

**Guilford County  
Planning Board  
FEBRUARY 21, 2018**

The Guilford County Planning Board met in regular session on Wednesday, February 21, 2018 at 6:00 p.m. in the Blue Room, Old Guilford County Courthouse, 301 West Market Street.

**Members Present:** Mr. Jones, Chair; Mr. Leonard; Mr. Collins; Ms. Hayworth; Mr. Alexander; Mr. Geter; Mr. Apple; Mr. Mann and Ms. Burnett.

**Members Absent:** None.

**Staff Present:** Les Eger and Tonya Hodgin, Guilford County Planning Department; Jerry Coble and Stephen Thomas, Guilford County Fire Marshall's Office; and Leslie Bell, Planning Director.

Chair Jones called the meeting to order and welcomed everyone in attendance.

**AGENDA AMENDMENTS:**

None.

**APPROVAL OF MINUTES:**

**December 13, 2017 Regular Meeting Minutes:**

Mr. Bell referenced the Election of Officers portion of the minutes on the last page and explained that the Planning Board does not vote for a Secretary/Clerk to the Board. The Rules of Procedure designates the Planning and Development Director to that position, as approved by the County Commissioners. The election of the Chairperson and Vice-Chairperson is a function of the Board while the Secretary/Clerk to the Board is a function of staff support.

Mr. Alexander moved approval of the December 13, 2017 regular meeting minutes as amended, seconded by Mr. Apple. The Board voted 8-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann. Nays: None.)

Chair Jones explained the rules and procedures of the Guilford County Planning Board.

Ms. Burnett joined the meeting at 6:02.

**CONTINUANCE REQUESTS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:****REZONING CASE #17-04-GCPL-01624: AG to CZ-HB**

Located at the southeastern corner of the intersection of Nelson Farm Road and East Lee Street in Jefferson Township. Being Guilford County Tax Parcels #0118017 and #0118010. Approximately 4.05 acres owned by Barbara Sue Rader-Bare and Ralph Bernard Bare. If this case is approved, the recommended uses specified for the subject properties in the Alamance Creek Area Plan will be updated from Residential to Moderate Commercial.

**(APPROVED)**

Mr. Eger stated that this is a conditional use zoning case. The proposed use condition includes a garden center or retail nursery use only. The proposed site development conditions limit the outside storage to be fully screened from surrounding roads and properties, and there shall be no Sunday hours of operation.

The property is located in the southeast corner of the intersection of Nelson Farm Road and East Lee Street in Jefferson Township, as shown on Guilford County Tax Parcels #0118017 and #0118010. It is approximately four acres. This request is in a portion of the County with a mixture of low-density residential uses and open space areas. In the past this property was used for tree and shrub sales similar to the use approximately 950 feet south of this request. Existing uses on the property today are a vacant greenhouse and a residential structure. To the north is residential and to the south, east and west there are large lot residential and vacant properties. This property is served by a private septic system and well. There are currently no traffic impacts. Projected traffic generation indicates that there could be up to 96 trips per day. The land use plan for the area is the Alamance Creek Area Plan that was updated in 2016. The plan recommends for rural residential uses.

This request is inconsistent with the adopted plan; however, it is being proposed in the public interest through the provision of future employment opportunities and goods and services to the surrounding residential areas.

Staff recommends approval of this request. The use will be limited to a garden center or retail nursery only. Site conditions added to the original zoning and development standards of the County Development Ordinance will continue to minimize impacts onto the adjacent residential uses.

A land use plan amendment for this request would be needed to change the land use classification from Agricultural Rural Residential to Light Commercial.

Mr. Eger noted for the record that this is a conditional zoning case and not a conditional use case.

**Speaking in Support:**

Richard Batten, Jr., 4603 Olde Forest Drive, asked the Board to approve the rezoning of these two parcels. They would like to reopen the garden center that was previously on the site so they can provide services to the surrounding community.

Ms. Hayworth asked about the applicant's proposal to screen the outside storage. Mr. Batten said that screening would be done with plant material. Mr. Eger commented that as long as the storage is fully screened, it can be done with a combination of plant material and fencing.

Mr. Geter asked if there were any watershed or drainage problems on the site. Mr. Batten was not aware of any problems. They have been monitoring the property and have seen no issues. They do not plan to raise shrubs and therefore will not be using a lot of chemicals. Their business will consist of selling seed, fertilizer, compost and sod.

Ms. Hayworth asked the applicant if he had spoken to neighbors about this request. Mr. Batten has spoken with two neighbors who were both supportive of the request. The neighbors felt the garden center would be good for the neighborhood.

**Speaking in Opposition:**

None.

Ms. Hayworth moved to close the public portion of the hearing, seconded by Ms. Burnett. The Board voted 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

Mr. Mann moved to **Approve** this zoning amendment located on Guilford County Tax Parcels **#0118017** and **#0118010**, from **AG** to **CZ-HB** because (1) This approval also amends the **Alamance Creek Area Plan 2016 Update**. (2) The zoning map amendment and associated Alamance Creek Area Plan amendment **are** based on the following changes in conditions in the Alamance Creek Area Plan: That the request is being proposed in the public interest through the provision of future employment opportunities and goods and services to the surrounding residential areas. (3) The amendment is reasonable and in the public interest because the Highway Business District is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks. The request is reasonable and in the public interest as the site is located at the intersection of Nelson Farm Road and East Lee Street which provides for ease of access and visibility. Landscaping and lighting standards of the County Development Ordinance in addition to the conditions provided by the applicant will minimize impacts onto the surrounding. The motion was seconded by Mr. Collins. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

**REZONING CASE #18-01-GCPL-00523: CU-LI to AMENDED CZ-LI**

Located approximately 3,950 feet southeast of the intersection of Alamance Church Road and Andrews Dairy Road in Clay Township. Being Guilford County Tax Parcel #0121287.

Approximately 9.25 acres owned by A&B Portable Toilets, Inc.

**(APPROVED)**

Mr. Eger commented that when the text amendment was approved changing CU (Conditional Use) to CZ (Conditional Zoning), it was understood that for purposes of clarity everything moving forward that was CU would now be CZ.

Mr. Eger said that the change in this rezoning request involves a house that the applicant has on the property. They would like to live in the house and also run the business from there. This can be accomplished by permitting a caretaker facility on the site.

This request is to rezone approximately 9.25 acres from CU-LI to CZ-LI to expand the uses of a portable toilet company to include caretaker facility. The change in conditions is that it will now permit a caretaker facility. This will allow a person to live there and have 24/7 control over the property which is a safety precaution for the owner and anyone entering the property. The applicant is A&B Toilets and the property is located approximately 3,950 feet southeast of the intersection of Alamance Church Road and Andrews Dairy Road in Clay Township, as shown on Guilford County Tax Map #0121287. The request is in an area surrounded by agricultural zoning with low-density residential uses and an adjacent non-conforming auto salvage business. The existing land use on the property is the portable toilet business. The land use plan for this request is the Alamance Creek Land Use Plan that was updated in 2016. The plan recommendation for the subject property is Light Industrial. The request is consistent with the adopted plan; it is compatible with the surrounding uses; and it is being proposed in

the public interest through the provision of a caretaker facility to maintain the site. Staff recommends approval of this request. If this request is approved, there will be no need to update the land use plan for the area.

**Speaking in Support:**

William Young, 5061 Foxburrow Road, is the owner of A&B Portable Toilets. There is a house on the property that is in disrepair that was present at the time of purchase. Mr. Young and his wife would like to be able to tear the house down and build their residence in front of it. All of the business will occur at the back of the property. It would be a great improvement for the community as the house is currently an eyesore.

Mr. Geter asked the applicant how the company disposes of the waste. Mr. Young said that the waste is hauled off to a treatment plant for disposal. Disposal does not occur on the property.

**Speaking in Opposition:**

None.

Ms. Hayworth moved to close the public portion of the hearing, seconded by Mr. Apple. The Board voted 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

Ms. Burnett moved to **Approve** this zoning amendment located on Guilford County Tax Parcel **#0121287**, from **CU-LI** to **Amended CZ-LI** because: (1) The amendment **is** consistent with applicable plans because the plan designates the area as Light Industrial which is consistent with this request. This Conditional Zoning (CZ) request will continue to limit future uses to sales and rental of portable toilets and septic services with the addition of a caretaker facility. (2) The amendment **is** reasonable and in the public interest because the request will limit future uses and provide for a caretaker facility to maintain the site 24/7. Additionally, it provides employment opportunities in an industry that supports necessary activities. The motion was seconded by Mr. Alexander. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

**REZONING CASE #18-01-GCPL-00608: RS-40 to AG**

Located approximately 1,972 feet southeast of the intersection of Spencer Dixon Road and Simpson-Calhoun Road in Center Grove Township. Being Guilford County Tax Parcel #0139551. Approximately 0.92 acres owned by Timothy and Nora Doran.

**(APPROVED)**

Mr. Eger stated that this is a request to rezone 0.92 acres from RS-40 to AG. The property owners are Timothy and Nora Doran. The property is located approximately 1,972 feet southeast of the intersection of Spencer Dixon Road and Simpson-Calhoun Road in Center Grove Township. It is located on Guilford County Tax Parcel #0139551 which is approximately 0.92 acres. This request is in an area of the county that is primarily low-density residential. To the north is a farm and low-density residential; to the east is a dog kennel; and to the south and west is low-density residential. This request is in the Northern Lakes Area Plan. The plan recommendation is for Agricultural Rural Residential, which includes agricultural uses such as the training of animals and animal boarding. The request is consistent with the adopted plan and is compatible with the surrounding uses. It is being proposed in the public interest through the provision of necessary services. Staff recommends approval of this request. If this request is approved, no area plan or Comprehensive Land Use maps will need to be updated.

**Speaking in Support:**

Nora Duran, 301 Heather Ridge Court, and Tim Duran, 7120 Ludgate Road, Gibsonville, North Carolina, were present to speak on this case.

Ms. Duran explained that she and Mr. Duran, business partner, own the business located on the property. She explained that there was a house on the property when they were married when they purchased Best Friends Bed and Biscuit. They have since moved on and the house has been turned into business offices. They would like turn the home into a luxury cat condo. The cat facility would be called Catnip Cottage and will be located away from the dogs.

Mr. Duran stated that nothing will change on the site and the structure will remain the same. There will be no impact to traffic as a result of the request.

**Speaking in Opposition:**

None.

Mr. Eger noted an error in the Consistency Statements distributed to members. He clarified that RS-40 to Amended AG should read RS-40 to AG.

Ms. Hayworth moved to close the public portion of the hearing, seconded by Mr. Alexander. The Board voted 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

Ms. Hayworth moved to **Approve** this zoning amendment located on Guilford County Tax Parcel **#0139551**, from **RS-40** to **AG** because: (1) the amendment **is** consistent with applicable plans because the Plan designates the area as Agricultural Rural Residential (AGRR) which is consistent with this request, and the (AGRR) request will continue to limit future uses to Agricultural and Residential. (2) The amendment **is** reasonable and in the public interest because it will limit future residential and agricultural uses that support the adjacent kennel uses, and it provides employment opportunities in an industry that supports necessary activities. The motion was seconded by Ms. Burnett. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Collins, Hayworth, Alexander, Geter, Apple, Mann, Burnett. Nays: None.)

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Bell updated the Board on the rewriting of the Ordinance. The Stewart Group in Raleigh, North Carolina has been selected to do the work and additional funding was approved earlier this month. The project should take between 13 to 18 months. There will be additional meetings and additional information for input by the Board and the public.

Mr. Bell announced that this will be the last Planning Board meeting for Mr. Coble who is retiring. The Board thanked Mr. Coble for his service. Mr. Coble introduced Stephen Thomas, Guilford County Fire Marshall's Office, who will be replacing him in attending Planning Board meetings.

**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

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Frankie Jones, Chairman

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Leslie P. Eger, Secretary to the Board  
FJ:sm/jd