

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

**September 13, 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; Ryan Alston; Cara Buchanan; Rev. Gregory Drumwright; and Jason Little

The following Board members were absent for this meeting:

Guy Gullick, Vice Chair; David Craft; Dr. Nho Bui; and Sam Stalder

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

J. Leslie Bell, Planning and Development Director; Kaye Graybeal, Deputy Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Avery Tew, Planner I; Jessie Baptist, Administrative Officer; Brianna Christian, Planning Technician; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney; and Matthew Mason, Chief Deputy County Attorney

Mr. Bell stated that he would like to introduce two (2) new team members: Brianna Christian, Planning Technician and Avery Tew, Planner. Chair Donnelly welcomed them to the team.

**B. Agenda Amendments**

Mr. Bell stated that there were no amendments to the agenda this evening.

**C. Approval of Minutes: August 9, 2023**

Chair Donnelly noted that on page 8, 3<sup>rd</sup> paragraph should indicate that “he and Mr. Gullick were involved”, instead of “he and Mr. Craft...” as part of the Comprehensive Plan. There were no other corrections noted.

Rev. Drumwright moved approval of the minutes [as noted] of the August 9, 2023 meeting, seconded by Ms. Buchanan. The Board voted (5-0) in favor of the motion. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

#### **D. Rules and Procedures**

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

#### **E. Continuance Requests**

Mr. Bell noted that there are no continuance requests for any cases for this meeting.

#### **F. Old Business**

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

##### **RECOMMENDATION ON THE GREENSBORO METROPOLITAN PLANNING ORGANIZATION (MPO) 2023 THOROUGHFARE & COLLECTOR STREET PLAN (TABLED)**

Oliver Bass, Planning Department, stated that this is a request for the Planning Board to consider a recommendation on adoption of the 2023 Thoroughfare & Collector Street Plan for the unincorporated areas within the Greensboro Urban Area. After the Planning Board makes its recommendation, the Plan will be forwarded to the Guilford County Board of Commissioners for adoption consideration. It would replace the current Collector Street Plan adopted by the County Board of Commissioners on August 24, 2006. The proposed 2023 Thoroughfare and Collector Street Plan is consistent with all adopted Guilford County Area Plans.

Metropolitan Planning Organizations (MPOs) coordinate federally mandated planning activities within Census-designated urban areas. A core activity of the MPO is to prepare a thoroughfare plan that assigns functional classifications for streets and highways within its metropolitan planning urban areas. The Greensboro MPO serves most of unincorporated Guilford County and the municipalities of Greensboro, Oak Ridge, Pleasant Garden, Sedalia, Stokesdale and Summerfield. Unincorporated Guilford County also is served by the High Point and Burlington MPOs.

The Greensboro MPO staff worked with the Technical Coordinating Committee (TCC) to prepare the Greensboro MPO 2023 Thoroughfare and Collector Street Plan. The Plan was adopted by the Technical Advisory Committee (TAC), composed of elected officials, on May 10, 2023. The Plan has been presented or scheduled to be to each member jurisdiction for adoption.

The Plan serves as the official map identifying freeways, major and minor thoroughfares, and collector street classifications in the Greensboro Urban Area. The typical functional street classifications found in the County are defined in the information included in each member's packet.

Staff recommends approval of the 2023 Thoroughfare and Collector Street Plan, which is supported by the Guilford County Comprehensive Plan and complements the adopted Guilford County Area Plans and Small Area Plan.

Craig McKinney, Transportation Planner for the City of Greensboro and Greensboro Urban Area Metropolitan Planning Organization (GUAMPO), stated that he agrees with Mr. Bass's presentation that the purpose of this plan is to support growth in the area and supports some of the land uses, such as schools, which have to be placed on a collector street or higher, and churches [not necessarily in Guilford County] have to be on a collector street or higher. In their review, they made sure that those uses were on at least a collector street. There was one change on Spencer Dixon Road. The group consisted of planners and engineers, and they made the determination that it seemed to be more functional as a minor thoroughfare rather than a collector street. This map combines what previously were two maps, one was the Thoroughfare Plan, and the other was the Collector Street Plan. Now they have chosen to combine them into one and maintain that from now on. They have done some coordination with High Point MPO and Burlington MPO and a small portion of the Winston-Salem MPO area near County Line Road in Guilford County. This is a planning tool. The dotted lines for collector streets are concepts and are not intended to be the exact location. As development plans come in there may be discussions with the County on how to change the alignment through the development process. In response from Director Leslie Bell, Mr. McKinney explained that prior to 2005, there was only a Thoroughfare Plan, some zoning issues came about, and there was a need to identify better the collector streets that were in the area. It took over seven months to create a new map, with the help of NC Department of Transportation (DOT), and in late 2004 or 2005 the Technical Advisory Committee adopted the map and it was adopted by the other jurisdictions in the county [in 2005-06]. There have been a few tweaks to both plans over time. The process to prepare the proposed map, with directions from the managers, began in the summer of 2022. The TAC adopted the map for the MPO earlier this year and presented the map to other jurisdictions for adoption.

Chair Donnelly asked if anyone wished to come forward to ask questions or make comments.

Attorney Amanda Hodierne, 804 Green Valley Road, Suite 200, stated that she is very happy with the work that the MPO does. She has been before the Board on many occasions talking about the importance of these Comprehensive Planning tools and how the development community uses them and relies upon them to understand how to bring forward the correct information and how the Board wants the County to grow. The maps determine how these roads are designated that determines what the right-of-way will be, what the cross-section is and how the land use will be impacted by the roadways. She is attending tonight on behalf of a property owner in the Stokesdale area [Town of Stokesdale] who is greatly impacted by one

of the newly proposed State facilities. She presented printouts of the property which is along Highway 158 and would be bifurcated by the 158 bypass that is proposed to go around Stokesdale. Once the MPO's plan is adopted, then when a development plan comes forward to the Planning Department and the Technical Review Committee (TRC) for review, they have the authority to ask the property owner to reserve that right-of-way and plan and hold this corridor. The issue in this case is that in the due diligence that her property owner/client has performed, in speaking with NCDOT, this is not a likely road to happen. It is not on the current project list and did not make it this cycle, and according to Bobby Norris, it won't make it onto the next cycle. She has a letter from him to the Mayor Pro Tem of Stokesdale, stating that he believes this section is a minimum of ten years plus before it is even any closer to moving towards prioritization. That being the case, they wanted to be here tonight out of an abundance of caution, and to be property owners that are aware and not asleep when these policy documents are getting adopted because that is when it matters, and someone needs to raise their hand to say, "This is going to impact me and please look at all the factors." She is happy that Mr. McKinney is here tonight, and she is here just to give this comment and to also learn how NCDOT is consulted in the development of these plans, so that they ensure they are not creating situations where there would be some kind of disconnect in what NCDOT is planning and the final adoption of a map. Mr. Norris told the project engineers for her client that the reason why this particular bypass was so far down the list and was not getting good points for prioritization is because they were working on alternative improvements to the Highway 68 corridor that really kind of negates the need because a lot of the population growth is occurring to the north in Rockingham County. So, they don't have an indication at this time that it would be necessary, in their prioritizing the Highway 68 corridor projects instead. By being thoughtful now and careful now at this phase, they can avoid getting into a situation where they are stuck having to fight at the level of when this development plan comes in. Her client has very good engineers and development consultants working with them who figured this out and where it was in the process and understood the implications of it. Now is the time to get it right so that they aren't later fighting in a TRC meeting and then in legal counsel's office about Map Acts and inverse condemnation and things of that nature. They want to ensure that the roadways that are on this map are the right ones and are the ones that will get built so that property owners aren't unduly impacted by a corridor that's never going to happen.

Chair Donnelly stated that it was his understanding that this particular item, which was identified, would fall within the Stokesdale formal municipal limits. Attorney Hoderne responded that was correct. She understands that they have their own entitlements process, but she also understands that they run that through Guilford County. So, to the extent that it matters that Guilford County and Stokesdale are being asked to adopt the plan, again, her client is just trying to be very intentional and very awake at the wheel to ensure that they have raised their hand early that they want to talk about it.

Chair Donnelly asked what is the process by which this feedback gets incorporated in the process. Mr. McKinney responded that the NCDOT project Ms. Hoderne was speaking about is known as R-2577, and it is from Winston-Salem and is broken into three (3) parts: "A," "B,"

and "C." "A" is under construction, "B" is close to the right-of-way stage if not already there, and this is "C." Yes, it may be ten years before prioritization catches up and funds this project, but it is a project. It has gone through extensive public involvement, it has a valid environmental document, and they have a preliminary design. So, this is not a simple dotted line on the map; there is a plan. Chair Donnelly stated that he realizes that there are a lot of moving pieces that have to fit together, and he is just trying to understand, in terms of the Board's responsibilities, what the risks and options are for the Board, and that may be a question to be directed to either Attorney Mason or Attorney Leslie-Fite. He just wants to make sure that they are clear on what those responsibilities are.

Mr. Drumwright asked if Attorney Hodierne's client has received all the information on what the requirements are. Attorney Hodierne responded that actually her client did not receive notice for those meetings, much to their dismay. So, no, they were not aware of those meetings. She noted that the NCDOT process, when Mr. McKinney says there is a plan, is a very long and multi-faceted process, so they do the studies, they create the very wide-ranging corridors, but those plans are then there waiting to become prioritized and funded as part of the STIP (State Transportation Improvement Plan) list. It is a very long improvement project list, and it gets constantly reshuffled. There is a large discrepancy of what it means to be a project, with all due respect, but it's out there and it's been studied because it should be and because it's being planned for. What they are talking about here, it is probably helpful for her to say, that little loop just north of the word "Stokesdale." [Referencing the proposed map]. So that crossroads above "Stokesdale" is Highways 68 and 158. The little hump to the north is the 158 bypass, and that is what they are talking about, where it comes down and rejoins 158 on the east side and is on her client's property. They are talking about how they manage the uncertainty, the in-between from when a project corridor has been studied because conditions may warrant it someday, so they are doing what they need to do as a thoughtful planning organization to study it and be ready for it, but knowing that it is not prioritized and not even on that STIP list yet. Where is the allocation for a property owner to bear that burden for decades? There is case law on this from 2020, and what they are trying to communicate is let's be informed and be thoughtful about it now, when it is a planning issue and not a litigation issue. In response to a question posed by Mr. Little, Attorney Hodierne stated that her client is not opposing or certainly not in favor, but they just want to be thoughtful about the process because once this gets adopted, that means to the average property owner that when they go submit development plans, they are going to be told that there is a roadway corridor coming through your property that you have to reserve and you have to plan for that. That obviously devalues that property greatly for something that may never happen or may not happen in the near future.

In response to some other questions, Mr. McKinney stated that now they are talking about the State Transportation Improvement Program (STIP) and that identifies projects, the scope of the project, the costs, and when funds are programmed for it. The prioritization process is how those projects finally get to the point of getting funded and they are now in prioritization 7. There is a final list of projects that will be put out to the public after the Wednesday TAC meeting of projects that are to be scored in this Prioritization round 7, and he does not

remember if this particular project, R-2577-C, is on that list or not. But regardless, what happens in that prioritization process, the MPO puts points on projects, the NCDOT Division 7 Office puts points on projects, and it goes back to Raleigh, where they put points on projects, and all the points get added up and aggregated, and they determine what the budget is going to be for the 2026-2035 Transportation Improvement Program, and they will draw a line of where that budget hits on the list, and anything above that line will get funded, and anything below will not get funded and be subject to future prioritization.

Chair Donnelly stated that he would like some clarification from Mr. Bell in terms of what their options are, in terms of what the Planning Board can do. Mr. Bell responded that several years ago, across the State of North Carolina, there were about six (6) corridor projects that they had considered to be priority projects, and they were regional in nature. Those corridors had been reserved, he is just using the terms that Attorney Hodierne has used, and based on case law, because it ended up going to Court, they deemed that the State Department of Transportation could not hold those corridors in abeyance indefinitely. Now, to the property owners, it was “develop at your own risk,” which meant that if you developed that property and it was deemed as a new roadway and became a reality, then it would go through the normal process that it would go through, potentially eminent domain or what-have-you, in that process. So, he doesn’t know if this precludes the developer from developing, but it is sort of “develop at your own risk” unless there has been some case law since then. Those were actually recorded in the Register of Deeds at the counties where they were located. Again, it was deemed that you could not reserve that without some compensation for reserving it.

Mr. McKinney stated that what Mr. Bell is referring to is the Corridor Map Act and the State Supreme Court struck down the Map Act. It was the Winston-Salem Loop because the Greensboro Loop had already been funded. The Map Act took the preliminary design of projects, it listed out the properties and the owners that were in the path of it, and what it was intended to do. If anyone wanted to develop, it would then force NCDOT to make the decision either to allow it to happen or, under the Map Act, find funds to buy the right-of-way from that property. Attorney Hodierne added that the issue is when does the State have to provide just compensation for a taking? [Holding it up for] several years is why the Supreme Court rejected it (i.e., How long can property be reserved for construction of street or proposed street improvements?)

Chair Donnelly stated that he would personally feel uncomfortable taking any kind of position as a Planning Board, when this is in Stokesdale, and they haven’t had an opportunity to take a position on that.

Attorney Mason said there is a requirement that the Boards, like the Board of County Commissioners and the governing boards for these towns that are within this MPO, have to approve the thoroughfare/collector plans in front of this Board tonight. Whatever this Board might do is frankly **not** leave the operative of anything; it’s going to be what the Board of Commissioners decides to do with it. He asked Mr. Bell if the Board of Commissioners has

asked this Board to review and comment on this Plan? Mr. Bell stated that they have not, but this is part of the process to get it to the Commissioners. It is part of the process that is laid out, and as Mr. McKinney mentioned, the TAC has two elected officials on the TAC. This is the next logical step. He believes that it is going to all the jurisdictions for their review. Attorney Mason stated that he believes that the Board of Commissioners may assign to the Planning Board a responsibility to review and comment on this Plan. If they have not done that, there is no explicit assignment to the Planning Board to review and comment on this Plan. It has to come from the Board of Commissioners. Since it hasn't, the Board is under no obligation right now to take action.

Chair Donnelly shared that he has had a conversation with one of the Commissioners who was on the TAC, and that person perceived, like him, that because they are involved in the development and this is a development tool, they (the Planning Board) may be in a better position to comment, in detail, on some things. So, he thinks there is a rationale behind that because of having sort of a delegated authority.

Mr. Bell suggested that the Board table this matter to allow staff to obtain more information. Rev. Drumwright stated that he also felt that this matter should be tabled to get more clarity and direction from the Board of Commissioners.

Mr. Bell noted that the minutes will be provided to Commissioners and the Commissioners may adopt the plan or kick it back to staff. Staff will note concerns expressed to the Planning Board at this meeting in its background report.

Attorney Leslie-Fite asked Attorney Hodierne to clarify exactly what her client would be proposing. Attorney Hodierne stated that it's fair that NCDOT or the County and Stokesdale confer with NCDOT that this is not in the prioritization queue right now for the various reasons, and they don't expect it to be anytime soon, and there should be some sort of mechanism or process by which to take in that data and acknowledge that maybe the property owner has the right to go forward, at his or her own risk, and develop without the reservation of the corridor.

Rev. Drumwright moved to table this item, pending some additional clarification on some questions that were raised, and when some clarity is available from all the appropriate parties, and pro-actively communicate the information that was raised here, to make sure that the appropriate parties hear and understand concerns that were raised, and to bring it back to the Planning Board for action, seconded by Mr. Little.

Chair Donnelly asked that the motion be restated. After some discussion, the Board determined that it may be better to table this case to allow staff to obtain more information. Therefore, the matter was tabled by a 5-0 vote. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)



Mr. Drumwright amended the motion to move that the Board would table any further action on this item, while also advising the Board of Commissioners of the conversation with concerned members of the public that would be impacted by this Plan, and attaching the notes from this meeting to make them fully aware of the hesitance of this Board to take further action on this item, seconded by Mr. Little. The Board voted (5-0) in favor of the motion. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

Chair Donnelly stated that by a vote of 5-0, the Board has voted to table this item and forward the concerns raised to the Board of Commissioners.

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

#### **CONDITIONAL REZONING CASE #23-06-PLBD-00052: CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL, CASES #11-05-GCPL-01897 AND #19-07-GCPL-05789 TO CZ-LI AMENDED: 4165 PLEASANT GARDEN ROAD (APPROVED)**

Aaron Calloway stated that this property is located at 4165 Pleasant Garden Road (a portion of Guilford County Tax Parcel #135130 in Fentress Township), and the subject parcel is northeast of the intersection of Pleasant Garden Road and Blumenthal Road and comprises approximately 8.24 acres. This is a request to conditionally rezone the property from CZ-LI, Conditional Zoning-Light Industrial, Case #11-05-GCPL-01897 and #19-07-GCPL-05789 To CZ-LI Amended, with the following conditions: Use Condition: (1) uses of the property shall be limited to: a) Caretaker Dwelling (Accessory); b) Warehouse (Self-storage); c) Office (General); d) Truck and Utility Rental and Leasing, Light. Development Conditions: 1) Storage unit access will be allowed 24 hours each day of the week. 2) All outdoor lighting will be directed downward and into the interior of the property and shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. 3) The side of the buildings facing Pleasant Garden Road will be constructed of brick or stone materials. 4) An ornamental metal fence six (6) feet high with seven (7) feet high brick columns, approximately twelve (12) feet on center, shall be constructed along the front of the property between the building and the road and on the north side of the property to a point approximately two hundred (200) feet from the front property line. An opaque fence eight (8) feet in height will be constructed around the remaining property to be rezoned and placed inside of planting yards. 5) No billboards will be permitted on the property. 6) Freestanding signage will be monument signs. 7) The eight (8) foot Street Yard along Pleasant Garden Road, from the proposed rezoning line to the north property line, and the Type "A" Planting Yard, along the entire north property line and along the eastern property line to the proposed rezoning line, shall be installed during this project. The eight (8) foot Street Yard along Pleasant Garden Road from the proposed rezoning line south to Blumenthal Road, the eight (8) foot Street Yard along Blumenthal Road and the Type "A" Planting Yard, along the east property line from Blumenthal Road to the proposed rezoning line, will be installed at the time the future development area is constructed. 8) There will be an additional eight (8) foot Planting Yard added which will be planted along the decorative metal fence parallel with Pleasant Garden Road. It will consist of four (4) understory trees and seventeen (17) shrubs per one hundred (100) feet.



The proposed conditional rezoning is conditionally consistent with the Southern Area Plan recommendation of Light Industrial; therefore, if the request is approved, no plan amendment would be required.

Chair Donnelly stated that the public hearing would now be open and asked any speakers in favor of the matter to come forward.

Matt Garcia, Reliant Real Estate, Atlanta, GA, stated that they are the new owner of this property. It was purchased in June 2023. Reliant is an institutional self-storage ownership group, and they have close to 100 properties around the Southeast. He said some of the reasons for the proposed conditions had already been covered by staff. The U-Hauls are a typical service that goes along with most storage properties. They would not be leasing trucks that are more than 20 feet in length. These trucks would be stored behind the gates of the property, and the only time they would come out front is if there is a reservation and a customer is coming to pick it up. There are usually only three or four trucks on site at one time to be leased. The apartment [caretaker dwelling] is an accommodation for the employee/manager. There have been problems with people loitering and hanging around, and it is felt that someone should be on site at all times. There has been a significant decrease in those activities when the manager lives on site. The apartment [caretaker dwelling] would consist of one or two bedrooms with a living area, kitchen, a full bathroom, and it allows them to keep eyes on the property. They are able to retain managers longer by providing the living space as a benefit, and it allows for better upkeep, in general. Typical hours of operation are from 7:00 a.m. until 10:00 p.m. They like to provide the 24/7 access as a client benefit. A lot of their clients are contractors and they have equipment, they have materials within the units and tend to be bringing materials back or equipment back or picking up to go out well before the hours of 6 am or beyond 11 pm.

There being no speakers opposed to the request, Chair Donnelly asked that the public hearing be closed.

Rev. Drumwright moved to close the public hearing, seconded by Mr. Alston. The Board voted 5-0 in favor of closing the public hearing. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

Ms. Buchanan moved that Case #23-06-PLBD-00052, 4165 Pleasant Garden Road, and the subsequent zoning map amendment for property located on Guilford County Parcel #135130, from CZ-LI to CZ-LI Amended be approved, because the Amendment is consistent with applicable Plans because Light Industrial is already recommended by the Southern Area Plan. The Amendment is reasonable and in the public interest because the property is already a self-storage facility, and the requested changes serve the surrounding residents by bringing additional services and also increased safety measures, seconded by Mr. Alston. The Board voted 5-0 in favor of the motion to approve the request. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

Mr. Bell asked to amend the motion to include, "That the request is consistent with Policy 1.1.1 in the Future Land Use element of Guilford County's Comprehensive Plan which states, "Planning will continue to utilize the Future Land Use as depicted on Citizen Based Area Plans in conjunction with the rezoning guidance matrix as the basis for land use and policy recommendations."

Ms. Buchanan made a motion to amend the previous motion, seconded by Mr. Little. The Board voted 5-0 in favor of the motion. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

Chair Donnelly stated that the request is approved and constitutes final action on this matter unless the case is appealed to the Board of County Commissioners within 15 business days and must be in writing.

## G. New Business

### Legislative Hearing Item(s)

#### **CONDITIONAL REZONING CASE #23-07-PLBD-00059: LB, LIMITED BUSINESS TO CZ-GB, CONDITIONALLY ZONING-GENERAL BUSINESS: 5101 YANCEYVILLE ROAD (APPROVED)**

Aaron Calloway stated that the subject property is located at 5101 Yanceyville Road (Guilford County Tax Parcel #125339 in Monroe Township), the subject parcel is northeast of the junction of Thacker Road and Yanceyville Road and comprises approximately one (1) acre. This is a request to conditionally rezone the property from LB, Limited Business to CZ-GB, Conditional Zoning-General Business with the following condition: Use Condition: (1) Uses of the property shall be limited to: a) Club or Lodge; b) Physical Fitness Center; c) Vocational, Business or Secretarial School; d) Daycare Center (Not In-Home); e) Emergency Services; f) Government Office; g) Office (General); h) Medical or Professional Office; i) Personal Service; j) Bank or Finance without Drive-through; k) Bank or Finance with Drive-through; l) Building Maintenance Services; m) Insurance Agency (Carriers and On-Site Claims Inspections); n) Laundromat or Dry Cleaner; o) Motion Picture Production; p) Pest or Termite Control Services; q) Studios-Artists and Recording; r) Retail (General); s) Convenience Store (With Gasoline Pumps); t) Equipment Rental and Repair, Light; u) Garden Center or Retail Nursery; v) Pawnshop or Used Merchandise Store; w) Bakery; x) Restaurant (With Drive-thru); y) Restaurant (Without Drive-thru); z) Equipment Rental and Leasing (No Outside Storage); aa) Equipment Repair, Light; bb) Communication or Broadcasting Facility; cc) Utility Company Office. The proposed rezoning is not consistent with the Guilford County Northern Lakes Area Plan recommendation of Light Commercial; therefore, if the request is approved, a land use plan amendment to Moderate Commercial will be required.

Chair Donnelly stated that the public hearing would now be open and asked any speakers in favor of the matter to come forward.

Curt Holmes, 5027 Warm Springs Point, Greensboro, NC, stated that his father, Ray Holmes, is the property owner. He stated that there is a lot of support from surrounding neighbors, and there have been a lot of improvements to the property. They came before the Board initially with a concern that any change of the zoning for this particular piece of property, without certain conditions, would certainly be a big concern. The tenant who has been in this building since February 2022 did not realize that there was a zoning issue at that time. The building was a very old gas station and the tanks have been removed. There have been a variety of uses in the building, but since the current tenant has taken over, he has really put a lot of care into the building. There are over 90 people that have submitted their support for the current business. They wish to be able to continue the current business and are asking for the change in zoning to be able to allow that.

Chair Donnelly asked anyone who wished to come forward and speak in opposition to the request.

Rhonda Oakley, 5109 Yanceyville Road, stated that she is speaking for herself and her mother-in-law who lives at 5103 Yanceyville Road, which is next door. They are not in favor of the current business that is located in the building. To add these other uses is a concern for them. The traffic is very heavy in this area. It takes her five minutes to get out of her driveway now, so that is a concern. The lawnmower place is not just a lawnmower place, it is also a welding place. When the tenant welds, their power goes out. This is a residential area and does not have a well, septic tank, and anything for a business. When the power goes out, it leaves the residents with no air conditioning, and that is a concern. It is not clean, and she produced pictures of the property showing lawnmowers and beat up golf carts, which she submitted to the Board members for their review. The tenant did put up a brown fence to hide a lot of it. They throw their cigarette butts on the ground, and it is not clean. She cannot think of one neighbor that approves of this business. She feels that the Board members would not want this building next door to them either. She stated that the pictures were taken two days ago. The noise level when they are open is also unbearable. Ms. Oakley also mentioned that the tattoo parlor was a setup for a drug ring. None of the businesses that have been there in the past were legitimate businesses except for the antique store. In response to a question posed by Chair Donnelly, Ms. Oakley stated that the reason more neighbors did not come to this meeting is because the sign that was posted is very small and cannot be seen easily. This area is no longer agricultural, but is now all residential. There are new subdivisions being put on that road.

Aaron Calloway described how notices are generated for development cases and to whom they are mailed (abutting property owners).

Shirley Ashley, 5103 Yanceyville Road, asked if the Board members had a nice home, would they like to have this junk pile beside their house? If she wanted to sell her house, she probably could not because she wouldn't want to buy anything beside the subject property.

In rebuttal, Curt Holmes stated that there were some comments made that they were not aware of with regard to the power issues. He invited the tenant, Mr. Allen, to address those concerns. Regarding the appearance to the building, it certainly was an eyesore before this tenant moved in. It was an empty run-down gas station and was dilapidated. The current building appearance is much improved and should be a strong consideration.

Jeff Allen, owner of Jeff's Welding and Lawnmower Repair, stated that he agreed with Mr. Holmes that the building was in very bad shape previously. Since he has been there, he has started a pile of scrap metal to take to the scrap metal yard. He cannot put a scrap metal dumpster on the property because the weight would damage the septic lines. Regarding the welding situation, he uses a 220 Mig welder, and he also does 110 welding for the lawnmower decks. Most of the welding is done inside the building, which is wired for 220 amps. If there were power outages in the area, his building would have lost power first. He noted that there are petitions from 90+ people who support the request. He has a good relationship with a lot of the neighbors in the area and has not heard of any of the complaints stated before today. If he had, he would have taken measures to do something about it.

Chair Donnelly noted that the Board members' packets included those petitions and letters in support of the request.

Rebuttal speaking in opposition to the request, Rhonda Oakley stated that this is nothing personal against this man and his business, it is about the zoning request from one zone to another. He might be there for a year or might be there 20 years. She does not want a McDonald's with a drive-thru next door. She doesn't like the mowers out, doesn't like the noise. Her concern is the change in the zoning. It should be a Limited Business.

Shirley Ashley stated that the Board members would not like to hear those lawnmowers cranking and stop, crank and stop, constantly. She likes to sit on her front porch in the evenings and during the day when she finishes her work, and she does not like listening to all that.

There being no other speakers, Rev. Drumwright moved to close the public hearing, seconded by Mr. Alston. The Board voted unanimously in favor of closing the public hearing.

### **Board Discussion**

Rev. Drumwright stated that he does not know who the Sutherlands are, and he has not spoken to anyone who lives in this neighborhood. He has been to the property and has taken the time to read all of the letters of support, and the Sutherlands stated that they lived across the street from him (business owner), and they were one of the families that wrote in favor of this business. He really appreciates all of the letters of support from the applicant.

Mr. Little stated that he is glad to hear from all the neighbors in support of the request.

Chair Donnelly stated that he had a chance to visit the property, and he noted that there was not much traffic and the building, from his perspective, looks clean and looked like a business

that was in operation. He reminded the Board that they have heard a lot of things this evening and the Board's role is to decide a zoning request. The request before the Board is to eliminate some of the things that used to be possible in LB zoning, and add some things that are in GB, that would allow the current business to continue. It does open the door to other businesses if the current business were to leave. He appreciates the concerns when power goes out, he does not feel that the Board has the ability to do anything on that. It sounds like an issue that should be addressed with Duke Energy.

Ms. Buchanan stated that it seems that care was taken to limit uses that would be a burden to the area or wouldn't provide a service. She feels it was well done as far as restrictions on what uses can and cannot be imposed.

Rev. Drumwright stated that he appreciates that the owner and tenant have said they would be willing to address the concerns of the neighbors who are opposed. He would support the rezoning request.

Ms. Buchanan moved that regarding Case # 23-07-PLBD-00059, 5101 Yanceyville Road, that this request be approved for the property located on Guilford County Parcel #125339, from LB to CZ-GB, and this approval will also amend the Northern Lakes Area Plan from LC Light Commercial to MC Moderate Commercial. The zoning map amendment and associated Northern Lakes Area Plan amendments are based on the following changes and conditions in the Northern Lakes Area Plan. While Yanceyville Road is already a major thoroughfare in an area that is continuing to grow, in 2016 the Northern Lakes Area Plan was updated in two different pieces for 329 acres and also 314 acres were changed, predominantly to RS-30 and RS-40, indicating that there is a greater need for this type of service. Changing to Moderate Commercial land use will also allow this property to continue providing that service to the area. In addition, the request is consistent with Objective 1.5 of the Future Land Use element of Guilford County's Comprehensive Plan, which states that it is important to recognize or respect the unique characteristics of Guilford County's unincorporated and emerging communities. The amendment is reasonable and is in the public interest because the parcels already have been a host to multiple commercial uses. Limitations set forth in this request should not provide any additional burden and sets a nice limitation to what can be done with that property, seconded by Mr. Alston. The Board voted 5-0 in favor of the motion to approve the request for rezoning. (Ayes: Donnelly; Alston; Little; Buchanan; Drumwright. Nays: None.)

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

None

#### **H. Other Business**

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

Mr. Bell stated that everyone should have received the dates for the open houses as part of the Comprehensive Plan Update, starting Monday from 5:30 – 7:30 p.m. at the Alamance

Presbyterian Church. He noted the dates and locations for the rest of the open houses. The dates and locations will be sent to the Board members for their review, or they can visit the County website.

Mr. Bell announced that for the upcoming Planning Board meeting in October, there is a road closing case, a road renaming case, and possibly two (2) Special Use Permit cases. He suggested that since the Special Use Permit cases may take a long time, the Board members may want to consider holding two (2) separate meetings to accommodate the time involved. Staff will notify everyone involved in the near future so Board members can make an informed decision.

#### **I. Adjourn**

There being no other items to be discussed, the meeting adjourned at 8:04 p.m.

**The next scheduled meeting is October 11, 2023 at 6:00 p.m.**