



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Regular Meeting Agenda**

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

**June 14, 2023**

6:00 PM

- A. Roll Call**
- B. Agenda Amendments**
- C. Approval of Minutes: May 10, 2023**
- D. Rules and Procedures**
- E. Continuance Requests**
- F. Old Business**

Proposed Revised 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 June 14, 2023, Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

**G. New Business**

**Legislative Hearing Item(s)**

**ROAD RENAMING CASE #23-05-PLBD-00045: LITTLE CHUTE LANE, GREENSBORO, 27409**

Presently known as Little Chute Lane located in Bruce Township and running approximately 0.33 miles east from Northwest School Road and terminating at the northern property line of Guilford County Tax Parcel #232914.

This is a road renaming case initiated by voluntary petition of greater than 51% of the adjoining property owners to change the name of Little Chute Lane to Joseph Creek Lane.

Information for **ROAD RENAMING CASE #23-05-PLBD-00045** can be viewed by scrolling to the June 14, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-05-PLBD-00048 TO ADD SECTION 4.10, SPECIAL PURPOSE LOTS, AS REFERENCED FROM THE GUILFORD COUNTY DEVELOPMENT ORDINANCE, ARTICLE 4, SECTION 4-9: SPECIAL PURPOSE LOTS, AND TO AMEND SUBSECTION 5.14.A.2.C WITH THE CORRECT CORRESPONDING REFERENCE**

Staff has identified the need to add text (Item 1) within the Unified Development Ordinance (UDO) addressing the unique development challenges with respect to street frontage, minimum lot area, internal setbacks for single projects comprised of multiple parcels, and minimum lot dimensions for lots that site family or church cemeteries, sewer lift stations, radio, television, and communication towers, and other utility uses (there is a trend toward relatively larger solar farms as the market develops) that are supportive and ancillary to the surrounding development. As demonstrated in previous iterations of Guilford County's development ordinances, such aforementioned uses (adding internal setbacks for single projects comprised of multiple parcels) will benefit from particular exceptions to Ordinance development standards. Such uses also rarely require relatively high volume of on-site traffic for maintenance. Further, these uses do not warrant the same degree of scrutiny in plan review as a heavy or light commercial or industrial use which often can be high traffic generators that necessitate greater minimum access availability.

The proposed language for Special Purpose Lots, carried from previous iterations of Guilford County's ordinance, defines what uses may be subject to Special Purpose Lots, provides a pathway for the Technical Review Committee (TRC) to determine if the proposed lot and access is sufficient. Item 2 will update the reference (change from UDO Section 4-9 to current 4.10) for Special Purpose Lots

found in Section 5.14.A.2.c. for Individual Development Standards for wireless communication towers.

Information for **UDO TEXT AMENDMENT CASE #23-05-PLBD-00048** can be viewed by scrolling to the June 14, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

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

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-05-PLBD-00050 TO AMEND SECTION 6.1, PARKING STANDARDS, SUBSECTION D, MAXIMUM NUMBER OF SPACES PERMITTED, SUCH THAT REFERENCES TO PARKING CREDITS, COMBINED PARKING, AND LOW-IMPACT DESIGN STORMWATER POLICIES ARE REMOVED AND ARE REPLACED WITH CLEAR CRITERIA FOR AN ALTERNATIVE PARKING PLAN DERIVED FROM A PARKING ANALYSIS BY AN ENGINEER LICENSED IN THE STATE OF NORTH CAROLINA, AS WELL AS SPECIFYING STORMWATER PROTECTION MEASURES ASSOCIATED WITH EXPANDED PARKING PER THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER DESIGN MANUAL**

Staff has identified the need to remove one subsection entirely that is redundant in plan review, 6.1.D.1, as well as eliminate references to Section 6.1.F Parking Credits, Section 6.1.L Combined Parking Credits, and Section 9.1.F Low-Impact Design for the approval of an alternative parking plan required by Section 6.1.D to exceed one hundred seventy-five percent (175%) of the minimum number of parking spaces required in Table 6-1-1: Parking Requirements. The language within the UDO for parking credits and shared parking refer to reduction of the minimum parking requirements and are, therefore, not pertinent in plan review for instances where developers wish to exceed the maximum requirement. Also, the UDO does not enumerate standards for Low-Impact Design which can be objectively measured against submitted plans. The UDO sites a Low-Impact Design process established by in the North Carolina Stormwater Design Manual. However, the process which is sited is not finalized and marked for distribution by the North Carolina Department of Environmental Quality (NCDEQ).

The proposed language introduces three (3) exemptions from maximum parking calculations: small developments with twenty (20) or fewer spaces, parking lots which directly serve government facilities, and parking within a structure (regulated by built upon area standards). Furthermore, the language proposed for this amendment will require a parking analysis on the proposed use based on data from relevant journals or a primary study of comparable uses within the market area, Greensboro – High Point Metropolitan Statistical Area. Finally, this amendment will require appropriate stormwater controls for all additional spaces above the maximum allowable spaces.

Information for **UDO TEXT AMENDMENT CASE #23-05-PLBD-00050** can be viewed by scrolling to the June 14, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

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

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

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

## **H. Other Business**

Commentaries (2) for informational purposes only

Major Subdivision Workflow – Preliminary plat may be submitted in lieu of a sketch plan

Planned Unit Development (PUD) Workflow - Unified Development Plan step incorporates the rezoning and sketch plan review

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**

**May 10, 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; Jason Little; and Rev. Gregory Drumwright

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

Ryan Alston

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; Jessie Baptist, Administrative Officer; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney

**B. Agenda Amendments**

Mr. Bell stated that there were no amendments to the Agenda.

**C. Approval of Minutes: April 12, 2023**

Mr. Stalder moved to approve the minutes of the April 12, 2023, Planning Board meeting with minor non-substantive revisions provided to the Board, seconded by Mr. Gullick. The Board voted unanimously, 8-0, in favor of the motion.

**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**

Mr. Bell stated that the applicant of Case **#23-01-PLBD-00035**: AG, Agricultural to LI, Light Industrial: 107 Marshall Smith Road, made a request to continue to the June 14, 2023 Regular meeting.

Mr. Craft moved to continue the stated Case #23-01-PLBD-00035, seconded by Mr. Gullick. The Board voted unanimously, 8-0 in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

## F. Old Business

### Rules & Procedures

The Board decided to address this item at the end of the meeting.

Mr. Craft moved to address the Rules & Procedures at the end of tonight's meeting, seconded by Ms. Buchanan. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

### 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 - (CONTINUED TO JUNE 14, 2023 MEETING)**

## 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 (DENIED)**

Aaron Calloway stated that this property is 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 (Corrected as approved by Planning Board).

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

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.

Mr. Calloway went into detailed explanations of the property, which were also included in each Board member's packet.

**Staff Recommendation:** Staff recommends approval of the request. The requested CZ-MXU, Conditional Zoning-Mixed-Use, 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 Agricultural Rural Residential (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.

Chair Donnelly asked for those wishing to speak in favor of the request to come forward and state their name and address for the record.

Amanda Hodiern, 804 Green Valley Road, attorney representing the applicant and property owner, stated that she had a lot of the same points that Mr. Calloway has already gone over. She did want to make some finer points for her presentation. This is an approximately 4-acre parcel and is located about 850 feet south of the intersection of Hwy 150 and Church Street, designated as an activity center in the Northern Lakes Area Plan and is developed as such with a moderate-sized shopping center located on the southwest quadrant. It is currently zoned AG, and they are requesting a conditional zoning mixed use district and that is a very intentional, purposeful chosen district. The goal is to establish the transitional edge of this moderate commercial node. This is clearly where they need to create a step-down and establish that transition as they emanate out from the intensity in that existing shopping center and back out to the AG and single-family uses that flesh out the rest of the land use pattern in this area. Without choice, this development would utilize well and septic. The size of the site is important because it is large enough to actually do something with it that can make a meaningful



impact in this activity center. They do need to establish an edge to this and create the step-down from the core and they look for a more low-intensity commercial use - something more compatible with the existing land use pattern of AG and single family. The Area Plan does talk about activity centers and mixing these non-residential uses and creating a transition that emanates out from the intersection core and then feathers down into the low-intensity residential uses. The Mixed-Use district is a new zoning district that came about in the County's newly adopted UDO, which came out in 2020 and this was an amalgamation of a few different districts that were explained by Mr. Calloway's definition of Moderate Commercial Node. They also have added zoning conditions, which are tools that are used to provide balance.

This Planning Board is charged with evaluating highest and best land use, compatibility, existing land use patterns, and how they fill in new uses as highest and best value into that land use pattern and distinguish that from site planning. Site planning is a different part of the development process, equally as important, but it comes after establishment of highest and best use. The County has a very rigorous process for that. The slide presentation showed the Northern Lakes Area Plan, and she pointed out the different nodes located on these properties. She pointed out that buffer yard is already addressed in the UDO, and there is a wide planting strip there near Hwy 150, the same thing for parking lot plantings and buffers, and there are built-in landscape provisions to help think about how to make these balanced uses fit in. There are buffers required for adjacent uses, and they would be required to buffer all of the adjacent AG uses with the Type B Planting Yard, which is a 25-foot minimum planting yard and requires canopy trees and understory trees and shrubs to give the multi-level screening.

Chair Donnelly asked anyone wishing to speak in opposition to the request to come forward and sign in and please state their name and address for the record.

Ted Butler, 5811 N. Church Street, thanked the Board for allowing the adjacent neighbors to voice their concerns in opposition to the rezoning of 5805 N. Church Street. They have based their concerns in opposition on information they have received from the Guilford County Planning and Development Department, as well as the owner and project representative. They agree that this is not in their best interest and offer a petition in opposition. They object to the zoning of the property in question and strongly feel it is not consistent with the Northern Lakes Area Plan of AG Rural Residential. They also feel that it would have adverse effects on the value of their properties and could possibly be considered spot zoning. Additionally, they believe that this will add excessive burden on the already heavy traffic on N. Church Street and possibly contaminate the water tables and soils due to private septic systems and wells. Please consider their concerns and reject the applicant's request for zoning to Conditional Mixed Use. He stated that there were 31 signatures of landowners who live within 500 yards of this property on the petition. They feel that the proposed rezoning is not consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential. If approved, a Plan Amendment to Mixed Use will be required.

Dr. Bui asked if there had been any community meetings between residents and the applicant, and Mr. Butler stated that there have been no meetings.

Jean Hoag, across the street on Church Street, stated that she has spent 22 years improving her property. She is opposed to putting something commercial right in the middle of residentially-zoned property, especially hearing that it is going to become a funeral home. She has done research and learned that the carcinogens contaminate the air, and it seeps into the wells.

Nicole Bergen, 200 Church View Drive, does not live within the 500-yard area and did not know about this meeting tonight and did not sign the petition. They live on the first neighborhood street to the south of the proposed zoning area, called Church Meadows with about 19 homes. Her primary concern is additional traffic and turning left is already a challenge in their neighborhood, and she is concerned about the intersection of Burton Farm where their potential driveway would be. She feels that is something DOT is going to have a challenge with. Their water also is a concern in that part of the County, and she thinks other places have tried to perk for other commercial businesses and have not been able to do that. They have to be really careful about their water. Her biggest concern is the already existing number of homes and the possibility that someone could buy this property in the future and add a lot more homes in this area.

Richard Tuck, 5802 N. Church Street, lives directly across the street from the property in question. When the shopping center down the street was being developed, they called a community meeting, and there was an opportunity for everyone to attend, and they got to voice their concerns and everything was all out front, whether they were for it or against it. They did not receive that kind of information for this development. They did receive a letter, but they were shocked to learn the potential for a funeral home to be built across from them. They need better communication from the developer on the use of this proposed property. They are insulted by the process and wish they had received more information about the actual proposed development of the property.

Susan Bates, 5737 N. Church Street, stated that her property faces Church Street and her Dad and Mom built her house in 1961 or so. Now she lives there and enjoys the peace and quiet of the neighborhood. Everyone enjoys the trees, grass, dirt, and natural inhabitants in the area. These things can be appreciated and get a sense of calmness about. She did not get a letter but found out about today's meeting and decided to attend.

Chair Donnelly stated that there would be 5 minutes of rebuttal from those in favor.

Amanda Hoderne stated that she has spoken with her client and they will remove the Boarding House use, if that is the pleasure of the Board. She thanked the speakers in opposition for voicing their concerns and opinions. In regard to the possible funeral home, she tried to be very transparent and her clients live in the area and they had an experience where they attended a funeral where they drove up and down N. Elm Street in downtown and drove back up to the cemetery and felt that it would be a good idea to have a local funeral home. They would be happy to exclude that from the permitted uses. They are aware of concerns about traffic impacts and parking lot locations and driveway locations, and that is to go through NCDOT. The Health Department will address those concerns about the water table and any contaminants.

Rev. Drumwright stated that he was delighted to hear Ms. Hoderne state that she remained open to hearing from the community, and it sounds like their concerns were addressed. He asked if Ms. Hoderne's client was open to speaking directly with the community members here tonight, before the Board makes a vote.

Ms. Hoderne stated that they were not at all adverse to speaking with the community members. She feels that the process is already working, and she has spoken directly with several of the community members. She does not want to get stuck in the expectation that she would be able to produce a site plan tonight that would be amenable to the neighborhood.

Mr. Craft asked how long her clients have owned the property, and Ms. Hodierne responded that they have owned it for about 6 months.

Chair Donnelly stated that he has heard three (3) potential additions to prohibited use conditions: 1) a boarding house; 2) a rooming house; and 3) the funeral home or crematorium. Ms. Hodierne responded that they would agree with adding those conditions to the list of prohibited uses.

Mr. Gullick moved to approve the proposed adjusted conditions [amended application], at the applicant's request, seconded by Dr. Bui. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

Rebuttal in opposition to the request:

Jean Hoag stated that she is rebutting saying that it's not part of the consistency of what's already there. There is residential, going to stick this in here, and it's all residential for a mile up the road to Woods of Terror and then all the rest of the way to Pisgah Church Road, 5 miles up the road. So she doesn't think putting it in the middle is consistent with what they want in that area.

Richard Tuck said he is still not sure about what can possibly be placed on the site. He thinks the list of possible things that can be placed there is probably much longer and many more potential uses that they would not want.

Aaron Calloway passed out copies of the potential uses and then read the different uses allowed.

Mr. Tuck thanked Mr. Calloway for that review of uses, and stated that raises his level of concern multiple times because he is baffled to understand why the property would be allowed to develop with not having a site plan, not considering all the potential ways that it can be developed and expect the neighbors who have property and their lives to be okay with that. He stated that list is overwhelming, without a more discrete and direct statement from the owners, about what they intend to do with that property. They are asking for it to be changed from what it is to something that no one knows will be compatible in this neighborhood.

Ted Butler stated that he has read several articles by the great college professor at the University of North Carolina at Chapel Hill, David W. Owens, and that Mr. Butler understands that the request is partial to the plan [partially consistent with the land use designation in the Northern Lakes Area Plan], and that it is not spot zoning. But in the Board's consideration, would they please note that in 2019 G.S. 160-(d) 605 (b) requires the adoption of a Statement of Reasonableness for all zoning map amendments. The Statute lists the factors and those factors are: 1) The size and physical attributes of the tract of land and the site; 2) The benefits and detriments to the landowner, the neighbors and the community; 3) How the actual and previously permitted uses of the site relate to the newly permitted uses; and 4) Any change conditions warranting the amendment and other factors affecting the public interest. He asked that the Board consider this, and especially factor #2, not only the landowner, but the neighbors and the community.

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

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

**Discussion:**

Mr. Craft stated that there are still some occupancies on this item that he is concerned about, in general. Although it is in a commercial node, it is not directly contiguous to the node as residential property. He is concerned about chemicals in pet grooming, temporary events, and uses like that. He wished there was a little more detail since this property is only partially consistent with the Plan that they have to work with.

Mr. Gullick stated that he understands the concerns, and as a Planning Board, they have limited power of what they can decide. They hear the opposition and understand their concerns.

Rev. Drumwright stated that Mr. Tuck's appeal to the Board was very compelling and believes that people deserve transparency. Considering the petition that was submitted and the small amount of time they had to work on it and speak with the neighbors and put it together, he is compelled by the community's argument tonight and the list of remaining possibilities is very overwhelming to the extent to where a major utility station could be put there for development possibilities, as well as so many others.

Chair Donnelly stated that one of the things he thinks about in considering this decision, the Planning Board's primary focus is land use, and they are tasked with the responsibility of trying to identify such as the County continues to develop what is reasonable and in the public interest. In addition, he recognizes that in their long-range plans this has been identified as a long-range opportunity, so the idea of Mixed Use is seemingly compatible with the idea of an intersection such as this, that Mixed Use is a transition zone between residential and office or commercial, and is appropriate. Applicants have been urged to have communication with the community because that can sometimes lead to creating a level of clarity about conditions. Clearly, there is still a sense of uncertainty based on the other uses that are possibilities.

Mr. Bell asked that the Board consider an agenda amendment. In the application, the applicant did prohibit hospitals, and if you look at the agenda, hospitals are not listed in that list. He asked that the Board amend the agenda to include that, so the record is accurate.

Mr. Stalder moved to amend the agenda to reflect this, as noted by staff, seconded by Ms. Buchanan. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

Chair Donnelly and Mr. Gullick moved that in the case of Conditional Zoning **Case #23-04-PLBD-00042**, from Agricultural, AG to CZ-MXU, Conditional Zoning Mixed-Use at 5805 Church Street, that this zoning map amendment located on Guilford County Parcel #138935 from AG to Conditional Zoning MXU, this approval also amends the Northern Lakes Area Plan, in which we would be changing it from Agricultural Rural Residential to Mixed Use. The Zoning Map amendment and associated Northern Lakes Area Plan amendment are based on the following changes and conditions in the Northern Lakes Area Plan. The requested zoning is reasonable and in the public interest because the property is within a quarter mile radius of the Church Street and NC Hwy 150 moderate commercial node, and therefore, the request satisfies specific policies 1.1.1 and 1.5.3 of the Comprehensive Plan, asserting that the changes and conditions of the Northern Lakes Area Plan is reasonable because of growth of zoning in the area and the plan growth structure for the area. The Amendment is reasonable and in the best public interest of Conditional Mixed-Use Zoning and is within a quarter mile radius of the Church Street

and NC Hwy 150 Commercial Node, therefore, the request would satisfy Policy 1.1.1 and 1.5.3. Seconded by Ms. Buchanan.

The Board voted (4-4), and the motion was denied. (Ayes: Donnelly, Gullick, Stalder, Buchanan. Nays: Craft, Drumwright, Little and Bui.)

At this time a short break was taken from 7:55 p.m. until 8:05 p.m.

Chair Donnelly announced that there would be another vote for clarification and to clear up any uncertainty that may exist within the Ordinance for the last case.

Therefore, Chair Donnelly stated that in regard to Conditional Zoning **Case #23-04-PLBD-00042**: AG Agricultural to Conditional Zoning Mixed Use, 5805 Church Street, he moved to deny this zoning map amendment located on Guilford County Parcel #138935 from AG to Conditional Zoning Mixed Use, because the amendment is not consistent with applicable plans and even though, in this case, there is a commercial node identified, this particular lot is separated from that by residential development and is not consistent with the long-range plan which identifies Agricultural Rural Residential, and the amendment itself is not reasonable in the public interest because the uses that would be allowable are not consistent with the surrounding uses and the net of the benefits being offered does not outweigh the risks of detriment to the community. So, in this case it is a motion to deny, and so a vote "yes" means you are voting to deny it, seconded by Mr. Gullick.

The Board voted (4-4) on the motion. (Ayes: Craft, Bui, Little and Drumwright. Nays: Buchanan, Gullick, Stalder, Donnelly.)

Chair Donnelly stated that the nature of this motion is that the action, based on a tie vote, does not move forward, and it is appealable to the Board of County Commissioners within fifteen (15) days and an applicable processing fee to be charged.

Chair Donnelly also announced that the meeting minutes were not addressed and that would be addressed at this time. He had made a few adjustments to those minutes which included the Special Use Permit and he opened the floor for a vote on those minutes with his small changes. Mr. Bell added that on page 12, he would like the phrase, "Attorney Fox" to reflect "Attorney Anthony Fox" to be consistent with the comments made by Chair Donnelly. Please see vote information earlier in these minutes.

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

Oliver Bass stated that this property is 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; and (2) Building square footage shall not exceed 16,000 square feet (Corrected as approved by Planning Board). Mr. Bass went into detailed explanations of the property and presented the staff report, which were included in each Board member's packet. The staff report identified policies in the comprehensive plan that supported the proposed rezoning and included a staff recommendation to approve the request.

Mr. Bass stated that the proposed rezoning is inconsistent with the Alamance Creek Area Plan recommendation of AG Rural Residential; thus if the request is approved, a plan amendment to Heavy Commercial would be required.

Chair Donnelly asked those in favor of this request to come forward, sign in and state their name and address for the record.

Amanda Hodierne, attorney representing the applicant, stated that there is just over 3 acres on this property, and the property is located just ½ mile from the Megasite. It is one parcel away from the intersection of two (2) major thoroughfares, NC 62 and Liberty Road. It is currently zoned RS-30, and they are requesting Conditional Zoning Highway Business District due to the prevalence of existing Highway Business District along this corridor that has already started to take shape. The goal is to build on the existing and emerging hub of goods and services that clearly has a need in this area already and is only going to grow and expand based on the population of people that they know are coming to this area to work and to live. Development would utilize well and septic.

Presentation slides were shown, and there is an aerial image, and the circled part is the Megasite where the Toyota EV battery plant will be and an entire eco-system of vendors and supporting providers to that user. Further up Liberty Road is the subject property, and this area has inconsistencies with the small area plan, but development and circumstances have leap-frogged that area plan before staff was able to update it. Staff recommends approval as there is an acknowledgement here that the plan doesn't necessarily represent current circumstances and current needs that already have been seen to emerge in this community. They are offering some customized conditions and an extensive list of prohibited uses. There is also a restriction of 30 feet on building height that was not previously mentioned. That was chosen very intentionally so as to not be inconsistent with neighboring residences and a restriction on square footage, keeping it 16,000 square feet. She emphasized the story of what is happening in this region. The applicants are a brother and sister whose parents have put the property in their names. There is an intervening property between the subject property and the intersection and each parcel will be at the crossroad where they are trying to set up the County to best serve its next life that is seen on the horizon that is being generated by the Megasite. This is an

important opportunity to capitalize on because these properties cannot be annexed into the City of Greensboro in the foreseeable future. There are Type "A" buffers here, which are the most stringent buffering requirements under the Ordinance. The street planting yard is present along Liberty Road, and the parking lot plantings would be present all throughout any parking areas installed, and the Type "A" planting yard is a minimum of 40 feet and go along all three (3) boundaries that are not along the public right-of-way frontage.

There is a lot of change and growth in the County based on big circumstances such as the Megasite and population growth causing people to determine what is the highest and best use now. She sent out letters and offered her contact information to invite people to provide feedback on the plans for this property. In response to a question posed by Mr. Craft, Ms. Hodierna stated that the cemetery has been in operation for many years.

Linda Hedgecock, 4727 Old Julian Road, spoke to address the question regarding the neighboring cemetery. She asked that the information about the traffic count be amended because since the Megasite development has begun, the traffic has increased ten-fold in the mornings and afternoons, and they have a difficult time getting out of their driveways.

Ms. Hodierna returned to the speaker's stand and stated that the traffic count is increasing in this area, and this area becomes less and less desirable for residential use; therefore, they transition to commercial use.

Mr. Bass stated that he wished to make a correction as there is a condition that the building height shall be limited to 30 feet, and he wanted the record to be updated to reflect that and that was a condition that was submitted with the original application.

Mr. Gullick moved to amend the information as submitted by Mr. Bass, seconded by Mr. Stalder. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

There being no one to speak in opposition to the request, Chair Donnelly asked for a vote to close the Public Hearing.

Mr. Craft moved to close the Public Hearing, seconded by Ms. Buchanan. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

**Discussion:**

Mr. Gullick stated that he lives in this area, and this site has great access to Hwy 421; there's no doubt that Liberty Road is going to be a more major thoroughfare in the future, and there already is commercial around this area. To him, this fits.

Chair Donnelly stated that he visited this site and certainly can see how it would fit. He is compelled by how the residential footing or frontage is relatively small, and he thinks the opportunity for disruption is about as good as you can get in a situation like this.

Mr. Gullick moved to approve this rezoning of property located at Guilford Tax Parcel #123513 from RS-30 to CZ-HB. . The approval also amends the Alamance Creek Area Plan from AGRR (Agricultural,

Rural Residential) to Heavy Commercial. The zoning map and Alamance Creek Area Plan amendments are based on the need for additional commercial areas along the US Highway 421 corridor and to complement future commercial growth. This amendment 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 to the new Toyota Plant at the Greensboro-Randolph County Megasite, which is expected to simulate commercial growth in the area of the subject property. The rezoning of the subject parcel will enhance economic viability of the County by creating new business and job opportunities for citizens. Uses on Highway Business-zoned properties are subject to Type "A" planting buffers when adjacent to RS zoned property. Dr. Bui seconded the motion. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

Reverend Drumwright asked to be excused from the following hearing, as he had to leave the meeting. Mr. Craft moved to excuse Rev. Drumwright from the hearing, seconded by Dr. Bui. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little and Drumwright. Nays: None.)

**REZONING CASE #23-03-PLBD-00040: AG, AGRICULTURAL TO PD-R, PLANNED DEVELOPMENT RESIDENTIAL; 6820 HOLT STORE ROAD (APPROVED)**

Oliver Bass stated that this property is 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 61S 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.

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. Mr. Bass went into detail description of the property.

Mr. Bass stated that 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.



Staff recommended approval of the requested rezoning. Mr. Bass stated that 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.

Chair Donnelly asked if there was anyone wishing to speak in favor of this request.

Shawn Cummings, 3041 S. Church Street, stated that he is the current owner and future developer of the property. They wish to develop this property into 60 single-family residential units that they feel will be a positive impact to the area in terms of bringing more housing opportunities to the area, as well as increasing the tax base. They plan to do a community water system for all 60 of the homes so they would not have to have individual wells which is a better concept than having 60 different wells. There would be a company behind it, Aqua Water Company, that would be responsible as a publicly regulated utility to manage the water system. Regarding the buffer, they would certainly be open to discussion on that. He also brought Brandon Holt, the engineer from Pinnacle Design, if there are some more technical questions that he is unable to answer. He agreed with the presentation made by staff and is available for any questions from the Board members.

Chair Donnelly asked if there had been any interaction with the surrounding neighbors or the community concerning this development. Mr. Cummings responded that they have not spoken with the neighbors.

There being no one to speak in opposition, the Public Hearing was closed by unanimous vote and the Board held their discussion.

**Board Discussion:**

Mr. Craft asked, if there is not a plan for this area, what is the Board's charge for this decision? Mr. Bell responded that when it comes to that section in the motion, he would assume that if the Board is going to approve the request, it would be #3 (of the Decision Matrix), to approve.

Chair Donnelly asked what opportunity is there for the zoning condition that was referenced in the staff report, relative to the Voluntary Agricultural District (VAD)? Mr. Bass responded that if there is to be a condition, it would need to be agreed to by the applicant to provide a buffer. This is not a conditional zoning, but it is a Planned Development.

Chair Donnelly stated that it seemed that the applicant had something that they were open to entertaining. Brandon Holt added that there would be a Type "D" buffer around the property, which is a 5-foot minimum buffer requirement.

Ms. Buchanan suggested that there not be a buffer requirement imposed, as it is already in the Ordinance. Mr. Bell pointed out that this is a recommendation and not a requirement.

Mr. Craft stated that in the matter of **Rezoning Case #23-03-PLBD-00040**, AG, Agricultural to PD-R, Planned Development Residential, at 6820 Holt Store Road, he moved to approve the zoning amendment of Guilford County Tax Parcel #109703, from AG to PD-R. This approval does not amend an area plan. The zoning map amendment is based on the following changes and conditions: The PD-

R zoning is similar to the existing RS-40 zoning already in the area; the amendment is reasonable and in the public interest because it protects sensitive environmental areas and provides additional housing opportunities, seconded by Ms. Buchanan. The Board voted unanimously (7-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little. Nays: None. Excused: Drumwright)

Chair Donnelly stated that because of the lateness of the evening and the possibility of having additional language for the **Rules and Procedures**, he asked if it would be amenable to continue this to the next meeting. Mr. Bell agreed that would be a good idea.

Chair Donnelly moved to continue the Rules and Procedures update to the next meeting, seconded by Mr. Gullick. The Board voted unanimously (7-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Craft, Buchanan, Bui, Little. Nays: None. Excused: Drumwright)

#### H. Other Business

##### **Comprehensive Plan Update**

Mr. Bell stated that they did have the first Citizen Input meeting both in-person and via Zoom, and they were working to try to establish the 2<sup>nd</sup> meeting, which will probably be at the end of July or beginning of August. He encouraged everyone to promote going to the County's website to take the Public Input survey. The survey only takes about 10 minutes, and it is important because it is another way to get public input. Staff will be doing some things, setting up at some grocery stores [tentatively] in some areas, and they have also worked with the Steering Committee to get these surveys out. They also will be looking at some other helpful hints on getting these surveys out and having it translated into Spanish.

#### I. Adjourn

There being no further business before the Board, the meeting adjourned at 9:14 p.m.

***The next scheduled meeting is June 14, 2023 at 6:00 PM.***

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**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 160D153-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.

A. 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.

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.

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.

1. *Quasi-Judicial Decisions.* While variances shall require a four-fifths ( $\frac{4}{5}$ ) 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~~ \_\_\_\_\_.

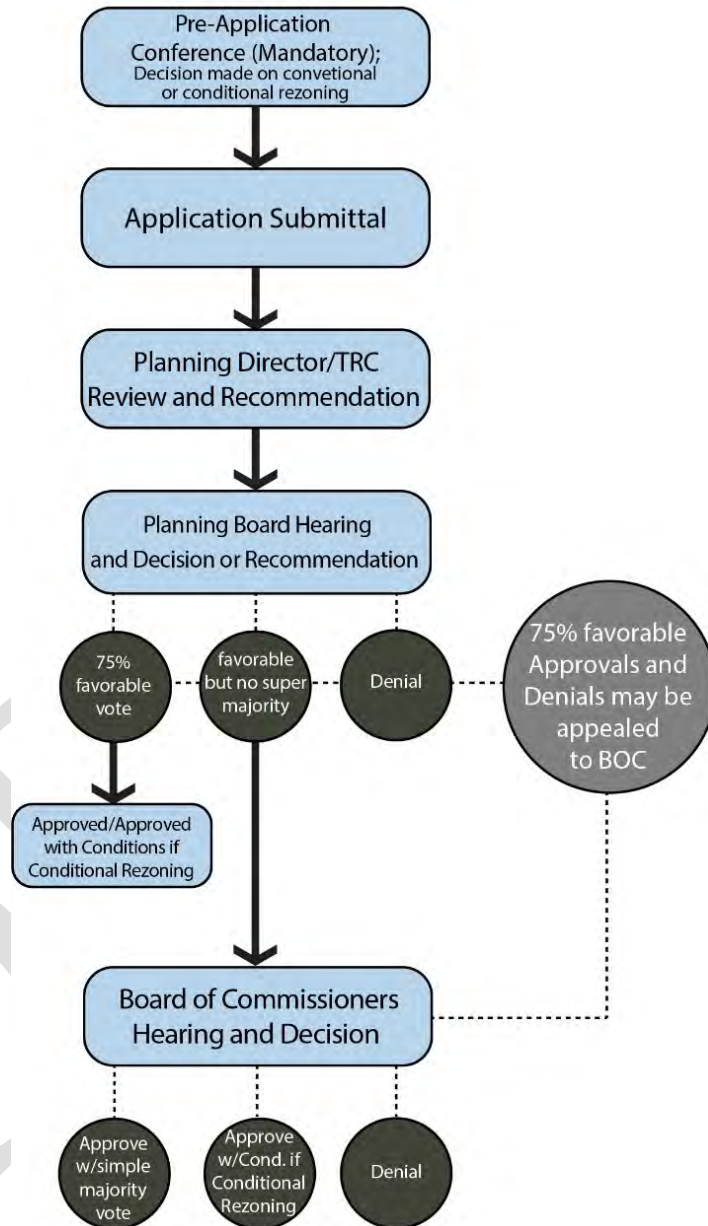
Approved by the Guilford County Board of Commissioners on ~~June 19, 2014~~ \_\_\_\_\_.

DRAFT

# 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  $\frac{5}{7}$  vote from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration)\*.
- 2) Applications receiving less than a  $\frac{5}{7}$  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  $\frac{5}{7}$  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.

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 # 170647 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

Oscar J. Threatt III
Property Owner Signature Representative/Applicant Signature (if applicable)
Name Oscar J. Threatt
Mailing Address 5010 SHADY GROVE LN
GREENSBORO, N.C. 27407
City, State and Zip Code
336402-2899 450JACK@AOL
Phone Number 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.

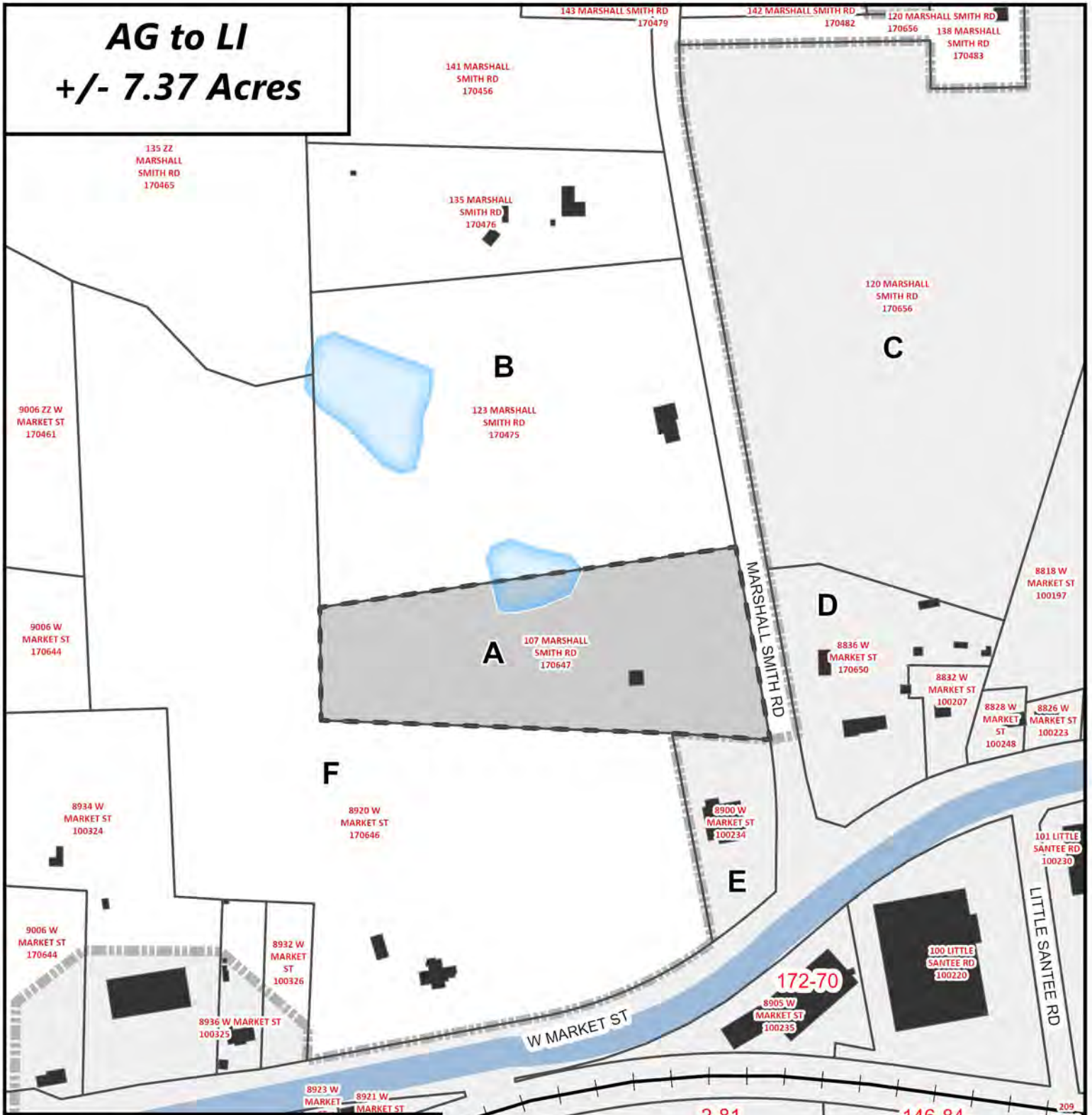
### **Area Plan Amendment Recommendation:**

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

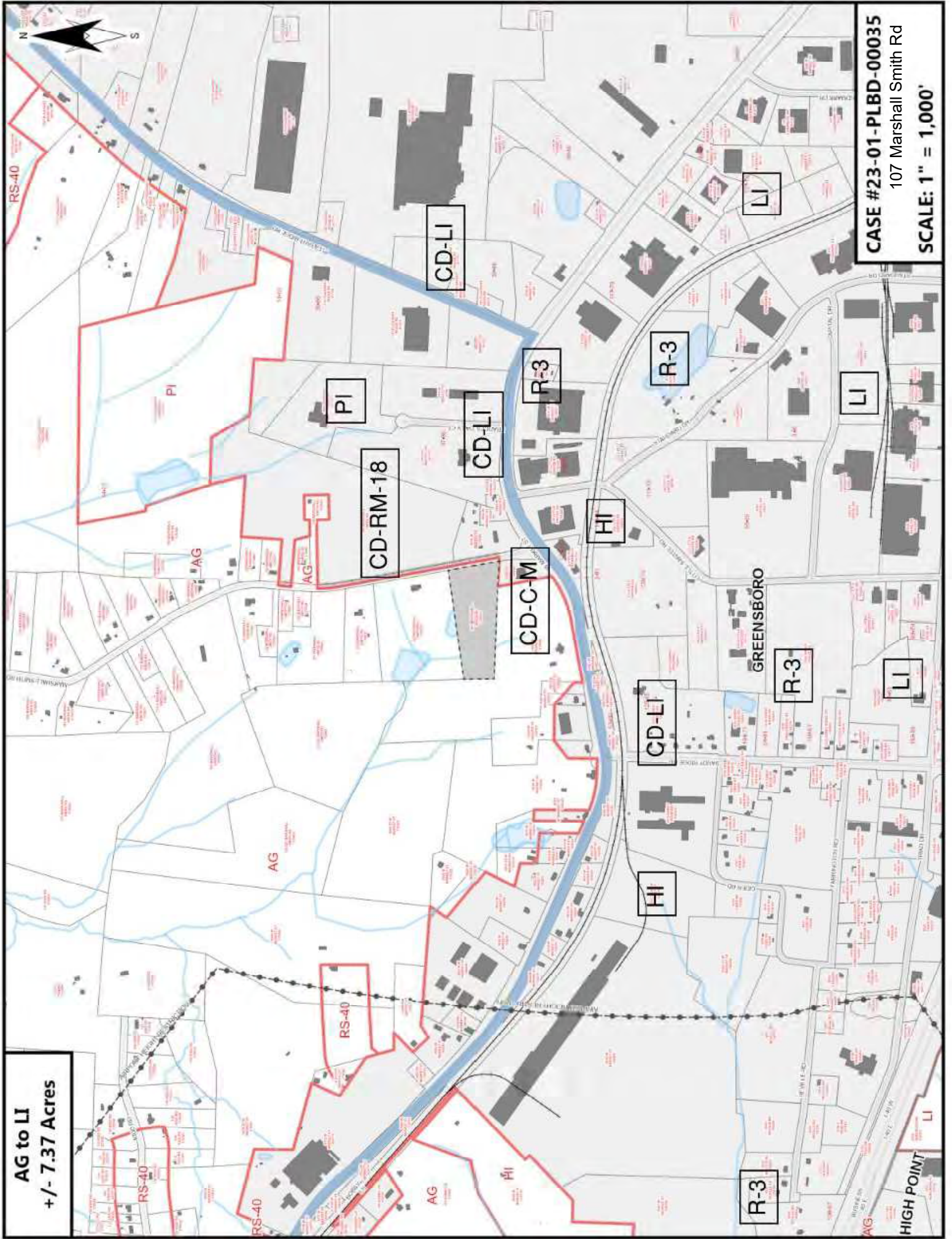


- A. THREATT, O J III
- B. MARSHALL, REBECCA W L/T; LITTLE, JEFFREY DAVID
- C. MARSHALL-SMITH PARTNERS LLC
- D. ADRONG, THANH; DACAT, NGE
- E. RIZOS, DINO NICK; RIZOS, BILL NICK
- F. WELCH, RICHARD LEE; WELCH, MARY Q

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

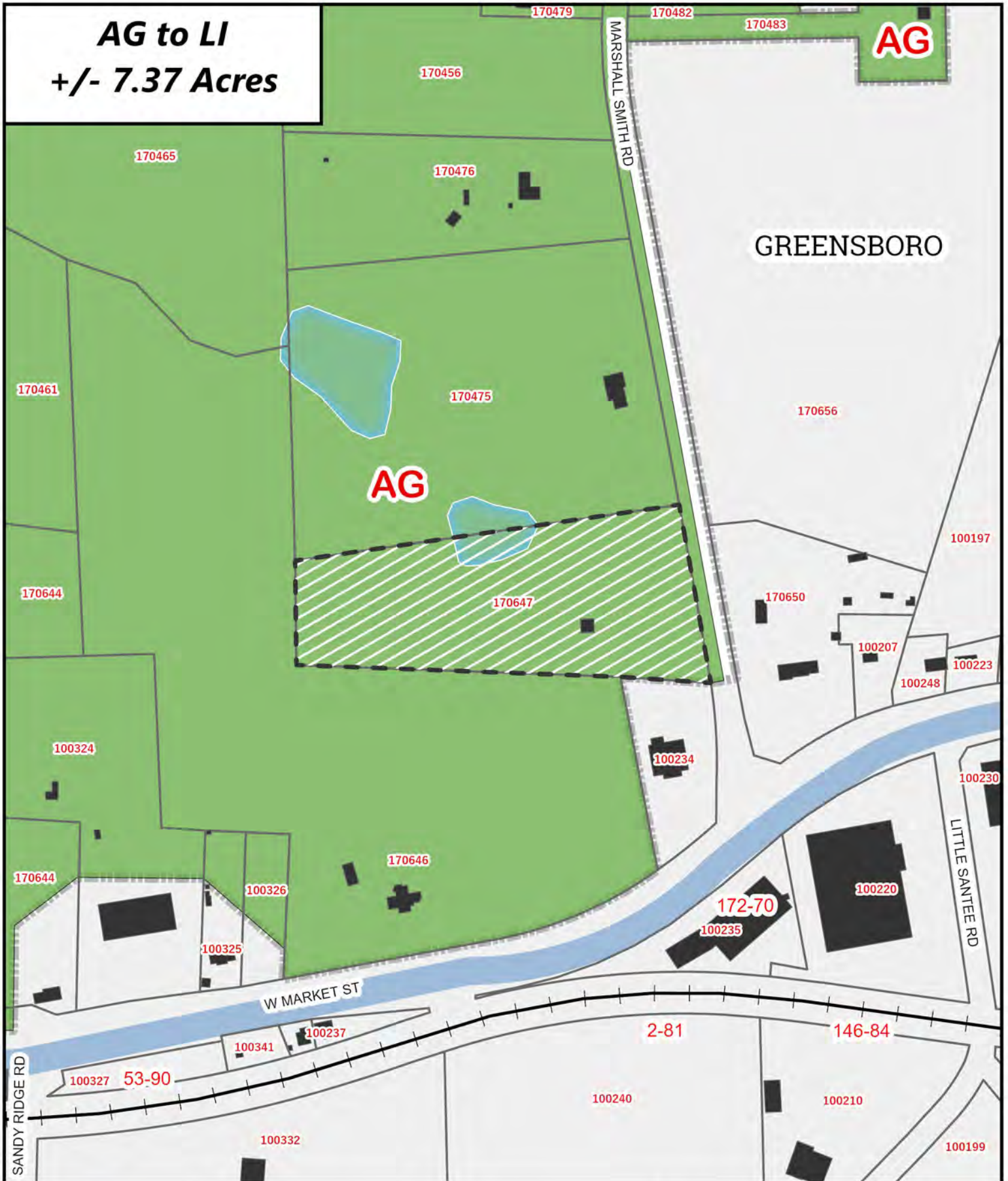


**CASE #23-01-PLBD-00035**  
107 Marshall Smith Rd  
**SCALE: 1" = 1,000'**

**HIGH POINT**



# 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'





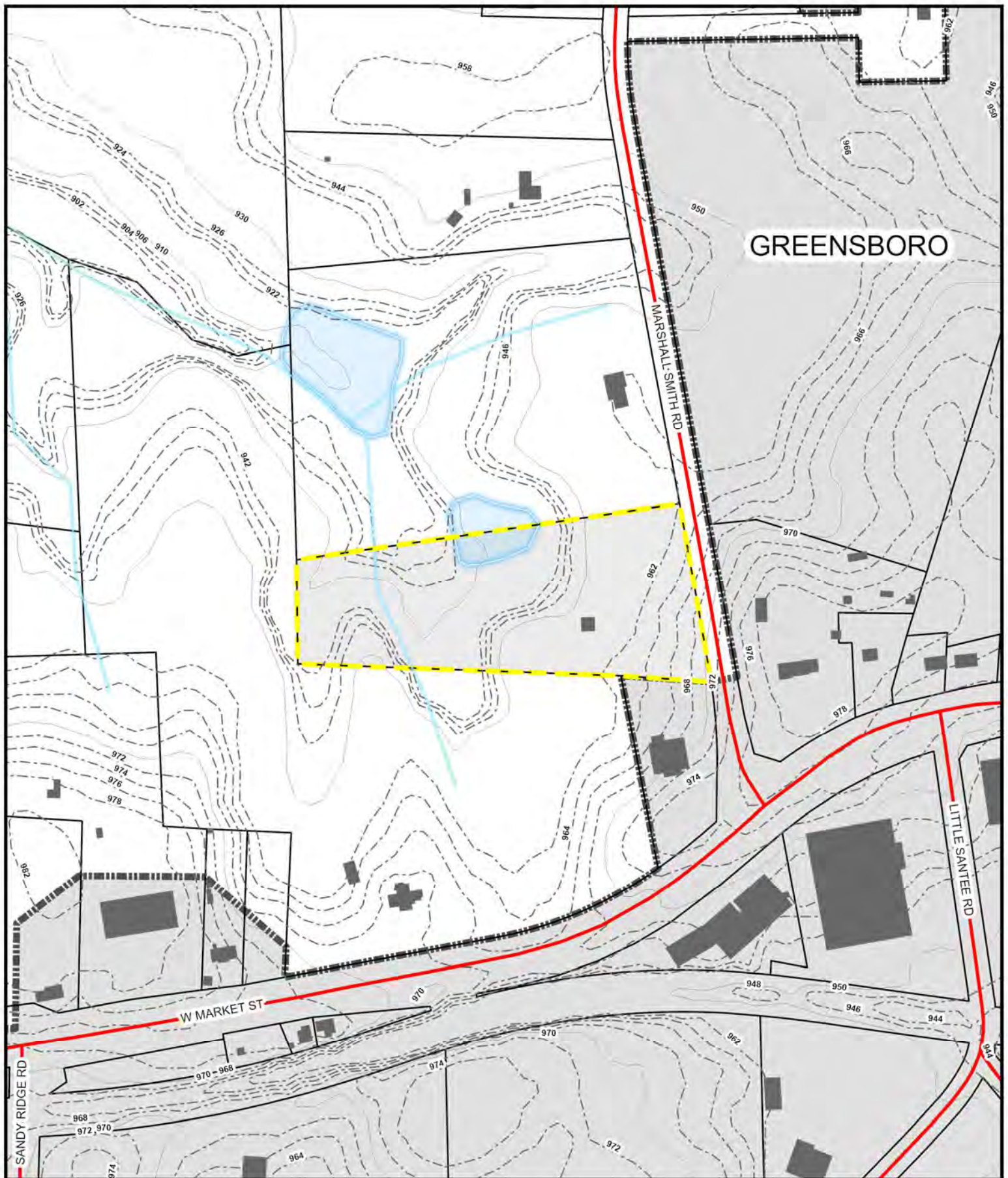
**Case: 23-01-PLBD-00035**

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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(Insert Color Paper)



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

Planning Board  
Road Renaming  
Voluntary Petition

Date Submitted: 5/9/2023

Case Number 23-05-PLBD-00045

Provide the required information as indicated below. Pursuant to the Guilford County Development Ordinance, 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.

Pursuant to Section A-8 of the Guilford County Development Ordinance, the undersigned hereby request the Guilford County Planning Board to consider renaming a public road, presently known as LITTLE CHUTE LN Secondary Road# N/A in BRUCE Township, and running 1,750 feet E from NORTHWEST SCHOOL Rd. Secondary Rd# \_\_\_\_\_ and terminating at N/A Secondary Rd# 2131. Provide a plat or tax map of said road.

Proposed Street Names:

- |    | Name                     | Suffix |
|----|--------------------------|--------|
| 1. | <u>JOSEPH CREEK LANE</u> | _____  |
| 2. | _____                    | _____  |
| 3. | _____                    | _____  |

Proposed street names shall be consistent with standards set forth in A-6 Street Names

Petitioners:

- |     | Name                           | Address  |
|-----|--------------------------------|--|
| 1.  | <u>HARKIRAT SINGH BHANGU</u>   | <u>7431 LITTLE CHUTE LN GREENSBORO NC 27409</u>    |
| 2.  | <u>Shraddha Jai Khokhal</u>    | <u>7400 Little chute Lane greensboro, NC,</u>      |
| 3.  | <u>MADHANAGOPAL SAMBANTHAN</u> | <u>7432 LITTLE CHUTE LN GREENSBORO NC 27409</u>    |
| 4.  | <u>Nisha Singh</u>             | <u>7437 LITTLE CHUTE LN GREENSBORO</u>             |
| 5.  | <u>SUJIT DSOUZA</u>            | <u>7446 LITTLE CHUTE LN 27409</u>                  |
| 6.  | <u>Dhamodhan Rajasekar</u>     | <u>7506 Little chute Ln, Greensboro, NC, 27409</u> |
| 7.  | <u>CHANDRA MOLETTI</u>         | <u>7438 " " " " " "</u>                            |
| 8.  | <u>Shweta Gupta</u>            | <u>7472 Little chute Ln Greensboro, NC, 27105</u>  |
| 9.  | <u>Arvind Gupta</u>            | <u>7423 Little chute lane Greensboro NC 27409</u>  |
| 10. | <u>SASI BASIREDDY</u>          | <u>7462 Little chute Ln, Greensboro, NC 27409.</u> |

Signatures from a minimum of 51% of the property owners along said street are required.  
Additional sheets for petitioners are available upon request.

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

Submitted By:

RAJDEEP GILL 7431 LITTLE CHUTE LANE 336-847-2037

Contact Name

Address

Contact Phone #

HARKIRAT SINGH BHANGU



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

Planning Board  
Road Renaming  
Voluntary Petition

Additional Petitioners:

Name	Address
11. <u>Danankiyon</u>	<u>7417 Little Chute Ln</u>
12. <u>Daniel McK Jr</u>	<u>7459 Little Chute Lane</u>
13. <u>Rama Kalipelly</u>	<u>7468 Little chute lane</u>
14. <u>venkat mamidi</u>	<u>7505 Little chute lane</u>
15. <u>Pril VillanKandathil</u>	<u>7486 Little chute lane</u>
16. <u>JayaPrakash. Kottapalli</u>	<u>7503 Little chute lane</u>
17. <u>Ramakrishna Golla</u>	<u>7452 little chute lane</u>
18. <u>NARSIMHA PRASAD BIDARKOTA</u>	<u>7509 LITTLE CHUTE LANE</u>
19. <u>TOLUTOLA OYETUNDE</u>	<u>7424 LITTLE CHUTE LANE</u>
20. _____	_____

Signatures from a minimum of 51% of the property owners along said street are required. Additional sheets for petitioners are available upon request.

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

Submitted By:

CHUTE

RAJDEEP GILL

7431 LITTLE LANE

336-847-2037

Contact Name

Address

Contact Phone #

HARRIRAT SINGH BHANGU



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
RESOLUTION FOR ROAD RENAMING**

**CASE #23-05-PLBD-00045**

WHEREAS, pursuant to NCGS 153A-239.1, notices were posted that a public hearing would be held before this Board on June 14, 2023, on a request that the official name of a portion of a certain road be established or changed.

NOW, THEREFORE, BE IT RESOLVED, that the official name is hereby established for the following road(s) as indicated:

PREVIOUS NAME: Little Chute Lane

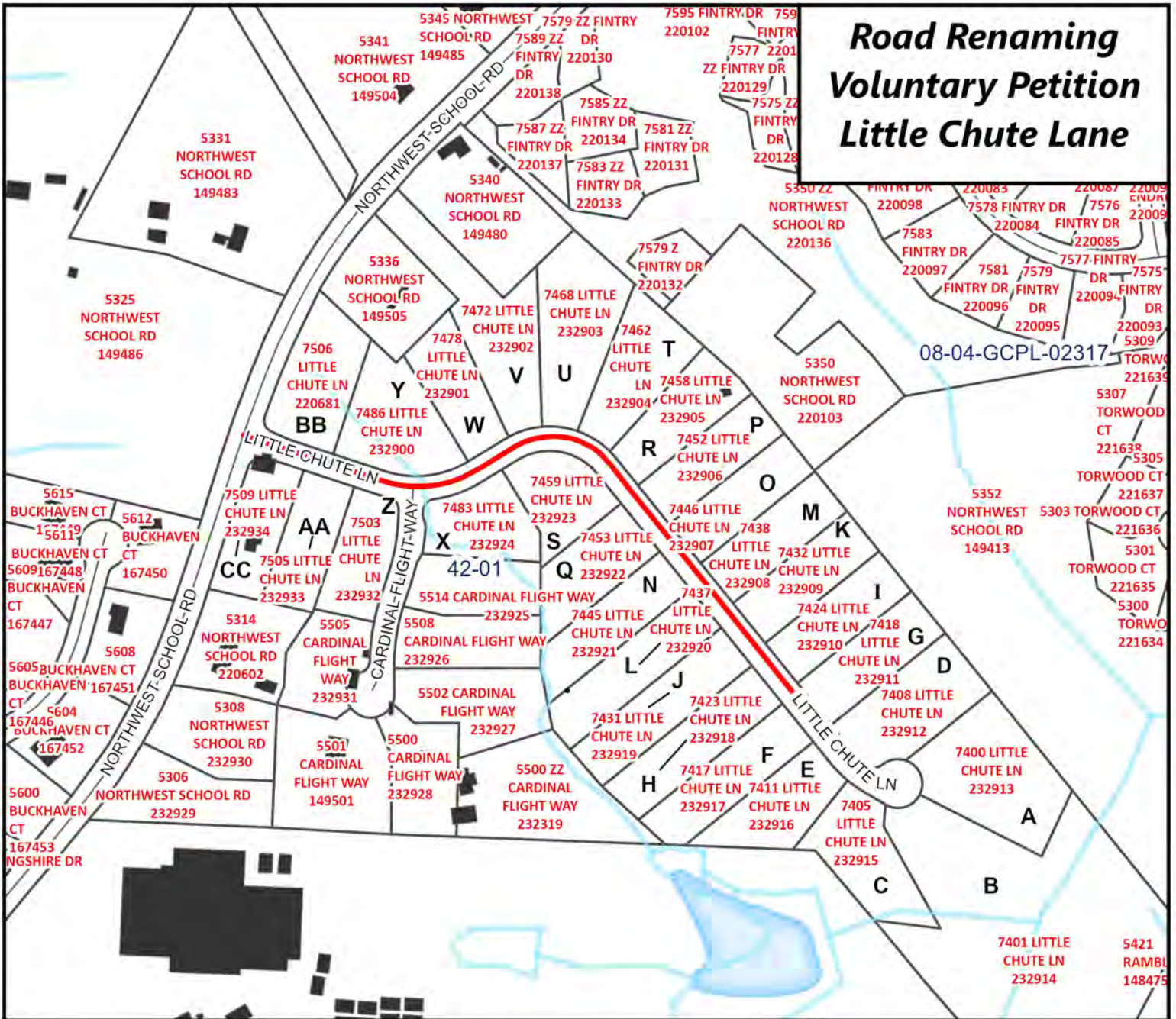
PROPOSED/  
ESTABLISHED NAME: Joseph Creek Lane

LOCATION: Presently known as Little Chute Lane, located in Bruce Township and running approximately 0.33 miles east from Northwest School Road and terminating to the northern property line of Guilford County Tax Parcel #232914.

STAFF COMMENT: This renaming is in response to a voluntary petition filed and signed by greater than 51% of the property owners along the road.





# Road Renaming Voluntary Petition Little Chute Lane



08-04-GCPL-02317

<p>A. KHOKHAL, JAI S; KHOKHAL, SHRADDHA JAI          B. REDDY, NAVEEN K GARUDA          C. GUAN, SHI HUI          D. SIVAKUMAR, ANAND; PANNEERSELVAM, NIRMALADEVI          E. PALLISETTI, RAM KISHAM; PALLISETTI, DIVYA          F. KUMAR, PAWAN; RAI, VINEETA          G. H &amp; H CONSTRUCTORS OF FAYETTEVILLE LLC          H. GUPTA, ARVIND; GUPTA, SMITA          I. AJAYI, OLUTOYOSI O; OYETUNDE, TOLUTOLA T          J. BHANGU, HARKIRAT SINGH          K. SAMBANTHAN, MADHANAGOPAL; UPIRAGHAVAN, DHEPTHEI</p>	<p>L. SINGH, SHAKTI KUMAR; SINGH, NISHA          M. MOLLETI, CHANDRA S; BUDDHA, DEVI S          N. THONDAPU, SUDHIR; MALLANGI, DEEPIKA          O. DSOUZA, SUJIT BAPTIST; DSOUZA, TANYA          P. GOLLA, RAMAKRISHNA; KONDABOYINA, ARCHANA          Q. MADADI, PRAMOD R; GUDI, VASANTHA KALA          R. ACHARYA, DHIRAJ; MALLA, RIMA          S. MCKELVEY, DANIEL JR; MCKELVEY, KARA CLEMENTS          T. BASIREDDY, SASI KUMAR REDDY; PARVATHA, ANURADHA          U. KATIPPELLY, RAMA KRISHNA REDDY; ALLURWAR, SADHANA SAGAR</p>	<p>V. KUMAR, SAURABH; GUPTA, SHWETA          W. RAPAKA, HENRY WILLIAMS; RAPAKA, ANNIE PRIYA          X. BAPANAPALLI, TEJESHWAR; BAPANAPALLI, SUSHMA          Y. VILLAMKANDATHIL, ANIL; THEKKETKATTIL, ANU          Z. KOTTAPALLI, JAYA PRAKASH; DOWPATI, SILPA          AA. MAMIDI, VENKAT RAMANA REDDY; TEEGALA, KEERTHI REDDY          BB. RAJASEKAR, DHAMODHRAN; MURUGAN, JEEVITHA          CC. BIDARKOTA, NARSIMHA PRASAD;</p>
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 <p>Planning &amp; Development Department</p>	<p>Jurisdiction: GUILFORD COUNTY</p>	<p>Case Number: 23-05-PLBD-00045</p>	<p>Case Area: Little Chute Lane Joseph Creek Subdivision</p>	 <p>Scale: 1" = 300'</p>
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**Road Renaming  
Voluntary Petition  
Little Chute Lane**



**ROAD TO BE RENAMED**  
Proposed Street Name  
Joseph Creek Lane



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
23-05-PLBD-00045

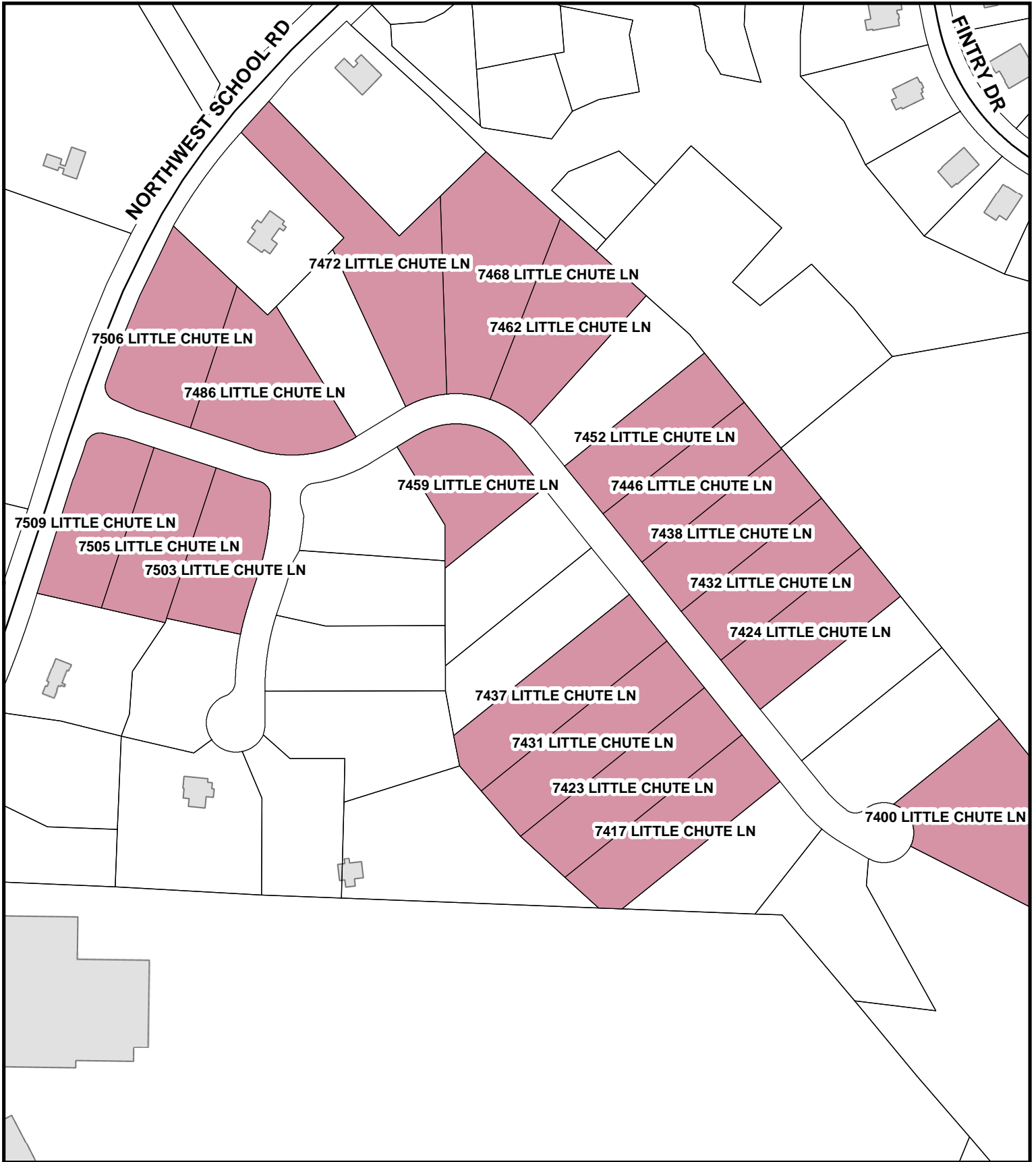
Case Area:  
Little Chute Lane  
Joseph Creek Subdivision



Scale: 1" = 250'



# Addresses of Owners that Signed the Road Renaming Petition

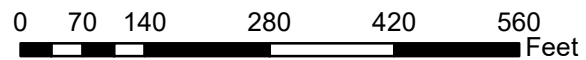


Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, Guilford County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use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

Map Scale  
1 in = 216 ft



Joseph Creek Subdivision



(Insert Color Paper)

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-05-PLBD-00048 TO ADD SECTION 4.10, SPECIAL PUPOSE LOTS, AS REFERENCED FROM THE PREVIOUS GUILFORD COUNTY DEVELOPMENT ORDINANCE, ARTICLE 4, SECTION 4-9: SPECIAL PURPOSE LOTS, AND TO AMEND SUBSECTION 5.14.A.2.C WITH THE CORRECT CORRESPONDING REFERENCE**

## **Description**

Staff has identified the need to add text (Item 1) within the Unified Development Ordinance (UDO) addressing the unique development challenges with respect to street frontage, minimum lot area, internal setbacks for single projects comprised of multiple parcels, and minimum lot dimensions for lots that site family or church cemeteries, sewer lift stations, radio, television, and communication towers, and other utility uses (there is a trend toward relatively larger solar farms as the market develops) that are supportive and ancillary to the surrounding development. As demonstrated in previous iterations of Guilford County's development ordinances, such aforementioned uses (adding internal setbacks for single projects comprised of multiple parcels) will benefit from particular exceptions to Ordinance development standards. Such uses also rarely require relatively high volume of on-site traffic for maintenance. Further, these uses do not warrant the same degree of scrutiny in plan review as a heavy or light commercial or industrial use which often can be high traffic generators that necessitate greater minimum access availability.

The proposed language for Special Purpose Lots, carried from previous iterations of Guilford County's ordinance, defines what uses may be subject to Special Purpose Lots, provides a pathway for the Technical Review Committee (TRC) to determine if the proposed lot and access is sufficient. Item 2 will update the reference (change from UDO Section 4-9 to current 4.10) for Special Purpose Lots found in **Section 5.14.A.2.c.** for Individual Development Standards for wireless communication towers.

**SEE ATTACHED**

## **Consistency Statement**

**Consistency with Adopted Plans:** The proposed text amendment supports Future Land Use Element Goal #1 of the Guilford County Comprehensive Plan (effective Oct. 1, 2006) which 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..." Introducing language in the UDO for moderated reviews of the above-listed, low-intensity, ancillary uses will ensure continued growth of the principal uses that drive economic vitality and quality of life.

## **Staff Recommendation**

**Staff Recommendation:** Staff recommends approval of both text amendments proposed.

The recommended action is reasonable and in the public interest because the proposed amendments are 1) consistent with Future Land Use Element Goal #1 of Guilford County's adopted Comprehensive Plan which 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..."; and 2) consistent with established land development patterns.

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**TEXT AMENDMENT CASE # 23-05-PLBD-00048 – AMEND UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ADD ARTICLE 4, SECTION 4.10: SPECIAL PURPOSE LOTS AS REFERENCED FROM PREVIOUS GUILFORD COUNTY DEVELOPMENT ORDINANCE, ARTICLE 4, SECTION 4-9: SPECIAL PURPOSE LOTS, AND TO AMEND SUBSECTION 5.14.A.2.C WITH THE CORRECT CORRESPONDING REFERENCE**

**ITEM 1**

**4.10 SPECIAL-PURPOSE LOTS**

**A. APPLICABILITY**

1. Special Purpose Lots are lots or tracts that are exempt from zoning requirements per Subsection 4, Zoning Districts, with respect to street frontages, minimum lot areas, minimum lot dimensions, or internal setbacks for single projects comprised of multiple parcels.
2. The designation of Special Purpose Lot shall only apply to family or church cemeteries, sewer lift stations, radio, television, and communication towers, and other utility uses.
3. Such lots shall comply with the requirements below.

**B. MINIMUM SIZE**

1. The Special Purpose Lot shall be permitted only after the Technical Review Committee (TRC) has determined that the proposed lot has sufficient dimensions to accommodate the intended use and planting yards if required per Ordinance. Revised preliminary subdivision plats for delineating up to three (3) off-site sewage treatment special purpose lots shall be exempt from TRC approval.

**C. ACCESS EASEMENT**

1. *Off-site and Community Sewage Treatment:* Special purpose lots for Off-site and Community Sewage Treatment Systems shall have a minimum of twenty (20) feet of direct access to a public or private street or private lane or a platted minimum twenty (20) foot access easement that provides for installation, maintenance, and repair of the system from the street or lane to the lot. Easements that provide access for supply lines only from the lot it serves to the Special Purpose Lot shall be a minimum of twenty (20) feet. Easements may be reduced to ten (10) feet, if the proposed easement parallels an existing or proposed twenty (20) foot public utility easement. All easements shall be labeled "Private Sewer Line Access and Maintenance Easement serving Lot(s)."
2. *All other Special Purpose Lots:* If the Special Purpose Lot does not have a minimum of twenty (20) feet direct access to a public or private street or private lane, an easement for ingress and egress with a minimum width of twenty (20) feet shall be platted from the street or lane to the lot.

**C. PLATTING**

1. The subdivision to create the lot shall be approved in accordance with Article V (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a "Special-Purpose Lot for use as \_\_\_\_\_." The lots for Off-site Sewage Treatment areas shall carry the number of the lot it serves and the letter "A."

## **D. CONVEYANCE**

1. Special Purpose Lot(s) for Off-site Sewage Treatment shall be conveyed with the lot(s) for which it provides sewage treatment.

## **ITEM 2**

### **5.14 UTILITIES AND COMMUNICATIONS ...**

#### **A. WIRELESS COMMUNICATION TOWER ...**

2. **General:** ...
  - c. The provisions of Section 4-9 4.10 Special Purpose Lots may be applied.

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(Insert Color Paper)



**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-05-PLBD-00050 TO AMEND SECTION 6.1, PARKING STANDARDS, SUBSECTION D, MAXIMUM NUMBER OF SPACES PERMITTED, SUCH THAT REFERENCES TO PARKING CREDITS, COMBINED PARKING, AND LOW-IMPACT DESIGN STORMWATER POLICIES ARE REMOVED AND ARE REPLACED WITH CLEAR CRITERIA FOR AN ALTERNATIVE PARKING PLAN DERIVED FROM A PARKING ANALYSIS BY AN ENGINEER LICENSED IN THE STATE OF NORTH CAROLINA, AS WELL AS SPECIFYING STORMWATER PROTECTION MEASURES ASSOCIATED WITH EXPANDED PARKING PER THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER DESIGN MANUAL**

## **Description**

Staff has identified the need to remove one subsection entirely that is redundant in plan review, **6.1.D.1**, as well as eliminate references to **Section 6.1.F Parking Credits**, **Section 6.1.L Combined Parking Credits**, and **Section 9.1.F Low-Impact Design** for the approval of an alternative parking plan required by **Section 6.1.D** to exceed one hundred seventy-five percent (175%) of the minimum number of parking spaces required in **Table 6-1-1: Parking Requirements**. The language within the UDO for parking credits and shared parking refers to reduction of the minimum parking requirements and are, therefore, not pertinent in plan review for instances where developers wish to exceed the maximum requirement. Also, the UDO does not enumerate standards for Low-Impact Design which can be objectively measured against submitted plans. The UDO sites a Low-Impact Design process established by in the North Carolina Stormwater Design Manual. However, the process which is sited is not finalized and marked for distribution by the North Carolina Department of Environmental Quality (NCDEQ).

Subsequently, staff performed a survey of comparable jurisdictions which curate methods of exceeding maximum parking requirements. The jurisdictions included in the research were Durham County, Wake County, Orange County, Buncombe County, New Hanover County, Greensboro, Wilmington, Raleigh, Charlotte, Asheville, and Hillsboro. The proposed language to amend **Section 6.1.D** is constructed to mirror standards from those comparable jurisdictions within North Carolina. The proposed language introduces three (3) exemptions from maximum parking calculations: small developments with twenty (20) or fewer spaces, parking lots which directly serve government facilities, and parking within a structure (regulated by built upon area standards). Furthermore, the language proposed for this amendment will require a parking analysis on the proposed use based on data from relevant journals or a primary study of comparable uses within the market area, Greensboro – High Point Metropolitan Statistical Area. Finally, this amendment will require appropriate stormwater controls for all additional spaces above the maximum allowable spaces.

**SEE ATTACHED**

## **Consistency Statement**

**Consistency with Adopted Plans:** The proposed text amendment supports Transportation Element Goal #1, Objective 1.3 of the Guilford County Comprehensive Plan (effective Oct. 1, 2006) which states that Guilford County will “Thoughtfully review existing development regulations and standards related to transportation, leading to prudent changes that support and encourage environmentally sound design and modal options”. Additionally, the proposed text amendment fulfills Transportation Element Goal #1,

Objective 1.3, policy 1.1.1 which states that “Review and recommend changes to off-street parking requirements/standards in the Development Ordinance; provide credits/reductions for projects that incorporate pedestrian, bicycle, transit facilities, or which exhibit innovative design that advance adopted Plan goals, objectives and policies.”

By introducing viable means of exceeding maximum parking limitations that require adherence to standards found within the NCDEQ Stormwater Design Manual, Guilford County is able to advance the goals, objectives, and policies within the comprehensive plan that seek to balance development with environmental stewardship.

## **Staff Recommendation**

**Staff Recommendation:** Staff recommends approval.

The recommended action is reasonable and in the public interest because the proposed amendments are 1) consistent with Transportation Element Goal #1, Objective 1.3 which states that Guilford County will “Thoughtfully review existing development regulations and standards related to transportation, leading to prudent changes that support and encourage environmentally sound design and modal options” and Transportation Element Goal #1, Objective 1.3, policy 1.1.1 of Guilford County’s adopted Comprehensive Plan which states that “Review and recommend changes to off-street parking requirements/standards in the Development Ordinance; provide credits/reductions for projects that incorporate pedestrian, bicycle, transit facilities, or which exhibit innovative design that advance adopted Plan goals, objectives and policies.”; 2) references the NCDEQ Stormwater Design Manual which is compatible with the Minimum Design Criteria (MDC) that are codified in North Carolina’s stormwater rules which went into effect on Jan. 1, 2017; and 3) will create flexibility for development while promoting best practices for stormwater design.

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-05-PLBD-00050 TO AMEND SECTION 6.1, PARKING STANDARDS, SUBSECTION D, MAXIMUM NUMBER OF SPACES PERMITTED, SUCH THAT REFERENCES TO PARKING CREDITS, COMBINED PARKING, AND LOW-IMPACT DESIGN STORMWATER POLICIES ARE REMOVED AND ARE REPLACED WITH CLEAR CRITERIA FOR AN ALTERNATIVE PARKING PLAN DERIVED FROM A PARKING ANALYSIS BY AN ENGINEER LICENSED IN THE STATE OF NORTH CAROLINA, AS WELL AS SPECIFYING STORMWATER PROTECTION MEASURES ASSOCIATED WITH EXPANDED PARKING PER THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER DESIGN MANUAL.**

## 6.1 PARKING STANDARDS

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### D. MAXIMUM NUMBER OF SPACES PERMITTED

1. The following shall be exempt from maximum parking calculations:
  - a. Parking lots directly serving government facilities;
  - b. Parking lots with twenty (20) spaces or fewer; and
  - c. Parking within a structure
  
1. ~~If a commercial use exceeds one hundred twenty five percent (125%) of the minimum number of parking spaces required in Table 6-1-1, but no more than one hundred seventy five percent (175%), approval of an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low Impact Design) by the Planning Director, or designee, shall be required.~~
  
2. If a ~~commercial~~ non-residential use exceeds one hundred seventy-five percent (175%) of the minimum number of parking spaces required in Table 6-1-1, then an alternative parking plan (~~see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low Impact Design~~) must be approved by the Technical Review Committee.
  - a. The alternative parking plan shall be reviewed based on a sealed parking analysis by a licensed engineer in the state of North Carolina with expertise in transportation. The analysis shall:
    2. Use data or relevant studies published within the last ten (10) years by the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or any other professionally recognized data sources; or
      - (1) Be derived from primary study of no fewer than three (3) comparable developments within the regional market of the Greensboro – High Point Metropolitan Statistical Area.
  - b. The parking analysis shall utilize all the following criteria to substantiate the need for additional parking:
    - (1) The gross interior square footage of structure(s) being served by the proposed parking lot and type of the proposed use(s);
    - (2) The greatest number of employees on site at any one time, hours of operation;
    - (3) The anticipated rate of parking turnover;
    - (4) The anticipated parking loads for normal and peak hours;

- (5) Parking data from comparable uses, and
  - (6) All other information as required by the Technical Review Committee.
- c. The Technical Review Committee shall evaluate alternative parking plans based on demonstrated evidence that one hundred seventy-five percent (175%) of the minimum number of parking spaces required for the use as shown in Table 6-1-1 will not be sufficient to serve the proposed development.
- d. All additional parking spaces above one hundred seventy-five percent (175%) of the minimum number of parking spaces required for the use as shown in Table 6-1-1 shall:
  - (1) Be constructed with permeable pavement per the *Stormwater Design Manual* published by the North Carolina Department of Environmental Quality (NCDEQ); or
  - (2) Discharge to a Bioretention Cell or infiltration-type Stormwater Control Measure that is designed per the *Stormwater Design Manual* published by the NCDEQ; or
  - (3) Be considered pervious as defined by the NCDEQ.

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## ARTICLE II. - RELATED ORDINANCES

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### Subsec. 3 – Permits and Procedures

#### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

##### S. SUBDIVISION, MAJOR

##### 3. Procedure

a. Pre-Application Conference...

b. Sketch Plan Submittal

(1) Technical Review Committee. A Sketch Plan is required for review by the Technical Review Committee for any subdivision of property that involves:

(i) More than fifty (50) lots.

(ii) Utilizes Off-site Sewage Treatment.

(iii) A Community Sewage Treatment System.

(2) Procedures for approval shall correspond to the procedures found in Section 3.5.S.4, Preliminary Plat Submittal below.

(3) Preparation. The Sketch Plan shall be prepared in accordance with the Guilford County Procedures Manual and submitted to the Planning and Development Department.

***Commentary: A Master Preliminary Plat may be submitted in lieu of a Sketch Plan if it shows the overall layout of the proposed subdivision and contains any additional information required under Appendix 2 - Map Standards. A separate Sketch Plan is needed for procedures that require Planning Board approval such as Planned Unit Development Rezonings, Conditional Zonings, and Special Use Permits.***

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### Subsec. 4 – Zoning Districts

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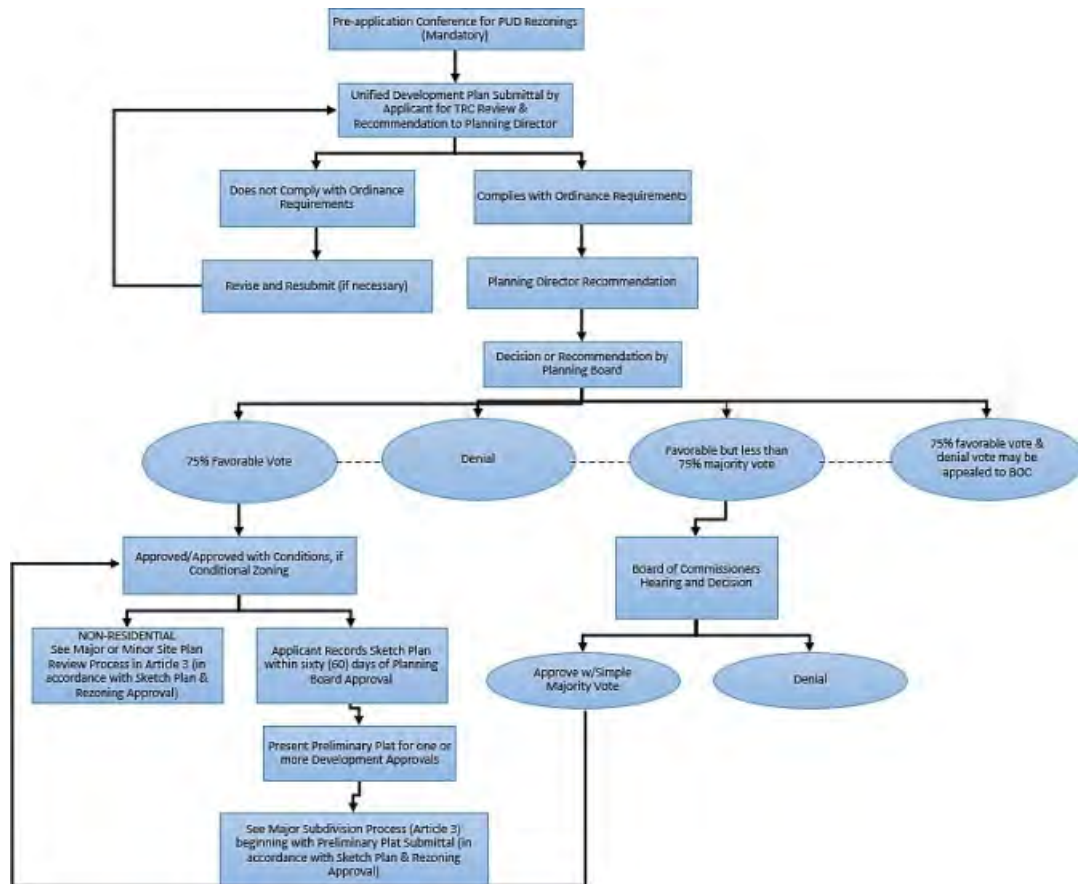
#### 4.4 PLANNED UNIT DEVELOPMENT DISTRICTS (PD-R, PD-M & RPD)

Intent: 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 this ordinance 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 set forth in this Section may be eligible as a Planned Unit Development regardless of the methods utilized to supply potable water and sewage disposal.

Planned Unit Developments are permitted under the following zoning district designations:

- Planned Development-Residential (PD-R)
- Planned Development-Mixed (PD-M)
- Planned Development-Rural Preservation District (RPD)

**Commentary: The Unified Development Plan Submittal step in the flow chart below incorporates the rezoning and sketch plan review steps in accordance with Section 4.4.A. SUBMITTAL REQUIREMENTS/PROCEDURES.**



## A. SUBMITTAL REQUIREMENTS/PROCEDURES

The application for a Planned Unit Development shall contain a Unified Development Plan (UDP) with the required application for a rezoning. The Unified Development Plan (UDP) shall contain the following:

1. The approved Sketch Plan (see Appendix 2 – Map Standards) with proposed phase lines (see 4.4.B – Phased Development of Planned Unit Developments), if any;
2. Land use(s), density and a Traffic Impact Analysis (TIA);
3. Rezoning application indicating one of the following district designations:
  - a. PD-R (Planned Development-Residential); or
  - b. PD-M (Planned Development-Mixed); or
  - c. RPD (Rural Preservation District).
4. Preliminary plat(s) for the first phase(s) of development (optional);
  - a. Utilities Plan in accordance with Appendix 2 (Map Standards);
  - b. Grading/Watershed Development Plan in accordance with Appendix 2 (Map Standards); and

- c. Landscaping Plan in accordance with Appendix 2 (Map Standards);
  - d. Common Sign Plan in accordance with Subsec. 7 – Signs; and
  - e. Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which TRC may deem pertinent to UDP approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to the development. In no case, shall the Unified Development Plan leave any area proposed for development unregulated.
5. The Technical Review Committee shall review the Unified Development Plan and determine if it meets all applicable provisions of this Ordinance and is consistent with the Sketch Plan. If the Unified Development Plan is approved by the Planning Board, it shall be noted on the zoning map with the appropriate zoning district designation. Additionally, the Sketch Plan is to be recorded in the Register of Deeds within sixty (60) days of Planning Board approval. When preliminary plat(s) are submitted for review and if approved, (see Section 4 above for preliminary plat submittals), Common Signage Plan and documents specified in Section 4.e above shall be recorded in the Register of Deeds within sixty (60) days of approval.

**B. PHASED DEVELOPMENT OF PLANNED UNIT DEVELOPMENTS**

If a Planned Unit Development includes phasing provisions, then:

- 1. All phases shall be shown with precise boundaries on the Sketch Plan and shall be numbered in the expected order of development;
- 2. All data required for the project as a whole shall be given for each phase shown on the Sketch plan;
- 3. Development of the cumulative area of open space in all recorded phases and the total number of dwelling units approved in those phases shall comply with Section 4.7;
- 4. A proportionate share of the project's open space and common facilities shall be included in each phase of development;
- 5. The phasing shall be consistent with the traffic circulation, drainage and utilities plans for the entire planned unit development;
- 6. No final plat for a phase of a planned unit development shall be approved unless all open space and common facilities included in previous phases are substantially complete; and
- 7. No final plat for a phase of a planned unit development shall be approved if there is any uncorrected violation of the Unified Development Plan, a Preliminary Plat, a Final Plat or this Subsection in any previous phase.

**C. AMENDMENT(S) TO THE UNIFIED DEVELOPMENT PLAN**

Approval of the rezoning application establishes the maximum density and use of each tract or area shown on the Sketch Plan. Any request for change in land use (e.g., residential to commercial or increase in land use intensity) or increase in density require a new zoning application for the PUD and shall be subject to all applicable procedures.

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