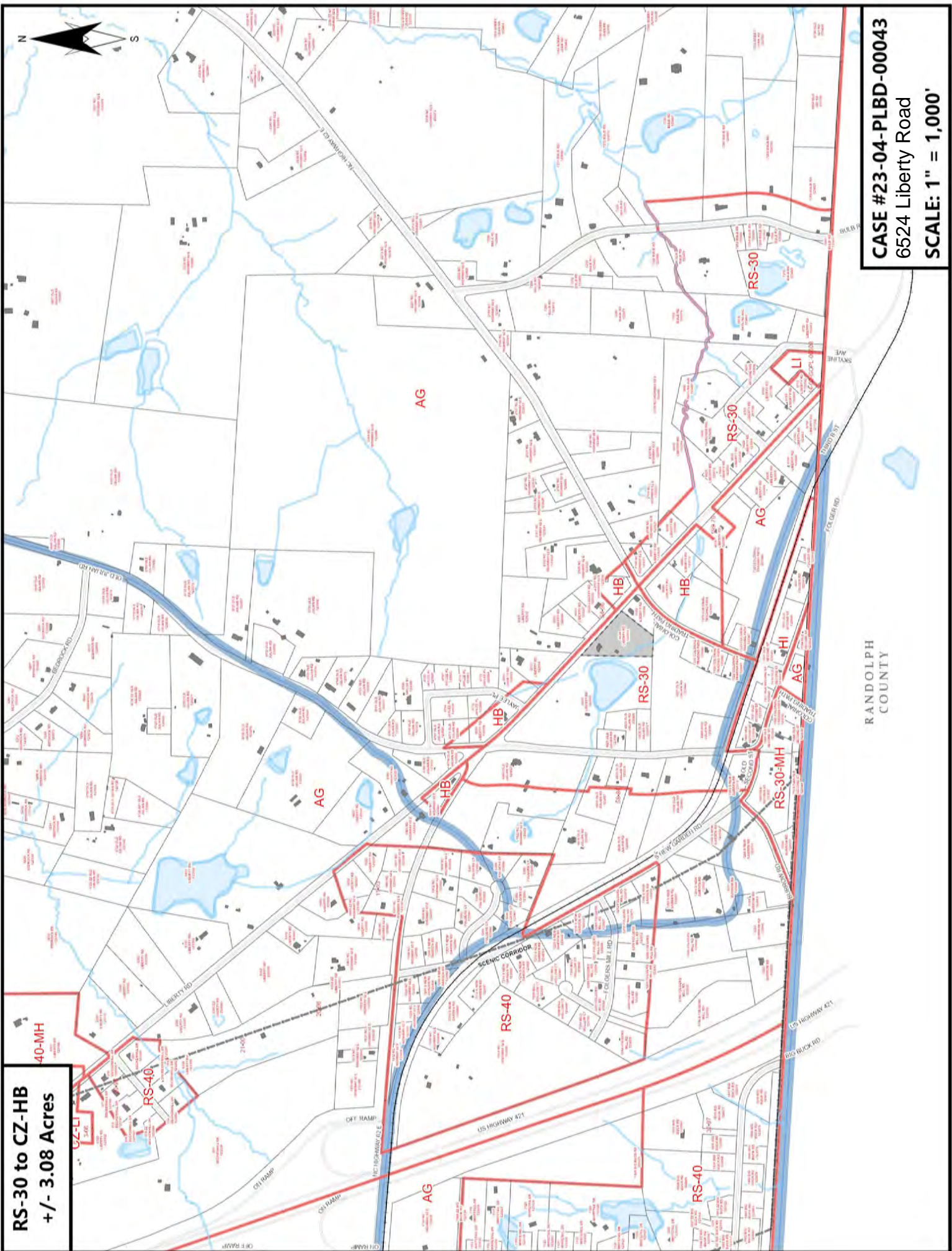
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# RS-30 to CZ-HB +/- 3.08 Acres



- A. WHITE, ANDREW SHANE; WILKINS, SANDY LASHEA
- B. GILMORE MEMORIAL PK CORP
- C. MURPHY, GARY S
- D. STALEY, JAMES WILSON L/T; HEDGECOCK, LINDA STALEY; C RAWLEY, LINETTE MICHELLE
- E. STALEY, JAMES WILSON L/T; HEDGECOCK, LINDA STALEY; C RAWLEY, LINETTE MICHELLE
- F. CLONTZ, DAVID M; CLONTZ, GAIL G
- G. CRANFORD, HOWARD MARTIN
- H. SOUTHERN BELL TELEPHONE & TELEGRAPH CO.
- I. BROOKS, ALAN LYNN
- J. GILMORE MEMORIAL PK CORP

 <p>Planning &amp; Development Department</p>	<p>Jurisdiction: GUILFORD COUNTY</p>	<p>Case Number: RZ-23-04-PLBD-00043 6524 Liberty Road</p>	<p>Case Area: 123513</p>	 <p>Scale: 1" = 250'</p>
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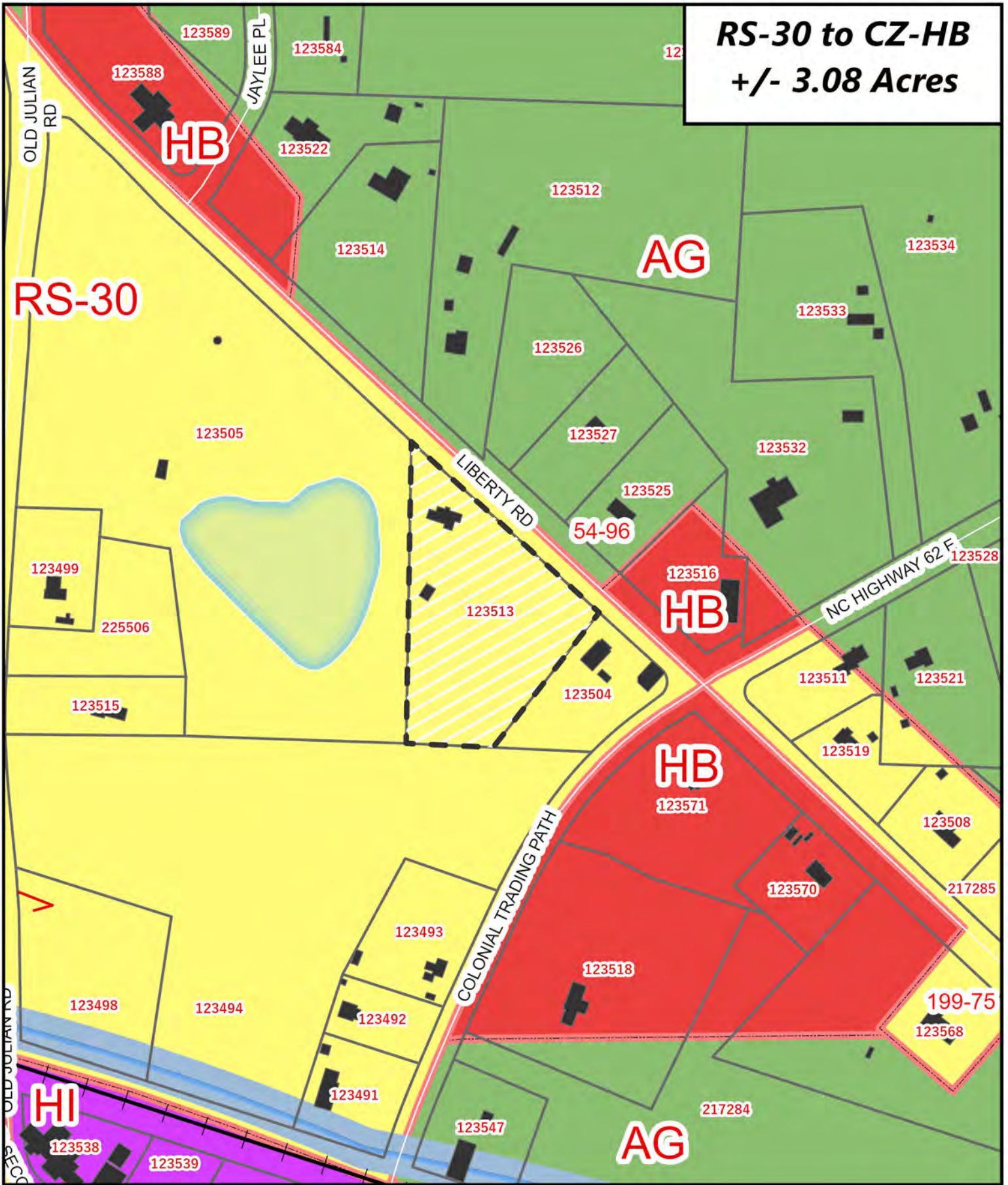


**RS-30 to CZ-HB  
+/- 3.08 Acres**

**CASE #23-04-PLBD-00043**  
6524 Liberty Road  
**SCALE: 1" = 1,000'**

RANDOLPH  
COUNTY

**RS-30 to CZ-HB  
+/- 3.08 Acres**



Planning & Development  
Department

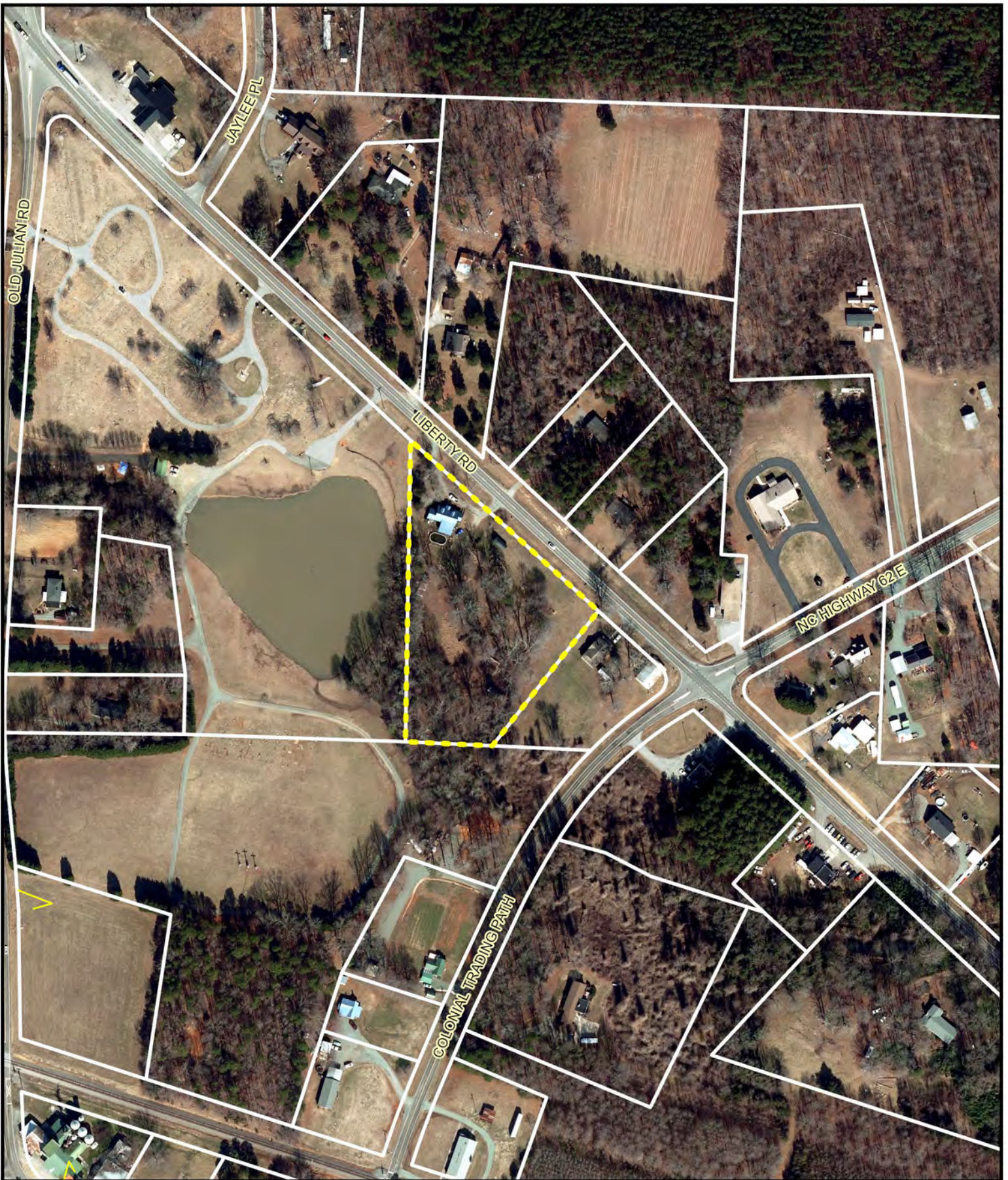
Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00043  
6524 Liberty Road

Case Area:  
123513



Scale: 1" = 250'



Planning & Development  
Department

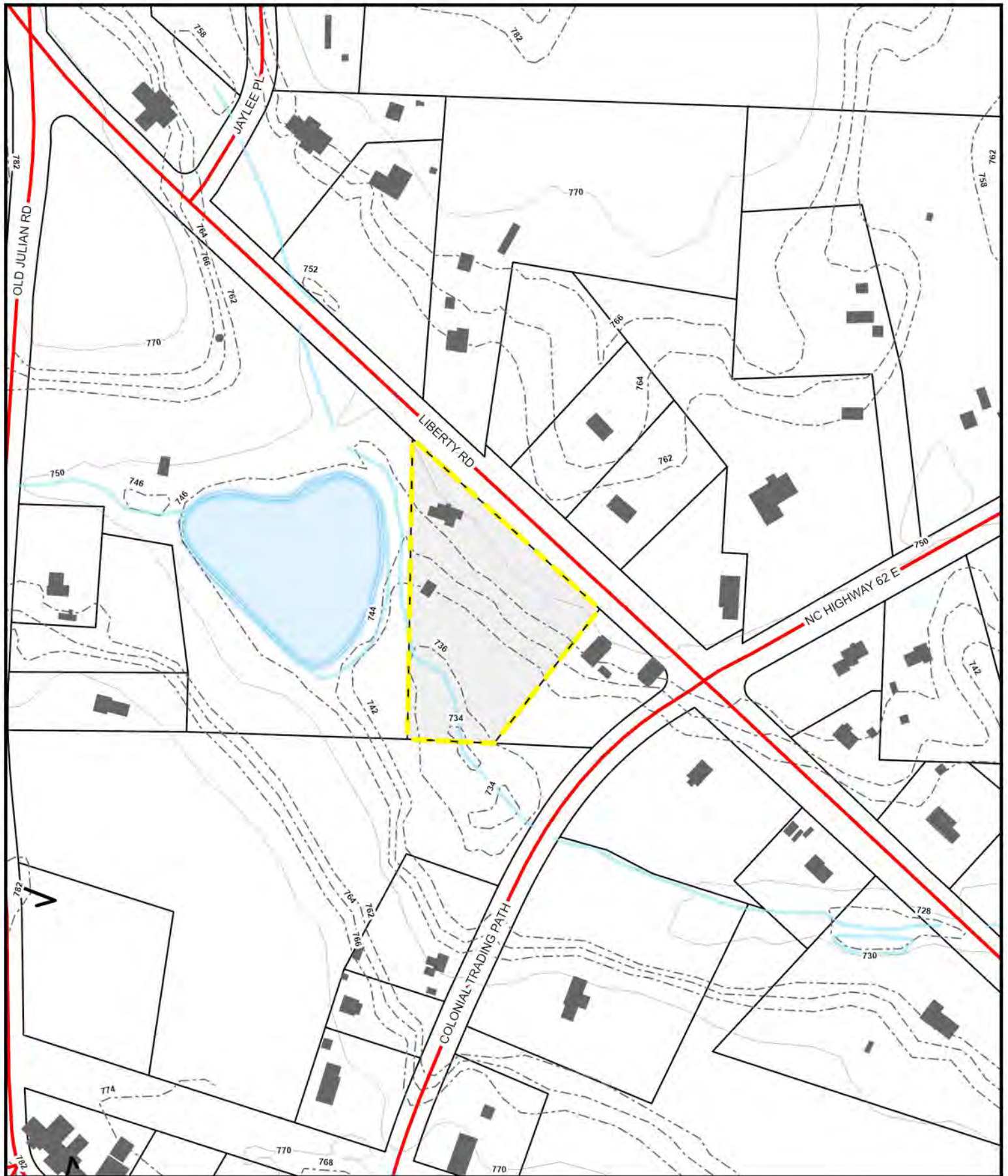
Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00043  
6524 Liberty Road

Case Area:  
123513



Scale: 1" = 250'



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-04-PLBD-00043  
6524 Liberty Road

Case Area:  
123513



Scale: 1" = 250'



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**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY  
RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY  
ROAD**

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

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY 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 #123513, from **RS-30 to CZ-HB** because:

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

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- 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.]*

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**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY 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 #123513, from **RS-30 to CZ-HB**.

- 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.]*

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- 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.]*

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**CONDITIONAL ZONING CASE #23-04-PLBD-00043: RS-30, SINGLE-FAMILY RESIDENTIAL, TO CZ-HB, CONDITIONAL ZONING-HIGHWAY BUSINESS; 6524 LIBERTY 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 #123513, from **RS-30 to CZ-HB** because:

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

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- 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.]*

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(Insert Color Paper)





**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Rezoning  
Application**

Date Submitted: 3/10/2023 Fee \$500.00 Receipt # 5272-2023 Case Number 23-03-PLBO-00040

**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 AG zoning district to the PD-R zoning district.

Said property is located 6820 Holt's Store Road

in Greene Township; Being a total of: 56.15 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 1 0 9 7 0 3

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

Shawn Cummings  
 Property Owner Signature  
 Shawn Cummings  
 Name  
 3041 South Church Street  
 Mailing Address  
 Burlington, NC 27215  
 City, State and Zip Code  
 (336) 675-2417      scummings@outlook.com  
 Phone Number      Email Address

\_\_\_\_\_  
 Representative/Applicant Signature (if applicable)  
 \_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Mailing Address  
 \_\_\_\_\_  
 City, State and Zip Code  
 \_\_\_\_\_  
 Phone Number      Email Address

No.	Date	Issue / Notes / Revision Notes

HOLT'S STORE ROAD  
Rezoning Map

Pinade Design &  
Engineering Services, PLLC  
1711 N. PINE  
SUITE 200  
MARIETTA, GA 30067  
770-428-1311  
pinadesign.com



**PRELIMINARY**  
Engineering Services, PLLC  
Pinade Design &  
Engineering Services, PLLC  
1711 N. PINE  
SUITE 200  
MARIETTA, GA 30067  
770-428-1311  
pinadesign.com



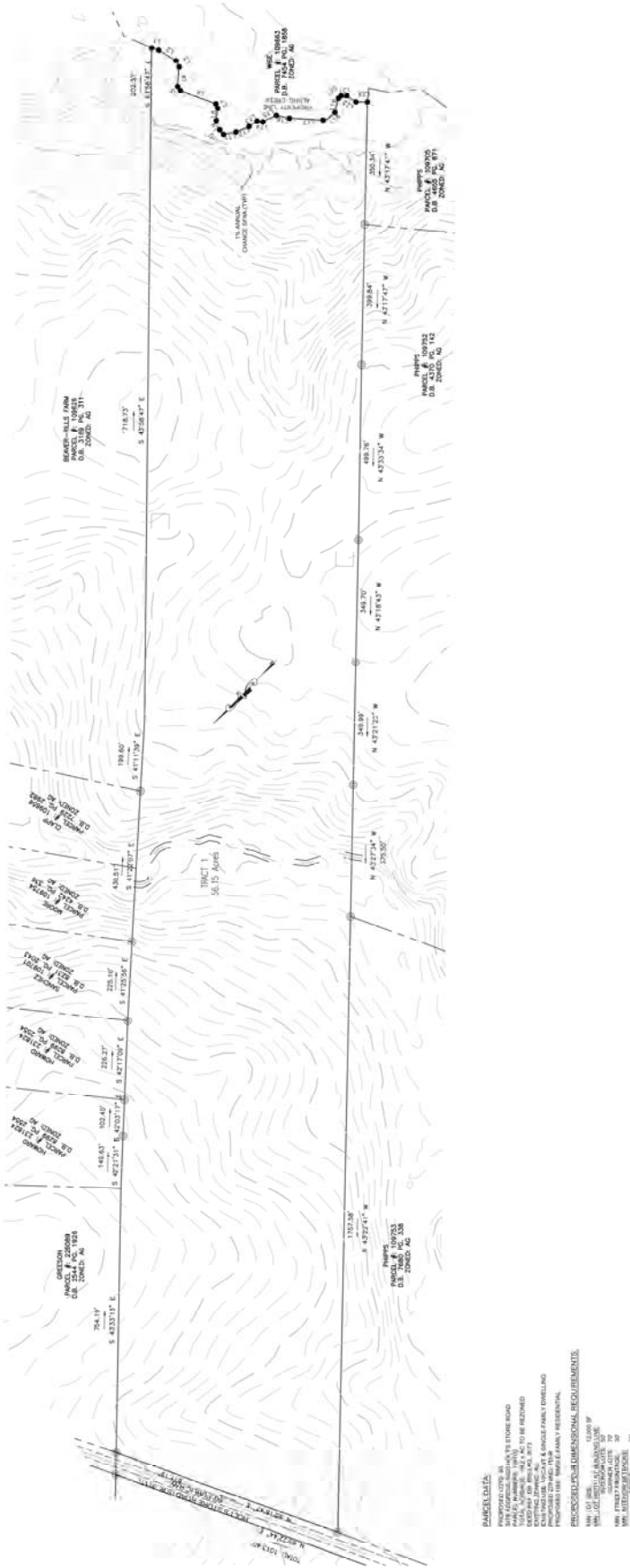
### Project Location

**Legend:**  
 (Symbol) Centerline  
 (Symbol) Property Line  
 (Symbol) Survey Point  
 (Symbol) Proposed Road  
 (Symbol) Existing Road  
 (Symbol) Right of Way  
 (Symbol) Easement  
 (Symbol) Flood Zone  
 (Symbol) Other

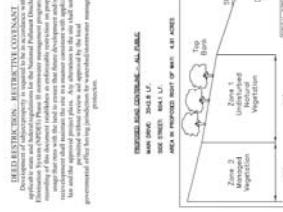
**Scale:** 1" = 200'

**Location:** Township 7, Range 13E

- ### GENERAL NOTES
1. THIS MAP WAS PREPARED BY THE ENGINEER AND IS NOT BE USED FOR ANY OTHER PURPOSES.
  2. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR ENCUMBRANCES OF RECORD AND THE ENGINEER HAS BEEN ADVISED THAT THE INFORMATION HEREON WAS TRUE AND CORRECT AT THE TIME OF PREPARATION.
  3. THIS MAP WAS PREPARED BY THE ENGINEER AND IS NOT BE USED FOR ANY OTHER PURPOSES.
  4. CONDUCT A SURVEY OF THE PROPERTY AND DETERMINE THE EXISTING CONDITIONS AND RECORD THE RESULTS THEREOF.
  5. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
  6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE DISTRICT CODES, ORDINANCES, AND REGULATIONS.
  7. THE ENGINEER HAS BEEN ADVISED THAT THE PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR ENCUMBRANCES OF RECORD AND THE ENGINEER HAS BEEN ADVISED THAT THE INFORMATION HEREON WAS TRUE AND CORRECT AT THE TIME OF PREPARATION.
  8. THE ENGINEER HAS BEEN ADVISED THAT THE PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR ENCUMBRANCES OF RECORD AND THE ENGINEER HAS BEEN ADVISED THAT THE INFORMATION HEREON WAS TRUE AND CORRECT AT THE TIME OF PREPARATION.
  9. THE ENGINEER HAS BEEN ADVISED THAT THE PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR ENCUMBRANCES OF RECORD AND THE ENGINEER HAS BEEN ADVISED THAT THE INFORMATION HEREON WAS TRUE AND CORRECT AT THE TIME OF PREPARATION.
  10. THE ENGINEER HAS BEEN ADVISED THAT THE PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR ENCUMBRANCES OF RECORD AND THE ENGINEER HAS BEEN ADVISED THAT THE INFORMATION HEREON WAS TRUE AND CORRECT AT THE TIME OF PREPARATION.



LINE	BEARING	DISTANCE
1	N 89° 00' 00" E	120.00
2	S 89° 00' 00" W	120.00
3	N 01° 00' 00" E	120.00
4	S 01° 00' 00" W	120.00
5	N 89° 00' 00" E	120.00
6	S 89° 00' 00" W	120.00
7	N 01° 00' 00" E	120.00
8	S 01° 00' 00" W	120.00
9	N 89° 00' 00" E	120.00
10	S 89° 00' 00" W	120.00
11	N 01° 00' 00" E	120.00
12	S 01° 00' 00" W	120.00
13	N 89° 00' 00" E	120.00
14	S 89° 00' 00" W	120.00
15	N 01° 00' 00" E	120.00
16	S 01° 00' 00" W	120.00
17	N 89° 00' 00" E	120.00
18	S 89° 00' 00" W	120.00
19	N 01° 00' 00" E	120.00
20	S 01° 00' 00" W	120.00
21	N 89° 00' 00" E	120.00
22	S 89° 00' 00" W	120.00
23	N 01° 00' 00" E	120.00
24	S 01° 00' 00" W	120.00
25	N 89° 00' 00" E	120.00
26	S 89° 00' 00" W	120.00
27	N 01° 00' 00" E	120.00
28	S 01° 00' 00" W	120.00
29	N 89° 00' 00" E	120.00
30	S 89° 00' 00" W	120.00
31	N 01° 00' 00" E	120.00
32	S 01° 00' 00" W	120.00
33	N 89° 00' 00" E	120.00
34	S 89° 00' 00" W	120.00
35	N 01° 00' 00" E	120.00
36	S 01° 00' 00" W	120.00
37	N 89° 00' 00" E	120.00
38	S 89° 00' 00" W	120.00
39	N 01° 00' 00" E	120.00
40	S 01° 00' 00" W	120.00
41	N 89° 00' 00" E	120.00
42	S 89° 00' 00" W	120.00
43	N 01° 00' 00" E	120.00
44	S 01° 00' 00" W	120.00
45	N 89° 00' 00" E	120.00
46	S 89° 00' 00" W	120.00
47	N 01° 00' 00" E	120.00
48	S 01° 00' 00" W	120.00
49	N 89° 00' 00" E	120.00
50	S 89° 00' 00" W	120.00



### REDESIGNATION, INTERPRETATION

The diagram illustrates the proposed vegetation management zones along the road. Zone 1 is designated as Unmowed Vegetation, Zone 2 as Mowed Vegetation, and Zone 3 as Unmowed Vegetation. The diagram shows the layout of these zones relative to the road centerline and property lines.

### REDESIGNATION, INTERPRETATION

The diagram illustrates the proposed vegetation management zones along the road. Zone 1 is designated as Unmowed Vegetation, Zone 2 as Mowed Vegetation, and Zone 3 as Unmowed Vegetation. The diagram shows the layout of these zones relative to the road centerline and property lines.

### REDESIGNATION, INTERPRETATION

The diagram illustrates the proposed vegetation management zones along the road. Zone 1 is designated as Unmowed Vegetation, Zone 2 as Mowed Vegetation, and Zone 3 as Unmowed Vegetation. The diagram shows the layout of these zones relative to the road centerline and property lines.



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# CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL to PD-R, PLANNED DEVELOPMENT-RESIDENTIAL: 6820 HOLT STORE ROAD

## Property Information

Located at 6820 Holt Store Road (Guilford County Tax Parcel #109703 in Greene Township) on the south side of Holt Store Road approximately 5,100 feet west of the intersection of NC Highway 61 S and comprises approximately 56.15 acres.

**Zoning History of Denied Cases:** There is no history of denied cases for this parcel.

## Nature of the Request

This proposed request is to rezone subject property from AG to PD-R. The associated sketch plan proposes a maximum of 60 single-family residential lots with an overall density of 1.1 du/ac.

### District Descriptions

The AG – Agriculture 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.

A Planned Unit Development (PUD) is an area of land under unified ownership or control to be developed and improved as a whole according to a Unified Development Plan (UDP). It shall be subject to all of the applicable standards, procedures, and regulations of the Unified Development Ordinance (UDO) except as varied or changed by the express terms contained herein and as approved according to the submitted UDP. Any property meeting the minimum size requirements (25 acres) set forth in the UDO may be eligible as a Planned Unit Development regardless of the methods utilized to supply potable water and sewage disposal.

Planned Unit Development includes the PD-R designation.

## Character of the Area

Surrounding uses are mainly agricultural, including two parcels that are in the Voluntary Agricultural District (VAD). Pockets of land in the vicinity contain residential subdivisions within a Manufactured Home Overlay district. Adjacent to the south of the subject parcel is Luke Place Subdivision, which is an RS-40 zoned single-family residential subdivision that allows an overall density similar to what is shown on the Sketch Plan.

**Existing Land Use(s) on the Property:** The site is largely undeveloped but has a single-family dwelling. Previous agricultural use has been discontinued.

**Surrounding Uses:**

North: Agricultural and a residential subdivision zoned CZ-RS-40.

South: A single-family residential subdivision zoned RS-40

East: Agricultural, including a VAD parcel, Single-family dwellings on individual lots

West: Two VAD parcels and low-density residential properties

**Historic Properties:** There are no inventoried historic resources located on or adjacent to the subject 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 - 6820 Holts Store Rd				
Guilford County				
School Boundaries	Built Capacity 2022-23	2022-23 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students
Nathanael Greene ES	319	259	0	17-19
Southeast MS	1032	830	13	8-10
Southeast HS	1542	1280	4	8-10
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: Mount Hope FPSD

Miles from Fire Station: Approximately 1.3 miles

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells or Individual Septic

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Holt Store Road is a Major Thoroughfare under the Greensboro MPO Transportation Plan. The 2021 AADT counts near the NC Highway 61 intersection is 900 vehicles.

Proposed Improvements: An NCDOT Driveway Permit is required for major subdivisions. The developer is responsible for improvements required by the permit.

Projected Traffic Generation: Estimated average 10 trips daily per single-family dwelling unit.

## Environmental Assessment

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

**Regulated Floodplain/Wetlands:**

There is a regulated floodplain on the southeastern portion of the property. There are no mapped wetlands on the property.

**Streams and Watershed:**

There are multiple mapped streams running through 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:** No Area Plan

**Plan Recommendation:** Not applicable

**Consistency:**

This subject parcel is not in an area covered by a current Area Plan. However, the following Goals, Objective, and Policy statements from the Comprehensive Plan are relevant to the request.

Goal #1 - Future Land Use Element of the Comprehensive Plan provides that Guilford County shall position itself to accommodate new growth and development that: 1) supports creativity and innovative design; and 2) that protects and preserves the natural, historic, and cultural resources and assets of the County.

The PD-R, as a Planned Unit Development allows flexibility in design to avoid environmentally sensitive areas and similar resources. The County UDO requires development within a PD-R to preserve at least 2 acres or 5 percent (whichever is greater) of the total land area for open space.

Goal #1 - Housing Element of the Comprehensive Plan provides that the County will provide current and future residents of Guilford County with a variety of housing options and opportunities.

The PD-R zoning allows a mix of housing types (single-family dwellings, duplexes, townhomes, and multifamily dwellings) at varying densities based on a unified development plan. However, only single-family dwellings are proposed (see sketch plan).

Policy 1.4.12- Natural, Historic, and Cultural Resources Element, Objective 1.4 of the Comprehensive plan states that the County will support efforts to protect existing forested areas and to establish new forest growth, especially in areas buffering streams, lakes, and other wetlands; in areas of steep slopes; in areas buffering agricultural uses; and in critical natural habitats.

The UDO requires buffers around streams and other water resources as shown on the submitted sketch plan. Adjacent parcels west (Parcels 109705 and 107752) and an adjacent parcel ease (Parcel 226089) are currently in a Voluntary Agricultural District. The UDO does not establish buffering requirements for development adjacent to VADs, thus a zoning condition would be required for consistency with the referenced policy.

Given the prominence of active farms in the area, staff assessed the feasibility of the Rural Preservation District (RPD), which is another type of Planned Unit Development zoning allowed by the UDO. The Sketch Plan does not satisfy the minimum 50 percent open space requirement of the RPD zoning.

## **Recommendation**

**Staff Recommendation:** Staff recommends approval

The requested rezoning to PD-R is reasonable and in the public interest because the parcel is in an area with RS-40 zoned major subdivisions that allow overall densities similar to that indicated on the application Sketch Plan. The proposed zoning and Sketch Plan provide for protected open space and buffers environmentally-sensitive areas. It will provide housing opportunities for future and current residents of Guilford County.

**Area Plan Amendment Recommendation:**

The subject parcel is in an area not covered under a current Area Plan.



**Major Subdivision Case 22-12-SUB-00068: Holts Store Subdivision Sketch Plan, 6820 Holts Store Road**

On January 17, 2023, the Guilford County Technical Review Committee determined that the Master Sketch be revised and resubmitted for staff review subject to the comments below:

**Planning Comments: (Oliver Bass, 641-3578)**

1. Any approval is contingent upon successful rezoning and is not a recommendation for or against rezoning.
2. 30-lot restriction on single entrance single-family subdivisions no longer applies.
3. Approved Sketch plan and UDP must be recorded in register of deeds.
4. Add Case # to future submissions.

**Building Comments: (Jim Lankford, 641-3321)**

No comments.

**Watershed Comments: (Brent Gatlin, 641-3753)**

1. Add and label the "Drainageway and Open Space Easement" in plan view encompassing the 100-year floodplain and BFE.
2. Add and label the 20' Access Easement from ROW to the Drainageway and Open Space Easement.
3. The Non-encroachment Area (NEA) width of the floodplain does not match dimensions described in FIS and FRIS. Revise.
  - a. The NEA is to be drawn using FEMA/FRIS stream centerline with offset from centerline based on the Limited Detailed Flood Hazard Data for cross-sections 350, 360, 371 for the left side (site side) of the stream facing downstream (northeast direction).
    - i. Cross-section 371 left side = 49.0'
    - ii. Cross-section 360 left side = 55.0'
    - iii. Cross-section 350 left side = 123.0'
  - b. The NEA width can be drawn using the wider value between 2 cross-sections, or the width can be interpolated along the stream between the 2 cross-sections. See pages 23-25 on NC Floodplain Management Quick Guide below for instructions on drawing NEAs:  
[https://flood.nc.gov/NCFLOOD\\_BUCKET/FAQS/QuickGuideToPic/NCQuickGuide2017.pdf](https://flood.nc.gov/NCFLOOD_BUCKET/FAQS/QuickGuideToPic/NCQuickGuide2017.pdf)
  - c. See plan mark-up.

4. [Advisory Comment]: The following items will be required for Watershed Section review prior to approval of Prelim Plat.
  - a. Provide general grading and drainage design with Stormwater Conveyance System layout including pipes, storm structures, swales, culverts, and existing and proposed contours.
  - b. Storm system layout and drainage areas must be provided to verify drainage easement widths per UDO Section 9.1.H.
5. [Advisory Comment]: Site CD / Watershed Development Plan submission must be provided to the Watershed Section for review and approval prior to issuance of the Grading Permit by the Erosion Control Section:
  - a. Grading & Drainage Plan with complete Stormwater Conveyance System design and limits of disturbance.
  - b. Stormwater Conveyance System Calculations Report (signed/sealed).
  - c. Low Density requirements must be met and demonstrated per 15A NCAC 02H .1003(2).
  - d. Buffer Authorization for impacts to riparian buffers. Road crossing stream will likely require Buffer Authorization pending impact extents. Contact Teresa Andrews, Stormwater Program Administrator 336-641-5565 for submission requirements.
  - e. Floodplain Development Permit. (if required)

**Community Services Comments: (Clyde Harding, 641-3792)**  
No Comments

**Environmental Health Comments: (John Nykamp, 641-4807)**  
No comments at this time.

**Fire Marshal Comments: (Michael Townsend, 641-6541)**  
1.No Comments at this time

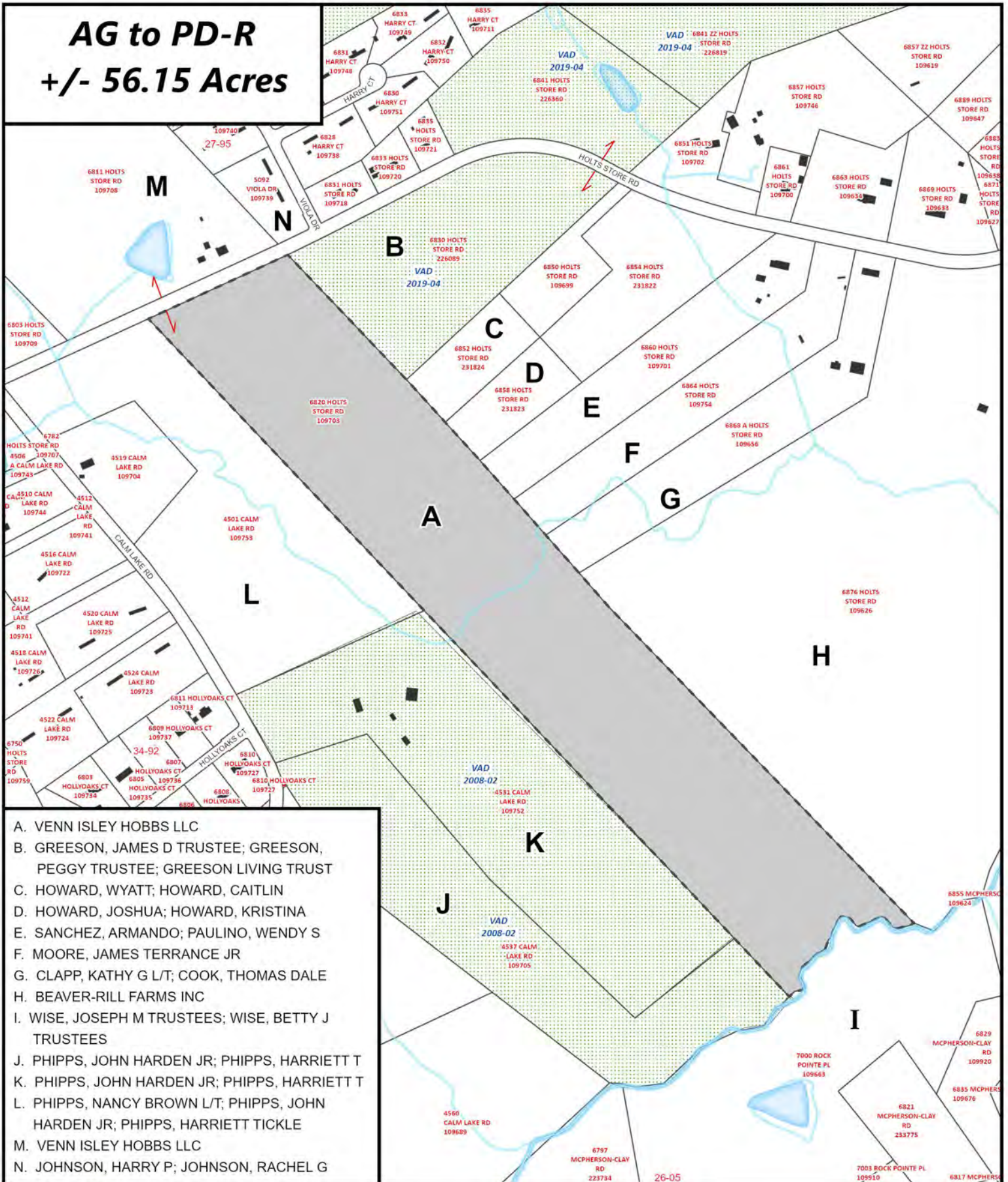
**NCDOT Comments: (Bobby Norris, 487-0100)**  
No comments at this time

**Addressing Comments: (Melissa Jones, 641-4877)**



Please provide a list of potential street names to  
addressing@GuilfordCountyNC.gov

Addresses cannot be assigned until the street names are approved and the plan is updated with the approved street names.

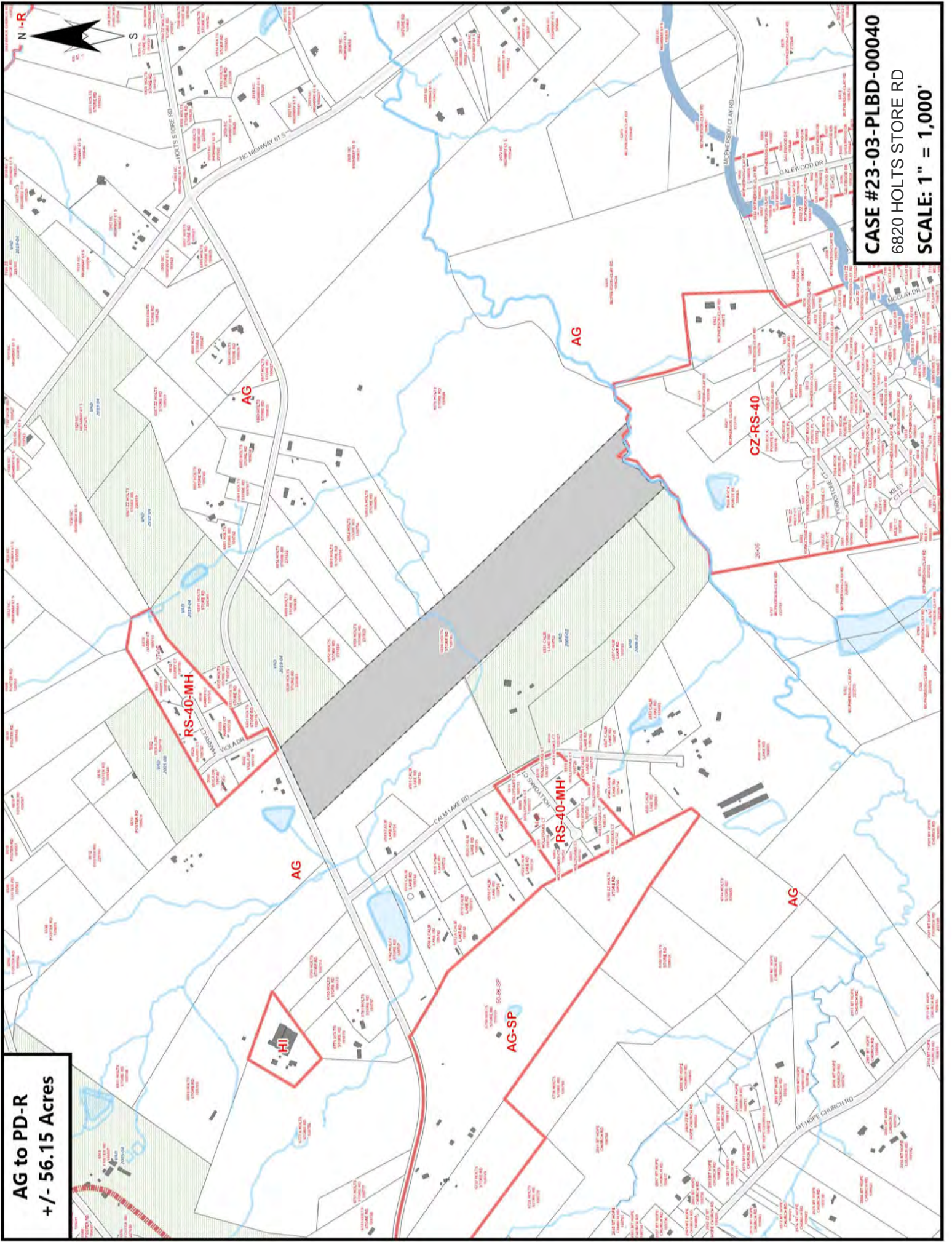
# AG to PD-R +/- 56.15 Acres



- A. VENN ISLEY HOBBS LLC
- B. GREESON, JAMES D TRUSTEE; GREESON, PEGGY TRUSTEE; GREESON LIVING TRUST
- C. HOWARD, WYATT; HOWARD, CAITLIN
- D. HOWARD, JOSHUA; HOWARD, KRISTINA
- E. SANCHEZ, ARMANDO; PAULINO, WENDY S
- F. MOORE, JAMES TERRANCE JR
- G. CLAPP, KATHY G L/T; COOK, THOMAS DALE
- H. BEAVER-RILL FARMS INC
- I. WISE, JOSEPH M TRUSTEES; WISE, BETTY J TRUSTEES
- J. PHIPPS, JOHN HARDEN JR; PHIPPS, HARRIETT T
- K. PHIPPS, JOHN HARDEN JR; PHIPPS, HARRIETT T
- L. PHIPPS, NANCY BROWN L/T; PHIPPS, JOHN HARDEN JR; PHIPPS, HARRIETT TICKLE
- M. VENN ISLEY HOBBS LLC
- N. JOHNSON, HARRY P; JOHNSON, RACHEL G

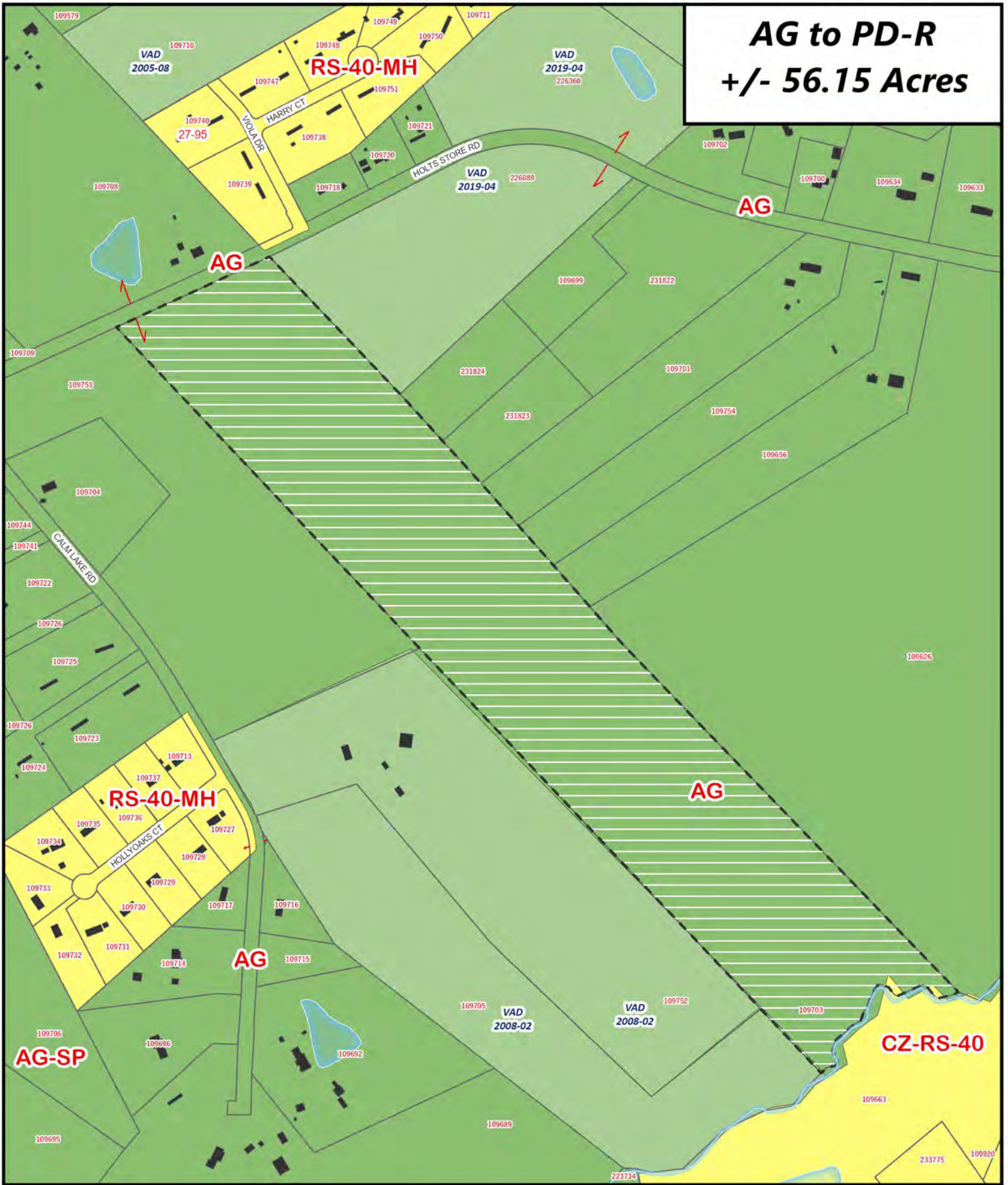
 Planning & Development Department	Jurisdiction: <b>GUILFORD COUNTY</b>	Case Number: <b>RZ-23-03-PLBD-00040</b> <b>6820 HOLTS STORE RD</b>	Case Area: <b>109703</b>	 Scale: 1" = 550'
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**AG to PD-R  
+/- 56.15 Acres**



**CASE #23-03-PLBD-00040**  
6820 HOLT'S STORE RD  
**SCALE: 1" = 1,000'**

# AG to PD-R +/- 56.15 Acres



Planning & Development  
Department

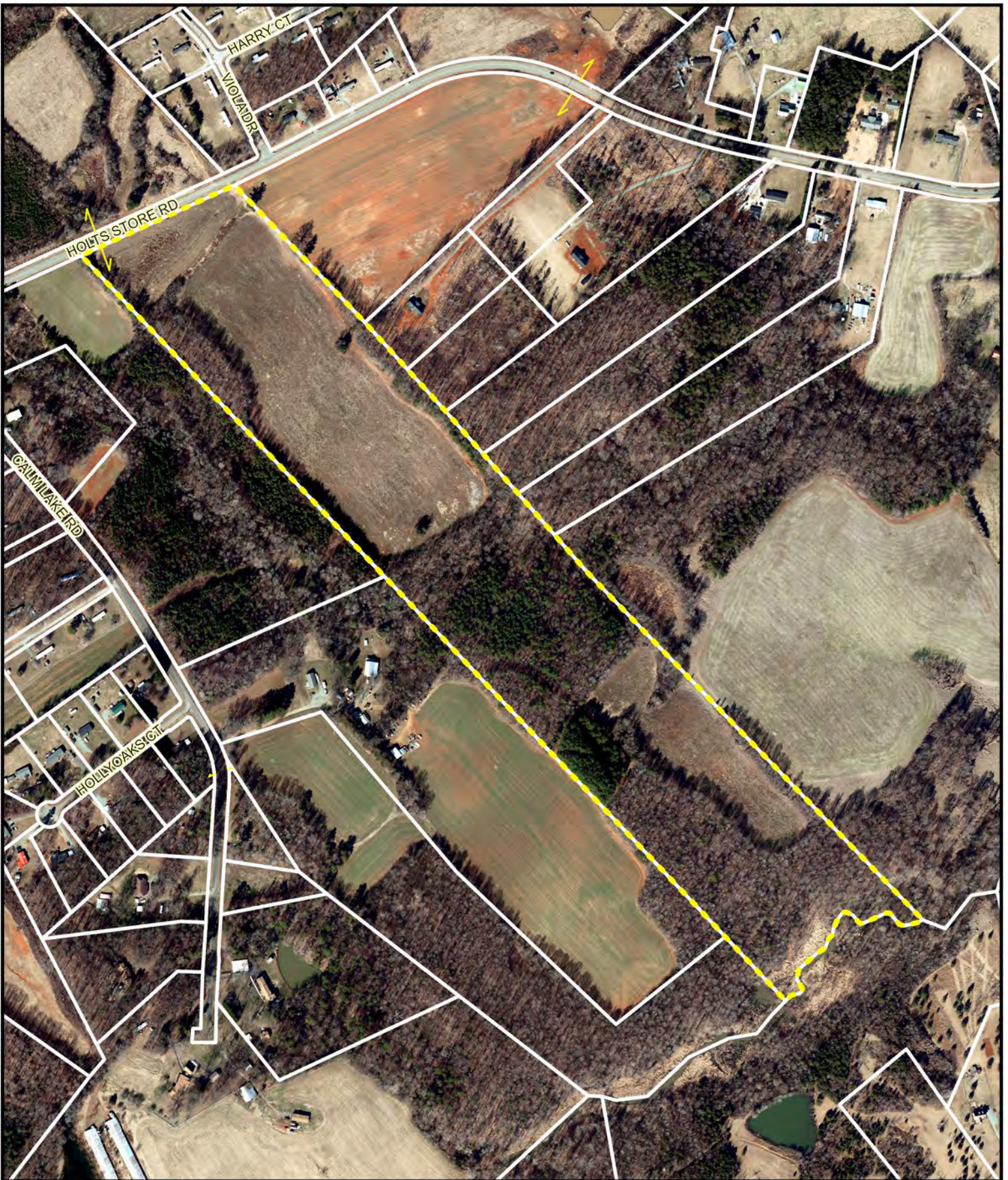
Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-03-PLBD-00040  
6820 HOLTS STORE RD

Case Area:  
109703



Scale: 1" = 500'



Planning & Development  
Department

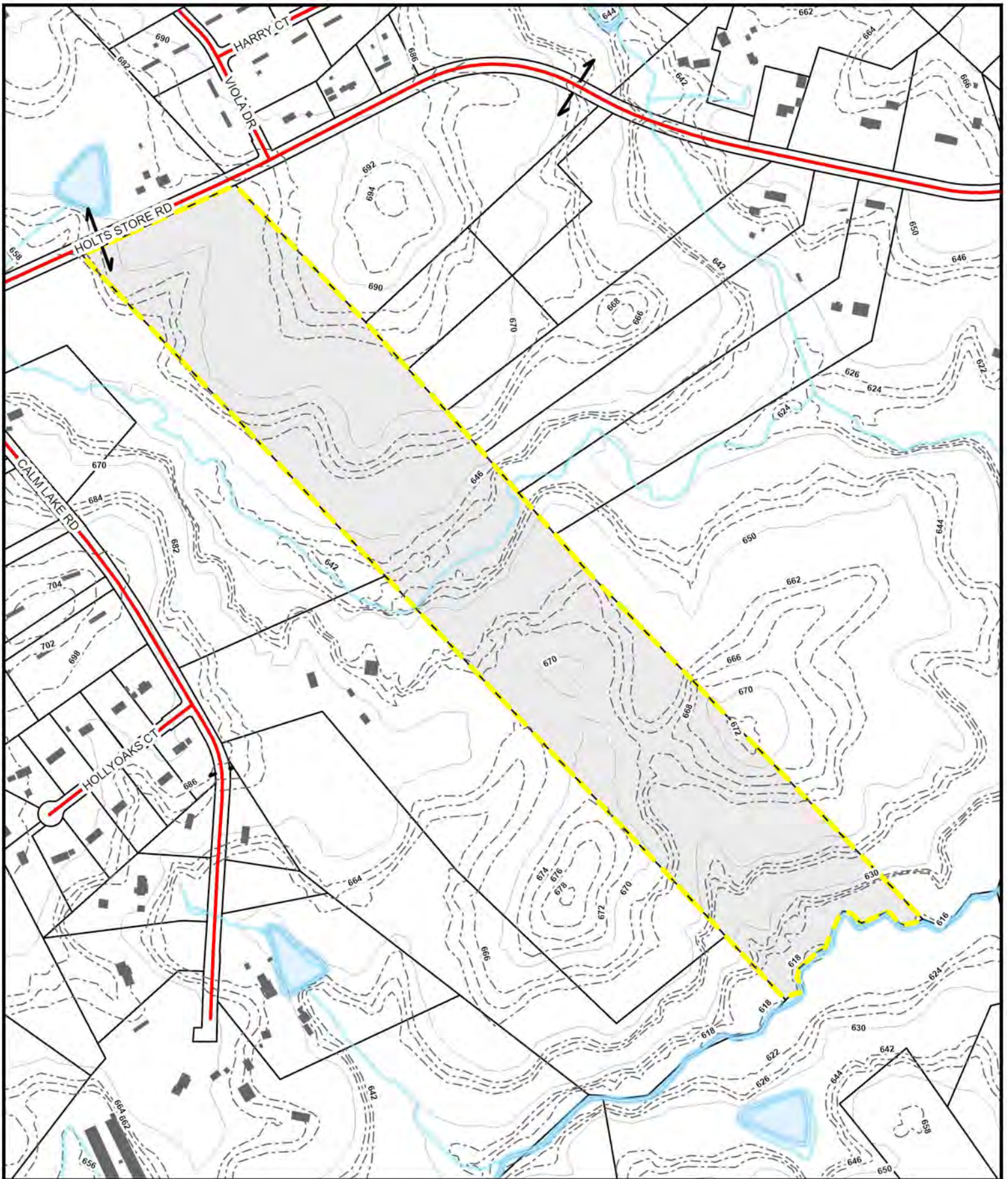
Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-03-PLBD-00040  
6820 HOLTS STORE RD

Case Area:  
109703



Scale: 1" = 500'



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ-23-03-PLBD-00040  
6820 HOLTS STORE RD

Case Area:  
109703



Scale: 1" = 500'

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**CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL to PD-R,  
PLANNED DEVELOPMENT-RESIDENTIAL: 6820 HOLT STORE ROAD**

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

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL to PD-R,  
PLANNED DEVELOPMENT-RESIDENTIAL: 6820 HOLT STORE ROAD**

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

**DECISION #1 (N/A)  
APPROVE-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #109703, from **AG to PD-R** because:

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

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- 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.]*

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**CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL to PD-R,  
PLANNED DEVELOPMENT-RESIDENTIAL: 6820 HOLT STORE 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 #109703, from AG to PD-R 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.]*

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- 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.]*

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**CONDITIONAL ZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL to PD-R,  
PLANNED DEVELOPMENT-RESIDENTIAL: 6820 HOLT STORE 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 #109703, from AG to PD-R.

- 1. This approval does not amend an **Area Plan**. [Applicable element of Comp Plan]
- 2. The zoning map amendment is based on the following change(s) in condition(s):  
*[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]*

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- 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.]*

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