

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

Ms. Hodierne 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 [April 12, 2023] 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 Hodierna, 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. Hodierne 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. Hodierne 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.***