

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

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

February 8, 2023, 6:00 PM

A. Roll Call

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

Guy Gullick, Vice Chair; David Craft; Jason Little; Dr. Nho Bui; Cara Buchanan; Sam Stalder; and Rev. Gregory Drumwright. (Rev. Drumwright arrived at 6:32 p.m. for the remainder of the meeting)

The following Board members were not in attendance at this meeting:

James Donnelly, Chair and Ryan Alston

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

J. Leslie Bell, Planning and Development Director; Justin Snyder, Senior Planner; Rachel Teague, Office Specialist; and Stephen Thomas, Fire Marshal

B. Agenda Amendments

Leslie Bell stated that Item E (Continuance Requests) on the agenda would be moved under Agenda Amendments based on inquiry by Vice Chair Gullick regarding Case #22-11-PLBD-00029 listed under Old Business.

C. Approval of January 11, 2023, Minutes: Forthcoming

D. Rules and Procedures

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

E. Continuance Requests

Leslie Bell stated that there has been a request from the applicant for Conditional Zoning Case #22-11-PLBD-00029 from RS-40 Single-Family and AG, to Light Industrial Conditional Zoning located along Methodist Road, south of its intersection with Liberty Road and contains 96.33 acres. Included in the member's packet is a request to continue indefinitely, at this time. There are a number of policy initiatives that are being considered and updated/modified by the City of Greensboro, which may or may not have an impact ultimately on how this area develops. Staff would like the opportunity to consider the outcomes of those initiatives (as well as the applicant) before moving forward.

Mr. Craft moved to continue the above-mentioned to a future meeting, seconded by Ms. Buchanan. The Board voted 6-0 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Little. Nays: None. Members absent: Donnelly and Alston).

F. Old Business

Legislative Hearing Item(s)

CONDITIONAL ZONING CASE #22-11-PLBD-00029: RS-40, RESIDENTIAL, SINGLE-FAMILY AND AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL - Located along Methodist Road south of its intersection with Liberty Road (includes Guilford County Tax Parcels 122311, 122325, 124720, 124711, 122331, and 122310 split by US Highway 421 right-of-way in Clay Township) and comprises approximately 96.33 acres. **[Request to Continue Passed]**

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

REZONING CASE #22-12-PLBD-00032: AG, AGRICULTURAL, TO RS-30, RESIDENTIAL: 8527 ZZ HUDSON-JAMES ROAD AND A 2.89-ACRE PORTION OF 8426 ZZ RUMBLEY ROAD

Located at 8527 ZZ Hudson-James Road and 8426 ZZ Rumbley Road (Guilford County Tax Parcel #221302 and a portion of #147559 in Bruce Township), is approximately 1,660 feet south of the intersection of Rumbley Road and U.S. Highway 158 and comprises approximately 18.06 acres. **(APPROVED WITHOUT REQUIRED 75% MAJORITY-TO BE SENT TO BOARD OF COMMISSIONERS AS A RECOMMENDATION AND FINAL APPROVAL)**

Justin Snyder stated that this is a request to rezone the entirety of Guilford County Tax Parcel #221302 and a 2.89-acre portion of Tax Parcel #147559 in Bruce Township, which in total comprises approximately 18.06 acres, from AG, Agricultural, to RS-30, Residential. The remaining 1.03 acres of property in the western portion of Tax Parcel #147559 are to remain zoned AG. In the Board members' packets are the descriptions of the AG district as well as the description for the RS-30 district. The RS-30 district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster developments including conservation subdivisions are permitted. This area is just west of the boundary of the jurisdiction of Summerfield, as shown on the map provided for review. The presence of significant wetlands, streams, and other environmental encumbrances in this general area has created a pattern that is generally low-density residential and agricultural. The existing land use on the 2.98-acre portion of the northern property is heavily wooded and vacant. The southern property has a wooded portion with the center of the property being cleared for agricultural use. It is also vacant. Surrounding land uses on all sides are single-family residential and agricultural. There are no inventoried historic landmarks on this site, and there are no cemeteries shown. There are minor impacts projected to the public school facilities, and any development will be served by private septic systems and wells. Both of these parcels are likely to be developed as a single-family residential

subdivision and are anticipated to be developed in conjunction with the parcel to the north, which actually fronts on Hudson-James Road. Staff is recommending approval of this request. The proposed rezoning according to the Northwest Area Plan would be consistent with the recommendation of rural residential. If approved, no map amendment would be required, and the request would be reasonable and in the public interest because it is consistent with the rural residential land use designation and with the zoning and land uses on the adjacent parcels. The requested zoning allows flexibility for future subdivision design with slightly higher density to accommodate a variety of housing styles and sizes.

Vice Chair Gullick asked for the speakers in favor of the request to come forward for this case.

Leslie Bell reminded speakers that there is a limit of 20 minutes for each side to make their comments. He asked that everyone speaking be mindful of the 20-minute time limit.

Bill Greco, Land Solutions, P.O. Box 347, Oak Ridge, NC, stated that he is speaking on behalf of the applicant in this case, and he thanked staff for all their assistance with putting the application together and also for the staff report. The staff report is very thorough, and he does not think they need to revisit any of the information previously stated by staff. Regarding their background and some of their efforts thus far, the project does consist of not only the portion that is before the Board tonight, but also the parcel to the north, which was rezoned in 2007. That parcel has not been developed and has been vacant since that time. Combining these together with the proposed pieces this evening, they would have approximately 43 single-family lots for a proposed subdivision.

Mr. Bell clarified that this is not a conditional rezoning so consideration of any one particular use would not be applicable for this case. As the Board considers this, Mr. Greco was asked to speak in more general terms because it is not a conditional zoning, but rather, it is a conventional rezoning. He would ask that the Board consider the appropriateness of all the uses in the RS-30 zoning district for this area.

Mr. Greco thanked Mr. Bell for his comments and continued on by saying that, to his knowledge, the only use permitted in RS-30 is residential single-family, which is what they are proposing. They have submitted to Guilford County Planning Department a Master Sketch Plan for the property with the adjacent properties, and it went through the Technical Review Committee (TRC), whose comments on that plan were "unremarkable, pretty standard" comments that you would expect for a Master Sketch Plan review. Their efforts leading up to this meeting included reaching out to some of the immediately adjacent neighbors via mail, and he has met with some people in person, on-site, and there was a ZOOM open house meeting where neighbors were afforded the opportunity to ask questions and voice their concerns. The concerns that he is aware of to date are those typically seen with a rezoning of this nature. There is a lot of sentiment that they wish the area could just stay the way that it is. There were some concerns and some points made regarding them being good neighbors throughout the development process, making sure that the environmental issues are addressed. They feel that at the end of their efforts that they were able to answer some questions and provide some information to those concerned.

Going back to the staff report and to the applicable regulations governing this property, the Northwest Area Plan certainly recommends single-family residential, which is what they are asking for. It is not conditional use, in that they do not have any conditions to add to this request. This is a very vanilla-type application simply because it is for RS-30 zoning. There is a mix around the property, but certainly

RS-30, AG, RS-40, MH, all of those are compatible districts in the ordinance and are very similar to what they are proposing. He pointed out that the entrance would be on Hudson-James Road. NC-DOT has taken a preliminary look at that, and this project does not warrant any improvements to Hudson-James Road. He hopes the Board will approve this request for this project to move forward.

In regard to a question posed by Vice Chair Gullick, Mr. Greco stated that their office had sent out cards to the adjacent property owners inviting them to attend the ZOOM meeting, and gave the link and other information for the ZOOM meeting. It was fairly well-attended, and there were 6-8 people there during a 40-minute discussion. They did not expand beyond the immediate adjacent property owners, but they were invited to invite others, if they wanted to.

Mr. Little asked where the entrance to the property would be located. Mr. Greco responded that this parcel to be rezoned is adjacent to parcel "C" on the map that is already zoned RS-30, and there is a pond at the northernmost portion of that exhibit. Their road would be to the north of that pond and will run east to Hudson-James Road.

Joe Thacker, 8269 Walter-Cone Way, Stokesdale, NC, stated that he will speak in favor of the request, and he is speaking on behalf of Ms. Anne Thacker who is a property owner that borders this property. She is not really for the rezoning, but she is also not against it. She and her husband sold the property to the present owners. They have been expecting this action for some time now. She would like clarification about the water run-off from this property that will be developed, as she still has property on the east side of it, and it is downhill from where this property lies. She also would like some kind of privacy fence or plantings that would give her peace and privacy on her property. She also would like to know the setbacks for the houses from the street. They also want to know if all the houses will be built at one time, or will they be built in phases?

Vice Chair Gullick asked if there was anyone wishing to speak in opposition to this request.

Mark Rector, 8309 Hudson-James Road, stated that if you take a look at the map, the RS-30 is strictly the properties that border Hudson-James proper, while anything that is off Hudson-James is AG or MH and RS-40. Though it is zoned RS-30, it is really quite limited. He pointed out that there are 40 homes located on Hudson-James Road and Wright's Farm Lane. White Farm Lane enters and exits off from Hudson-James, so there is no other path for them. The smallest lot size is 1 acre, and the largest lot size is in excess of 30 acres. For someone to say that RS-30 is the standard, that is not true. He stated that this development would more than double the traffic in this quiet neighborhood off of Hwy 158. The people in this area moved there so they would have peace and quiet, but now there would be a cluster development built right on top of them and wanted to know if that type of development is off the table.

Mr. Bell stated that is not being considered this evening; this is not a conditional zoning district. Mr. Snyder responded that "clustering" is simply that they would put the lots closer together in exchange for leaving "open space" in other areas. But it doesn't allow townhouses or something like that.

Ann Rector, 8309 Hudson-James Road, stated that she is taking the environmental approach and brought some information to submit and protest the change from agricultural to RS-40, and she would like everybody to see the packet of soils for this development; it is listed in the Board members' literature. She wished to quote what was said about this property on Hudson-James Road, "The majority of the property actually falls under very limited and indicates that the soil has one or more

features that are unfavorable for the specified use limitations, generally, and special design would be needed for septic tanks." It is listed as "very limited," and if you start putting that many houses on the development, this would be part of the reason that other people are going to talk about the lack of water in the area. Ms. Rector detailed some of the information that she shared with the Board members. She pointed out that there is going to be a lot of tree cutting and a loss of homes for the wildlife. The streams will overflow because of the disruption and severe water run-off from the development. Poor septic systems and low water exist for the proposed homes in the area.

Jenny Tucker, 8426 Rumbley Road, stated that her property is located in the designated area "P" on the map, and the big issue she has is that several of the houses around her have had problems when they have dug their wells. When they dug the well on her property, it affected the man that owned property next door to her. Once they start digging all these wells, how is that going to affect the water supply in this area? She feels that this property should be left for the wildlife as it is. She is totally against this request and would like for there to be some kind of restriction, that if it affects their water supply, that the builder has to be responsible for that.

Marty Hyatt, 8545 Hudson-James Road, stated that one of her big concerns is the traffic pattern and the use of one entrance/exit with approximately 80 cars coming out onto Hudson-James Road and then onto Highway 158 where there have been numerous accidents. She has talked to the Town of Summerfield, and they were not aware of this proposed development. They are interested because that is a significant amount of housing that would affect the fire, schools, and other local facilities. She is concerned about the septic area near the creek on the map, which shows a common septic area, and it is right at the creek. She is also concerned about privacy screening and wants to know if they will leave some of the trees to help with screening.

Vice Chair Gullick stated that in regard to concerns about septic, if they are unable to come up with enough septic areas for the number of houses they would like to build, they will be restricted.

Virginia Brown, 8534 Hudson-James Road, stated that in regard to the soil classifications, she is a licensed soil scientist, and the land there is actually considered prime farmland, which is some of the most productive farmland in the state. She strongly disagrees with this proposal, changing it to RS-30, and would like to keep it AG, rural residential, because if you build houses on all the AG, then it is really important to keep this area of the County rural, and the agricultural heritage is a big part of the state's economy. When she built her home, she looked at all the surrounding land and chose that location because all the properties had a lot of AG zoning, and that was where she wanted to live. A lot of other people in this area feel the same way.

Janet James, 8579 Hudson-James Road, stated that they also have property on Highway 158. Her concern is the vehicles exiting onto Hudson-James Road. There have been accidents and a fatality, and her sister-in-law was killed pulling out on Hudson-James Road. She feels it would be better to exit onto Rumbley Road and split that traffic.

Matthew Hawkrider, 8621 Hudson-James Road, stated that he owns property "I" on the map. The creek runs along the edge of his property. As it stands right now, there is quite a bit of erosion that occurs when there is a large downpour, and with taking all the natural area out, it will just increase that erosion. His family moved to this area because it is rural, and he sold his property in Oak Ridge because they started building high-density developments around him. His children go to the Northwest Guilford Schools and it is already extremely overcrowded, and they are having to use

trailers for classrooms. Adding this many houses to this area will only compound the existing problem with the schools. He is completely opposed to this request, as there are a lot of negatives.

Diana Johnson stated that she is property "H" on the map, and the creek also runs along her property line. There is a lot of wildlife on their property, and they would like to see the property remain like it is, AG.

Jacob Nelson, 8403 Hudson-James Road, stated that if this goes through, it will completely flood his property. There is a flood zone that he bought just for the wildlife, and it is full of silt. There is no creek behind his house anymore. If they build a neighborhood, he is going to catch all the water just before it gets to their house. He has already seen rain up to the edge of his grass after just a good rain. If this goes through, he will have to sell out just vacant land because it's going to flood his house, or they will have to do something about it.

Rebuttal in Favor:

Bill Greco stated that it is often difficult in public hearings to educate, which is challenging in this format. However, having listened to the opposition, he feels that they can safely cluster a number of their concerns into the category of the cart-before-the-horse. What is before the Board this evening is a rezoning, and matters of subdivision and design, DOT permitting, septic/well, are certainly addressed in the ordinance and does a great job, as well as staff that are responsible for that. He will speak briefly on wells and septic. Certainly, the County staff has a fabulous process where they permit those, and if it is unsuitable, then no permit is obtained. For wells, over the last 10-15 years the technology has gotten very advanced, and they know where neighboring wells are, and they know about impacts, and they do a great job monitoring that. As developers and folks who want to be in the community and have been for the past 20 years doing these subdivisions, they will certainly be there on-site if someone does have a problem. The traffic on Hudson-James Road, that is premature, as they do not have a driveway permit, and that would go before NCDOT for the final word on that. They do evaluate soils prior to designing a subdivision, prior to moving forward, and they feel confident that will be addressed. Erosion was a topic of conversation, and they certainly have to produce an erosion control and grading plan, which has to be installed, maintained, and inspected. The County staff comes out and inspects, so there is a rigorous program there that would be adhered to.

Rebuttal in Opposition:

Mark Rector, 8309 Hudson-James Road, stated that they understand, although they may not like a development there, the decision before the Board is really to change the zoning for the parcels shown on the map "A" and "B" from AG to RS-30. He asked that the request be rejected, and they believe that RS-30 is inconsistent with the property for the reasons already stated. He pointed out that it would certainly double the traffic in the immediate area, and he understands that there is work to do with NCDOT and the TRC on some of these issues. The main thing is that they don't want the Board to change the zoning from AG to RS-30, and changing the potential lot size from a minimum of 40,000 square feet to 30,000 square feet. That does not solve all of their concerns; but, it mitigates what can be mitigated by the Board.

Randy Huffman, 8505 Hudson-James Road, stated that he has a small mini-farm where he raises truffle trees. He is worried about the finite number of resources they have with water in the ground. There is already a water problem in this area because it washes off everybody else, and some of those people have been flooded out several times. The ground does not really retain water, and that is the

problem. He has been in the grading business a little bit himself, and sometimes they have Mr. Doggett go in there and level a lot out, put in a silt pond, but the water would be retained in the soil, and the perk fields will not perk for very long. He thinks the density that is proposed here is just stupid.

Mr. Craft moved to close the public hearing, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Drumwright, Little. Nays: None. Members absent: Donnelly and Alston).

Board Discussion:

Mr. Little stated that he has been out to this property, and this is clearly farmland. Putting all those houses behind these existing properties just seems, to him, to be inconsistent with the rest of the properties, especially with all the concerns about the water issues.

Dr. Bui stated that she hears all of the concerns from the neighborhood residents that live in this area, and she believes that those concerns should be addressed before going forward with the request. She does not feel that concerns about the wells have been taken into consideration very well and even though there was a ZOOM meeting, she does not think their voices were heard.

Rev. Drumwright stated that he is trying to understand the weigh-out of the procedures and the preponderance of problems. He came into the meeting in mid-conversation, so he is unsure about making comments. I would echo what Dr. Bui has said, and it seems that there needs to be more discussion and discovery before moving forward.

Ms. Buchanan stated that she wishes that there had been an in-person community meeting. She is looking at the neighbors in the community and feels that most of the people in this room are not comfortable using just a ZOOM meeting. An in-person meeting would have been more helpful.

Mr. Craft stated that he hopes the audience does not take the Board's lack of asking questions, as lack of interest. They are very interested in what everyone has to say. The Board's mission is very narrow in this case, as they need to determine if the request is consistent with the Plan, which it is, is it reasonable and in the public interest, and it is. He is all for saving trees and preserving farmland, but it puts an undue burden on a property owner to say that is what they have to do. People need places to live, so based on that, he is inclined to support the request as it is next to current RS-30 zoning.

Mr. Stalder stated that his only concern is the lack of an in-person meeting with the residents.

Rev. Drumwright stated that he has a question. Given the multiple voices on the Board about the ZOOM meeting and the lack of participation, had this community shared these concerns in a virtual space, would that have changed the outcome? He wanted to know if the community was invited?

Vice Chair Gullick stated that there was a small ZOOM meeting of only adjacent property owners. He stated that what staff encourages is a community meeting so there is a better understanding and less misunderstandings. Rev. Drumwright asked how many adjacent property owners were invited to the ZOOM meeting. Justin Snyder responded that it looks like seventeen (17) adjacent property owners, but some of them are duplicates, so maybe not that many. In response to a question about sign placement, Mr. Snyder stated that signs were placed on Hudson-James Road, as well as Rumbley Road.

Ms. Buchanan asked if the Board has the option of continuing this request? Mr. Bell responded that the Board can certainly continue the request. He pointed out that Mr. Greco did not submit a conditional zoning request with a sketch plan that could be reviewed by everybody [including] here at the meeting. During a community meeting, one way that this plays out is they talk about a specific use and what will abate some of the concerns that were expressed this evening, but the applicant is under no obligation to do any of those things [under a conventional rezoning request]. So if the request is continued, the Board should align expectations of what may come out of that meeting. Mr. Greco has mentioned a subdivision, but he may change his mind tomorrow. It could be another use entirely.

Dr. Bui suggested that a 5-minute recess be taken to give the Board members an opportunity to gather their thoughts.

Thereupon, Mr. Craft moved to take a short recess, seconded by Mr. Little. There was a recess from 7:15 until 7:25 p.m. and the meeting reconvened.

Vice Chair Gullick called the meeting back into session.

Ms. Buchanan moved to approve the zoning amendment located on the entirety of Guilford County Tax Parcel #221302 and a 2.99-acre portion of Parcel #147559 from AG to RS-30 because the amendment is consistent with applicable plans because RS-30 is included as an anticipated district in the AG residential designation. The amendment is reasonable and in the public interest because it is consistent with the AG, rural residential land use designation and follows with land use on adjacent parcels, seconded by Mr. Stalder. The Board voted 5-2 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder. Nays: Little and Drumwright. Members absent: Donnelly and Alston).

Vice Chair Gullick noted that this request will go to the Guilford County Commissioners for a final decision. Vice Chair Gullick stated that those in attendance for the previous case are welcome to leave the meeting at this time.

Evidentiary Hearing Item(s)

SPECIAL USE PERMIT CASE #22-12-PLBD-00033: Boarding House, 3-8 residents, 335 Knox Road

Located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. This is a request to consider granting a Special Use Permit for a Boarding House, 3 to 8 Residents on AG zoned property.

Vice Chair Gullick stated that he would like to know how many people are here in favor of the request. There was only one (1) person in favor. There were approximately eight (8) people in opposition. Chair Gullick asked if there was a neighborhood meeting between the two (2) parties for this request. Many of those in opposition stated that there was no neighborhood meeting held and no communication with the applicant. Vice Chair Gullick asked the applicant to come forward for just a moment. Vice Chair Gullick suggested to the applicant, Dr. Johnny Henderson, that this case be continued so that he can take time to meet with his neighbors, talk about their concerns, outside of this arena and then come back to the Board for a hearing. He feels that this would be a much more efficient process and better for the community.

Dr. Henderson stated that his concern right now is that this process has been going on for about three months, and he really needs to get a final decision, one way or the other, so he can do something else.

Vice Chair Gullick then asked for comments from the Board members. He pointed out that there has been no community meeting, and it is a quasi-judicial case under oath, and he feels it would be a simpler process for everyone if there were a neighborhood meeting held. Mr. Bell stated that Dr. Henderson has seen how many people are in opposition to what he is wanting to do. He stated that this is an Evidentiary Hearing, and with those questions and Findings of Fact that the Board has to find, it is incumbent on Dr. Henderson to provide the evidence for them to find in his favor. He does not know what the people who are in opposition have or what their concerns are, but he asked Dr. Henderson if he wanted to take the opportunity to have that [neighborhood] meeting, which may prepare him for his hearing. It is not a recommendation; it is a question before this moves forward. Dr. Henderson stated that he understands the question and appreciates it, but as he just mentioned, he is just tired as it has been going on for three months, and he'd just like to present his case and opposition can present their case, and wherever it falls, let it fall. Leslie Bell responded that, for either side, if the decision is not in their favor, they can appeal to Superior Court within thirty (30) days.

Leslie Bell stated that this is a request for a Special Use Permit Case #22-12-PLBD-00033: Boarding House, 3-8 residents, 335 Knox Road located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. This is a request to consider granting a Special Use Permit for a Boarding House, 3 to 8 Residents on AG zoned property.

At this time, all speakers were sworn in for their testimony for the above-mentioned case.

Leslie Bell stated that, as mentioned earlier, this is a request to consider granting a Special Use Permit for a boarding house of 3-8 residents, subject to the associated sketch site plan, and subject to any approved conditions. He explained the map shown for the Board members' review. This property is in a low-density residential area along Knox Road with AG uses on adjacent properties to the rear of the subject parcel. There is a single-family dwelling on the site, and to the north is low-density residential and AG, to the south, east and west are low-density residential. There are no inventoried historic landmarks located on or adjacent to the property, as well as no cemeteries. There is no anticipated impact on the public school facilities, and emergency response is provided by the McLeansville Fire Department and is located ½ mile from the nearest fire station. The property is serviced by a private septic system and well. This property is within or adjacent to the Greensboro Growth Tier I water and sewer service area. The existing condition on Knox Road is a major thoroughfare and average daily trips are 5,000 vehicles north of subject parcel, per NCDOT 2019 traffic counts. If approved, the subject property would, potentially, be subject to an NCDOT driveway permit. The topography is moderately sloped. In terms of land use analysis, it is in the Northeast Area Plan. The Plan recommendation is for residential single family in AG rural residential. In terms of consistency, the land use designation of the subject parcel is residential single-family along the street frontage and AG rural residential along the rear of the parcel. The requested action is consistent with both designations under the Northeast Area Plan because each designation recognizes AG as a compatible zoning district. Because this is a Special Use Permit, the Unified Development Ordinance Subsection 3.4Q(3)(G) of the UDO, indicates that the applicant shall demonstrate that the review factors have been adequately addressed. **1) Circulation:** number and location of access points per the associated sketch plan in this application - access will be from Knox Road. An NCDOT Commercial Driveway Permit will be required during the official commercial site plan review process. **2) Parking**

and Loading: Parking for a boarding house, 3 to 8 residents, is subject to Section 6.1.D, Table 6-1-1. parking requirements for Group Living and Social Services Use Category of the Guilford County UDO. **3) Service Entrances and Areas:** Locations of service areas will be reviewed to allow for adequate access for all service vehicles when the official site plan is submitted for review per Section 6.1 in the Guilford County UDO. **4) Lighting:** A lighting plan will be presented when the official site plan is submitted for review per Section 6.3 of the Guilford County UDO. **5) Utilities:** Septic evaluation will be regulated by the Guilford County Environmental Health Department upon site plan review by TRC or appropriate staff. Utility easements will be reviewed at TRC or by appropriate staff. **6) Open Spaces:** Landscape requirements will be required and reviewed by TRC or by appropriate staff per Article 6.2 of the Guilford County UDO. **7) Environment Protection:** Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Section at the TRC or by appropriate staff to meet all environmental regulations per Article 9 of the Guilford County UDO. **8) Landscaping, Buffering & Screening:** A landscape buffer in the form of a Type B Planting Yard (min. width 25', avg. width 30', max width 50') will be required per Section 6.13(D) in of the Guilford County UDO. **9) Effect on Nearby Properties:** Lighting plan requirements will be required and reviewed at TRC or by appropriate staff per Article 6.3 of the Guilford County UDO. **10) Compatibility:** Boarding House, 3 to 8 Residents, being surrounded by residentially-zoned properties, are required to have landscape buffers of the entire perimeter of the facility. The surrounding area is low-density residential on subdivided lots.

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

1. A written application was submitted and **[is/is not]** complete in all respects.
2. That the use **[will/will not]** materially endanger the public health or safety if located where proposed and developed according to the plan submitted.
3. The use, **Boarding House, 3- 8 Residents** with associated Sketch Site Plan and subject to any conditions of approval for which the Special Use Permit is sought, **[is/is not]** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications.
4. That the location and character of the use, if developed according to the plan submitted, **[will/will not]** be in harmony with the area in which it is to be located and **[is/is not]** in general conformity with the plan of development of the Jurisdiction and its environs, and
5. That the use **[will/will not]** substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

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

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (GCUDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.

3. The development shall proceed upon approval of plan and design features by the TRC, illustrating conditions related to the request and applicable development standards.
4. Added conditions, if applicable.
5. If the specified conditions addressed in the Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

Mr. Bell added that there is a TRC report submitted in the Board members' packet, showing comments that need to be addressed. There also are associated maps of the general area and the zoning of the area.

Vice Chair Gullick asked for those speaking in favor of the case to please come forward.

Dr. Johnny Henderson pointed out that what he proposes is to house veterans. It is his understanding that there is a big need for veterans to be housed comfortably. He acquired this building in August 2021, and it had clean space in a quiet neighborhood. He has renovated the rooms, and it is completely furnished and very comfortable for anyone to live in it at this point. It is not a rehab center, and there is not going to be people who have been on drugs, alcohol or any other kind of abuse. These veterans are disciplined, stable people that only would be allowed in the facility. There is not much to add to the building, as it is an existing building, and he intends to make additional improvements. He has already done that with some of the landscaping that is ongoing, and it would get better with time. He intends to put security through ADT or Ring, or some other type of system at the facility. Instead of a veteran in a hotel, they can be in a home with a home environment with plenty of room. He has 0.78 acres there, finished space, with plenty of room for a garden in the backyard.

Mr. Bell stated that the Board has to have Findings of Fact and wanted to know if there was anything that Dr. Henderson would like to present.

Dr. Henderson stated that the use will not materially endanger the public health or safety if constructed as proposed and developed according to the plan submitted. He did submit a plan, but keep in mind that this is an existing building, and there is not much he can do to change that. It is to be used primarily by disciplined personnel and that is consistent with his logo, which is, "Comfort Card for All Veterans". He has dealt with the Veteran's Affairs people and accepts their recommendations about the people that he would interview for possible rent at the facility. There is not too much that he can add to that. The Special Use Permit is sought to be in conformance with all special requirements applicable to this use. The use meets all the required conditions specified as it is an existing building, and he has submitted a legal description of the property and the site plan. He is trying to be consistent with that. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan development of the jurisdiction and its environs. This is based on the fact that the building is an existing building, and nothing has changed. In addition, there will be improvements to the sidewalk entrance as well as improvements to the parking lot at the rear of the house. There will be no changes to the front of the building. Specific attention will be given to handicap parking, if necessary. The handicap ramp is in the front of the building. He would anticipate an increase in the value of adjoining properties due to the improvements that he is making in the landscaping, sidewalk, parking lot and the building itself. He wanted to know if three veterans would be allowed to move to this neighborhood who are disciplined, organized, experienced people?

Mr. Craft asked who would be supervising the residents and the operations of the household, regarding cleaning, et cetera? Dr. Henderson stated that he would arrange that and hire local people to come in to do all the cleaning, cooking and whatever is required. That is his responsibility to find those people. He already has someone in mind to take over those duties. Mr. Craft stated that on the application, it shows that he has a Florida address and wanted to know if Dr. Henderson still lived in Florida? Dr. Henderson stated that he bounces around quite a bit. He has properties in New Jersey, Florida, North Carolina, and right now he is in North Carolina. Mr. Craft asked where the funding would come from to run the boarding house? Dr. Henderson replied that funding would come from the VA. He did not think that this would be a big issue for the neighbors. This is a quiet and beautiful neighborhood, and he talked to the neighbors to the left and right of the house and across the street, and it seems that they all get along fine.

Mr. Craft asked for clarification of the definition of "group home" or "boarding House". Mr. Bell responded that a boarding house "is a dwelling or part, thereof, in which lodging is provided by the owner or operator to more than three (3) or more boarders". Justin Snyder added that a boarding house with 3 to 8 residents is permitted with a Special Use Permit in the AG, while a boarding house with 9 or more is not.

Vice Chair Gullick asked that those who wished to speak in opposition to come forward with their comments and concerns.

Wanda Small owns the property at 338 Knox Road, which is across the street from Dr. Henderson's property. A boarding house is lodging or a dorm unit for grown-ups. She stated that Dr. Henderson purchased this property as residential and had it rezoned as AG, and she feels that he had the intention of doing this all along. Had the neighbors known, they probably would have not agreed upon having it rezoned. Even though Dr. Henderson says it is for veterans to live there, how do they know that is what it will stay? She does not feel that the proposed use would be in harmony with the current neighborhood. This is an older residential neighborhood, very quiet, and there are nine (9) single women that live in households within ¼ mile of this site. She is on the Gibsonville Development Committee, and has spoken with the Police Chief there, and there are two (2) boarding houses in Gibsonville, and they have more drug-related and tenant issues because the shared common areas have more tenant crimes than the typical household would have. Most boarding houses are developed in inner city locations because of economic and social opportunities, rather than in rural areas. Only the very adjacent neighbors were informed of this meeting so very few people even knew about it. She has not been contacted and the reason she knew about it is because her sister-in-law owns the house next door and got a letter.

Ginger Reece, 323 Knox Road, stated that she is two houses down from this site and has lived there for over 30 years. She did not receive a letter, and her property does not touch this property, but she feels like this community should have been notified so they could have voiced their opinions. She is opposed to a boarding house. She understands that he wants to help veterans, and that is great, but she feels that it should be in a different area. Most of the people in the neighborhood have been there for many, many years. There is a lot of farming that goes on and a lot of big farm equipment. There is also some kind of housing development at the corner, so that will be developed in the near future. There is also a lot of school traffic going through there. She hopes the Board will consider that this is an older neighborhood, and these people don't want to be disturbed. She thinks the house owned by Dr. Henderson only has 3 bedrooms and 1 bathroom, so it is not really big enough to house 3 to 8 people. In response to a question posed by Vice Chair Gullick, Ms. Reece stated that she feels that Dr.

Henderson should have had a meeting with everyone in the neighborhood and explained what his intentions for the house are.

Teresa Edwards, 333 Knox Road, stated that she is right next door to this proposed boarding house. Her issue is that she is a single female and just bought this property in August and has done about \$70,000 worth of improvements on her home, and she feels that a boarding house is not appropriate for the surrounding area. She feels that there would be a lot of wear and tear on the septic tanks and wells around there. Once it gets set as a boarding house, who is to say who will actually live there? She moved from a campground on E. Lee Street, and there was a teen home there that caused a lot of issues for that neighborhood. There were a lot of police issues, constant traffic through there with police officers and ambulances and fire trucks. She does not want that kind of situation in her new neighborhood. She is concerned about the parking being in the back of that house because people coming into that area, the headlights would come right into her house. She has dogs and seven grandchildren, and the oldest one is a 16-year old girl, and she doesn't want 3 grown men living in a home where her granddaughter is going to be out in the swimming pool and in a bathing suit. There is no way to guarantee that the men living in the home are honorable and not dangerous. She is worried about safety issues, especially possibly PTSD issues.

Mr. Bell pointed out that in the TRC report there is an advisory comment that includes a provision that an owner must designate an on-site manager. There are some other requirements that would have to be met. This information is included in the Board's packet.

Reesa Stevens, 5820 Lookout Place, stated that a family member lived in the house that is now owned by Dr. Henderson, and when they lived there, it had a living room, kitchen, a small adjoining sitting room, a laundry room and bathroom and two (2) bedrooms. She would like to know how he is going to put 8 people in a house that size. The area has a lot of sand rock, and most people have a lot of problems with their wells. The proposed boarding house would not be able to support that use on the existing well and septic system. She also wants to know if there is going to be someone living on the premises to look after those veterans. She feels that this is proposed for the wrong area.

Vice Chair Gullick asked Ms. Stevens if there were any conditions that she would like to propose that would help make this an easier transition. Ms. Stevens responded that she did not think there is, because every individual person who has been in a war, has their own individual issues, and everybody deals with things differently. Some people are able to get over them, but some people never get over them, such as nightmares and other psychological issues. She has dealt with a lot of it with her own son. You cannot scrutinize an individual with an application to rent a room to them to the point that you don't get into their personal business enough to know what is behind the closed doors. She hopes the Board will not allow this proposed boarding house in this neighborhood.

Ms. Buchanan stated that under the Planning staff comments it says, "must provide a floor plan showing compliance with minimum size of sleeping room of 200 square feet, per person." Based on that information, you could not have more than 3 people because it is only a 3-bedroom house. Mr. Bell responded that is correct, unless they do some remodeling. Ms. Buchanan asked who monitors the number of people living in the house? Mr. Bell responded that no one goes to check on that unless the VA asks a question about it. A septic recheck is done beforehand by the Environmental Health Department. The building plans for the structure would have to be checked and approved by the County, to ensure that there is compliance with that. Ms. Buchanan asked if an on-site manager is required to sleep at the location and be there 24 hours? Mr. Bell answered that it does not specify if

they have to sleep there. He would think that in reading that probably most people would think that it would be 24 hours, but it is not clearly stated as such.

Vice Chair Gullick asked Dr. Henderson if he would like to speak in rebuttal or if he had anything else to add?

Dr. Henderson responded that he would like to be more specific about something that was said. The lady from next door at 338 Knox Road, he did not speak to. He spoke to a young man who lives at that place. He did tell the young man about his plans for the house. Ms. Buchanan asked how many bedrooms are currently in the house? Dr. Henderson answered that there are three (3) bedrooms. He also answered another question concerning the number of bedrooms and stated that there would be another bedroom downstairs in the basement of the house.

Vice Chair Gullick asked if there was an on-site manager that is ready to go into action if this Special Use Permit is allowed. Dr. Henderson responded that he does have somebody ready.

Ms. Small stated that she has concerns about Dr. Henderson's age because if something were to happen to him so that he was unable to own or manage this property, who would manage the property then? Mr. Bell stated that was irrelevant to the question at hand.

Mr. Craft moved to close the Evidentiary Hearing, seconded by Dr. Bui. The Board voted 7-0 in a roll-call vote in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Drumwright, Little. Nays: None. Members absent: Donnelly and Alston).

Board Discussion:

Mr. Little said he had no comments or questions. Dr. Bui had no comments or questions. Rev. Drumwright had no comments or questions. Ms. Buchanan had no comments or questions. Mr. Craft stated that it is up to the applicant to provide full and complete information for the Board to make a decision, and in this case, he feels that there are just too many open things that aren't fully vetted and specified about this type of operation, so he could not support this request. He does feel that something like this is a valued part of a community, but this just doesn't rise to the level of being approved. Mr. Stalder had no comments or questions. Mr. Gullick stated that this is an Evidentiary Hearing, and they had to see certain points made to approve this application, and in his opinion, he doesn't feel that the Board has those. So, he would not be supporting this application.

Vice Chair Gullick asked if someone from the Board would like to make a motion.

Mr. Stalder asked if the application could be tabled? Mr. Bell stated that was an option. The Board can approve, approve with conditions, deny, or table. Mr. Stalder stated that he feels that the Board should give him the opportunity to come up with the proper evidence for the hearing and possibly table it until the next session.

Mr. Bell stated that the question to the Board is whether he provided you with evidence that is sufficient or not. He stated that there just needs to be some clear direction as to what the Board is looking for if the Board votes to table it.

Ms. Buchanan stated that she feels that the Board just needs further clarification on what specifically will be done. She feels that there are a lot of unanswered questions related to what Dr. Henderson's

intentions are for the property. Rev. Drumwright asked if Dr. Henderson can provide the Board with facts that have not been entered at tonight's hearing. Mr. Bell asked that if the Board decides to table the application, as it was discussed earlier, what is the Board specifically looking for, and what other evidence could be brought forward? With these types of cases, it is not uncommon that there be expert witnesses that are established to help with the Findings of Fact, that some of the operational things can be addressed.

Mr. Craft stated that he does not feel it is the Board's place to provide that level of direction to an applicant. He has enough information to make a decision due to the lack of a lot of information, and if this application is turned down, how long could he take to make another application? Mr. Bell stated that it could come back before the Board again if there is additional evidence presented.

Vice Chair Gullick asked Dr. Henderson to return to the speaker's table to answer a few questions. He asked Dr. Henderson if he is agreeable to the current application being tabled? Vice Chair Gullick stated that some of the Board members feel that they need more information, and it has been suggested that this application be tabled to give him time to gather more additional information.

Dr. Henderson responded that there is nothing more that he can add to the way he explained it. He doesn't know what other information he could get, maybe because he is not an attorney, and he doesn't know what to expect beyond what he has already said.

Vice Chair Gullick asked if anyone had a motion they would like to offer at this time.

Mr. Craft stated that in the case of Special Use Permit #22-12-PLBD-00033, Boarding House, 3-8 residents, 335 Knox Road, the Guilford County Planning Board held an Evidentiary Hearing on February 8, 2023, to consider a request for a Special Use Permit for a Boarding House with 3-8 residents, subject to the submitted sketch site plan, along with any approved conditions for the property located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. Having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following Findings of Fact and the following conclusions:

- 1) A written application was submitted and is **not** complete in all respects.
- 2) That the use **will** materially endanger the public health and safety if located where proposed and developed according to the plan submitted. This conclusion is based upon the sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

There are still questions about the supervision of the residents and how they are vetted and selected, and what level of on-site supervision there would be.

- 3) The use, Boarding House, 3-8 residents, for which the Special Use Permit is sought, **is not** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

There is the lack of a business plan to more fully give a picture of how this operation would be run.

- 4) The location and character of the use, if developed according to the plan submitted **will not** be in harmony with the area in which it is to be located and **is not** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

This is a residential area, and this type of occupancy is more transient in nature and not conforming with the current residents in the area.

- 5) The use **will** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

There was no evidence showing that the properties would not be injured.

THEREFORE, on the basis of all the foregoing, **IT IS ORDERED** that the application for a Special Use Permit for a Boarding House, 3-8 residents, be **DENIED**.

The previous motion was seconded by Ms. Buchanan. The Board voted 5-2-0 in a roll-call vote in favor of the motion to **deny** the application. (Ayes: Craft, Buchanan, Bui, Gullick, Little. Nays: Stalder and Drumwright. Members absent: Donnelly and Alston).

Mr. Bell stated that this decision can be appealed within thirty (30) days to Superior Court.

H. Other Business

Comprehensive Plan Update

Mr. Bell stated that in the budget, they have requested another \$200,000. One of the reasons why is the Comprehensive Plan process is spread over two (2) fiscal years, and they also are requesting that with all the development and construction and projected population growth, that the 2016 updated Area Plans be updated to reflect from 2017 through 2022. Also, the southeastern portion (east of Hwy 421, near the Guilford County/Randolph County line [as you move toward Alamance County]) of Guilford County has never had an area plan. We are asking that an Area Plan for future development be completed for that area of Guilford County.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 8:43 p.m.

The next scheduled meeting is March 8, 2023, at 6:00 p.m.