

**GUILFORD COUNTY PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES
NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro NC 27405**

July 12, 2023, 6:00 PM

Call to Order

Chair Donnelly called the meeting to order at 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; Rev. Gregory Drumwright; Jason Little (arrived at 6:06 PM); and Ryan Alston (arrived at 6:11 PM)

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; Tim McNeil, Fire Plans Examiner; Robert Carmon, Fire Inspections Chief; Stephen Thomas, Fire Marshal; Andrea Leslie-Fite, Guilford County Attorney; and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

None

C. Approval of Minutes: June 14, 2023

Mr. Gullick moved to approve the minutes of the June 14, 2023 meeting, as amended, seconded by Mr. Craft. The Board voted (7-0) in favor of the motion. (Ayes: Donnelly; Gullick; Craft; Bui; Buchanan; Stalder; Drumwright. Nays: None.)

D. Rules and Procedures

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

E. Continuance Requests

None

F. Old Business**Non-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RS-40, RESIDENTIAL, SINGLE-FAMILY AND AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL (WITHDRAWN)**

Mr. Bell stated that an email was included in each member's packet, dated June 27, 2023, from the applicant's representative for Case #22-11-PLBD-00029

Chair Donnelly stated that since this case was considered previously, it is active on our roll. Mr. Craft moved to formally withdraw the above-mentioned case, seconded by Mr. Stalder. The Board voted (8-0) in favor of the motion. (Ayes: Donnelly; Gullick; Craft; Bui; Buchanan; Little; Stalder; Drumwright. Nays: None.)

At the Chairman's request for an update on the U. S. 421 Corridor Study, Mr. Bell added that the U.S. 421 Corridor Study is ongoing. Just last week the consultant contacted him to get shape files for the Area Plans GIS and the GIS Manager confirmed that those files were sent to the consultant. There were some meetings scheduled for next week, and just this afternoon he got notification that the meeting he was scheduled to attend was postponed. He will continue to update the Board members as the project progresses.

G. New Business**Legislative Hearing Item(s)****REZONING CASE #23-05-PLBD-00047: LB, LIMITED BUSINESS TO GB, GENERAL BUSINESS: 5101 YANCEYVILLE ROAD (CONTINUED)**

Aaron Calloway stated the subject parcel is located at 5101 Yanceyville Road (Guilford County Tax Parcel #125339 in Monroe Township). The subject parcel is north of the intersection of Thacker Road and Yanceyville Road and comprises approximately one (1) acre.

This is a request to rezone the property from LB, Limited Business to GB, General Business. The proposed rezoning is not consistent with the Guilford County Northern Lakes Area Plan recommendation of Light Commercial. If the request is denied, a plan amendment is not required. If the request is approved, a land use plan amendment to Moderate Commercial will be required. Shown on the zoning map, the parcels to the north and along Thacker Road, are split-zoned, RS-40 and AG, Agricultural. The parcels to the east and south are zoned AG, Agricultural. Staff has identified the current use of the subject parcel to be Equipment Repair, Light, due to the existing lawnmower, welding, and small engine repair shop on site. Light Equipment Repair [per the UDO] is characterized by repair services of household items and equipment, such as computers, washing machines, sewing machines, *et cetera*. These items would be deliverable by car, truck or van. This request is due to the light repair use being a non-conforming use in the current Limited Business zoning district. There are no historic landmarks on the site. The parcel falls within Fire District 13, and the Fire Station is approximately 3.6 miles away. Yanceyville Road is classified as a major thoroughfare with an average daily traffic count of 3,200 vehicles per the NCDOT 2021 traffic count. The topography of the subject parcel is gently sloping. There are no mapped wetlands, floodplains, or streams on the parcel.

However, it does fall within the Greensboro Reedy Fork WS-3 Water Supply Watershed Tier 3. The property falls under the Northern Lakes Area Plan with a Plan recommendation of Light Commercial, and this request is not consistent with the Northern Lakes Area Plan recommendation. Therefore, staff recommends denial of the request. The requested GB, General Business, zoning is not reasonable or in the public interest because the GB zoning district and the numerous relatively more intensive commercial uses permitted within the district are intended to serve larger geographic areas beyond adjacent neighborhoods. The current LB, Limited Business, zoning district permits uses that are potentially compatible with and supportive of residential development. The closest commercially-zoned property is approximately 1.12 miles west and is zoned LB. Furthermore, the request is contradictory to Policies 1.1.1 and 1.5.3 of the Future Land Use Element of Guilford County's Comprehensive Plan which state: Policy 1.1.1 - 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. Policy 1.5.3 - The County should consider traditional neighborhood design principles in appropriate locations, including mixed uses, pedestrian-friendly streets and commercial areas, and transit-oriented development. The Northern Lakes Area Plan classification for the subject parcel is Light Commercial. As noted previously, rezoning the parcel to GB is not consistent with that Area Plan classification. Residentially-developed areas are not traditionally considered the appropriate locations for GB zoning districts or associated uses.

Chair Donnelly announced that Mr. Alston has now joined the meeting.

Chair Donnelly opened the public hearing and asked if there was anyone wishing to speak on this request.

Curt Holmes, son of Ray Holmes, the property owner, stated that they would like to ask that this request be continued. The current business has been in place since February of 2022. They have continued to improve the property, and they have been a great addition to this area. They are very conscientious of the appearance of the property. The reason for the request is because they are concerned that this good neighbor [the tenant of the property] will be able to continue his business and remain on the property. He has heard that a conditional rezoning could be applicable for this business to remain, but exclude other types of general businesses. After speaking with someone this afternoon, Mr. Holmes stated that they would like to submit a conditional zoning application.

Mr. Donnelly explained that this rezoning cannot be changed to a conditional zoning application. He explained that he could withdraw this application and resubmit a conditional zoning application or continue this application (as submitted).

Attorney Leslie-Fite stated that it might be prudent to allow the applicant to continue the case and with staff communications, decide whether he wants to withdraw or move forward, as is. Chair Donnelly stated that the recommendation of counsel is for the Board to continue the request.

Chair Donnelly moved that the public hearing be closed. The public hearing was closed by unanimous vote of the Board.

Dr. Bui moved that the above-mentioned case be continued, as requested by the applicant, seconded by Mr. Craft. The Board voted unanimously (9-0) in favor of the motion to continue. (Ayes: Donnelly; Gullick; Craft; Bui; Buchanan; Little; Alston; Stalder; Drumwright. Nays: None.)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-06-PLBD-00053: AN AMENDMENT TO ARTICLE 3, SECTION 3.1.D, TABLE 3.1 DEVELOPMENT REVIEW PROCEDURES AND SECTION 3.2 PUBLIC NOTICE PROCEDURES TO MORE CLOSELY ALIGN WITH THE PUBLIC NOTICE REQUIREMENTS OF NC GENERAL STATUTES 160D FOR LEGISLATIVE AND QUASI-JUDICIAL DECISIONS (APPROVAL RECOMMENDED)

Oliver Bass stated that staff has identified the need to remove unnecessary or misaligned notice requirements pursuant to NC General Statutes Chapter 160D relative to legislative and quasi-judicial decisions. Amendments to Section 3.1.D, Development Review Procedures, will revise Public Notice Levels required for legislative (e.g., Text Amendments and Rezoning) and quasi-judicial decisions (e.g., Special Use Permits, Variances, and Certificate of Appropriateness (COA)-Major Work); and Amendments to Section 3.2, Public Notice Procedures, Table 3.2 will change Electronic Notice requirement for quasi-judicial decisions (e.g., COA-Major Work, Special Use Permits, and Variances) from "Required" to "Not Required"; change the Mailed Notice requirements for Text Amendments for the Planning Board and County Board of Commissioners from "Required" to "Not Required"; change the Electronic Notice for the Planning Board for Text Amendments from "Required" to "Not Required"; and rename Level 1 Notice from "Published Notice" to "Electronic Notice." Additionally, amend Section 3.2.C Level 2-Mailed Notice to add "...shall certify to the Board of Commissioners or other Reviewing Authority, as applicable, that fact..." [adding "Reviewing Authority, as applicable," text] and add text "twenty-five" that will accompany numerical 25 [days] and add parentheses. The proposed amendments are intended to mimic the notice requirements under the NC General Statutes 160D but still provide effective notice to parties directly impacted by specific development decisions and remove notice requirements that are unwarranted for specific procedures.

Copies of these Text Amendments were submitted to each Board member in their packets. The proposed new text is shown highlighted while text proposed to be deleted is shown with strikethroughs.

Mr. Bell added that UDO commentaries provide the Legislative Bill of the special local legislation that allows Guilford County some exceptions (different processes for certain approvals) to NCGS. For example, in lieu of publishing notices in the newspaper of general circulation, special legislation allows Guilford County to publish electronic notices on the County's website. Therefore, they no longer have to use area newspapers for [most] notifications.

Chair Donnelly opened the public hearing and asked if there was anyone wishing to speak on this item. No one came forward to speak and the public hearing was closed by unanimous vote.

Mr. Drumwright moved to recommend the proposed Text Amendments to the County Commissioners, as submitted by staff, seconded by Ms. Buchanan. The Board voted unanimously (9-0) in favor of the motion to continue. (Ayes: Donnelly; Gullick; Craft; Bui; Buchanan; Little; Alston; Stalder; Drumwright. Nays: None.)

H. Other Business

Interest in Scheduling a Planning Board Orientation Follow-up Review Session(s)?

- Making Motions (Legislative Decisions)
- Special Use Permits (Quasi-judicial Decisions)
- Other?

Mr. Bell asked if there is any interest by Board members to do an interim review of making motions, going through Legislative Hearings and/or going through Quasi-judicial proceedings. The goal is to make sure that all Board members are comfortable with making motions. This could be offered virtually and/or in-person, and if there is interest, he would suggest that there be two (2) trainings scheduled so that there would not be a quorum of the Board members.

Chair Donnelly stated that there is an interest in this type of training. Mr. Bell stated that he would get in touch with each Board member to set up these training sessions in August.

Counsel Leslie-Fite suggested that they use mock cases, so they would not be talking about any actual cases during these training sessions.

Comprehensive Plan Update

Mr. Bell stated that staff is currently garnering public input from the surveys, and that will continue on at least through the next few weeks. Staff has been able to discuss having Area Plan meetings in each of the area plan areas, and those will be scheduled. Design Workshop (consultant) has brought on a sub-consultant, Chrystal Joy, who is with the Lee Institute out of Charlotte, and who has done work with Gaston County and University of North Carolina-Charlotte, who will help facilitate Area Plan meetings. There is a steering committee meeting tentatively scheduled for July 20th, and Steering Committee members will be asked if there is interest in having the steering committee meetings across the County in different areas to give people an opportunity to see certain areas of the County that maybe they would not ordinarily visit. Mac Sims, Director of East Greensboro NOW, is the Chair of the steering committee. The Planning Board will kept informed as things continue to move forward. There has been a [joint] meeting with the City of High Point staff and Guilford County staff to discuss mutual areas of interest and that meeting went well. Additionally, ARPA funding, and associated initiatives by some of the smaller surrounding towns also will play a part in terms of how the Comprehensive Plan will recommend, moving forward, items such as infrastructure, housing and various other [Comprehensive Plan] elements.

Mr. Bell announced that for the August meeting there tentatively are two (2) rezoning cases, and there will be a presentation of the Thoroughfare Plan Update and someone from the Greensboro Metropolitan Planning Organization (MPO) that will assist with that presentation. There also may be one or two other items relating to transportation, one of which may potentially be the new Jamestown Parkway Extension naming.

I. Adjourn

Chair Donnelly stated that there being no further business before the Board, the meeting adjourned at 6:42 p.m.

The next scheduled meeting is August 9, 2023, at 6:00 PM