

**Guilford County
Planning Board
JUNE 14, 2017**

The Guilford County Planning Board met in regular session on Wednesday, June 14, 2017 at 6:00 PM in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: Mr. Collins and Mr. Geter.

Staff Present: Les Eger, Tonya Hodgin and Oliver Bass, Planning Department. Also present were Leslie Bell, Guilford County Planning Director, and Jerry Coble, Fire Marshall.

AGENDA AMENDMENTS

None.

OLD BUSINESS

None.

APPROVAL OF MINUTES

April 12, 2017 Regular Meeting Minutes:

Ms. Hayworth moved approval of the April 12, 2017 regular meeting minutes as written, seconded by Ms. Burnett. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth. Nays: None.)

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

CONTINUANCE REQUESTS

None.

NEW BUSINESS

Non-Public Hearing Items:

RESOLUTION OF INTENT ROAD CLOSING CASE #17-05-GCPL-02520

Beginning at the terminus of Short Farm Road, running approximately 375 feet east between Guilford County tax parcels #0142394 and #0142393, in Sumner Township.

(APPROVED)

Mr. Eger described the case and explained that the Board is being asked to set a date for a public hearing to be held at next month's Planning Board meeting on July 12, 2017. The purpose of a Resolution of Intent is to set a public hearing to hear this road closing case.

Mr. Leonard moved to set the date for a public hearing to be held at the next meeting on July 12, 2017, seconded by Mr. Alexander. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth. Nays: None.)

RESOLUTION OF INTENT ROAD CLOSING CASE #17-05-GCPL-02522

Being approximately 125 feet of the Rockbury Road cul-de-sac as shown on Plat Book 59, Page 106, in Monroe Township. **(APPROVED)**

Mr. Eger described the case and explained that the Board is being asked to set a date for a public hearing to be held at next month's Planning Board meeting on July 12, 2017. The purpose of a Resolution of Intent is to set a public hearing to hear this road closing case.

Mr. Leonard moved to set the date for a public hearing to be held at the next meeting on July 12, 2017, seconded by Mr. Alexander. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Burnett, Hayworth. Nays: None.)

Public Hearing Items:

Rezoning Case #17-05-GCPL-02249: RS-40 to CZ-GO-M

Located approximately 2,010 feet northeast of the intersection of Yanceyville Road and Burton Farm Road in Monroe Township. Being Guilford County Tax Parcel #0129751. Approximately 2.36 acres owned by Hannah's Haven, Inc. If this case is approved, the land use specified for the subject property in the Northern Lakes Area Plan will require updating.

(APPROVED)

Mr. Eger described the request to rezone the property from RS-40 (Residential Single-Family) to CZ-GO-M (Conditional Zoning-General Office-Medium Density). Eger added that the request had been conditioned that the only use that would be permitted on the property would be for a group care facility for up to 15 adult women, with the new structure resembling a ranch style home. Eger explained that land uses in the area are primarily low density residential. Eger noted that the request is within the perimeters of the Northern Lakes Area Plan which was adopted in 2002 and updated in 2016. Eger stated that the plan recommends for Agricultural and Residential uses in the area near the rezoning request. Eger clarified that though the GO-M rezoning is inconsistent with the adopted area plan, the conditions included by the applicant would help to reduce the overall intensity of the proposed use, and help the new facility to blend better with the surrounding residential uses. Eger noted that the new structure would be in the style of a ranch style home which would fit in with the residential feel of the area. Eger concluded that with the proposed development conditions, staff believes that the request will be compatible with the surrounding zoning and uses and is being proposed in the public interest to provide necessary services in the area, and added that he recommend approval of the request. Eger shared that an area plan land use map update would be required if the request was approved.

Chair Jones disclosed that he has a conflict of interest with this case and therefore, he asked to be recused from this matter.

Mr. Leonard moved to recuse Chair Jones from this case, seconded by Ms. Haywood. The Board voted unanimously to recuse Chair Jones and he left the dais.

Speaking in support of the request was Bonnie Harris, 5432 Yanceyville Street, who is the founding director of Hannah's Haven. Harris commented that her facility has the capacity to serve six residents in the existing ranch style home on the site. Harris explained that her organization was interesting in constructing a second ranch style home behind the current structure-with a total capacity of 15

residents. Harris noted that the second home would allow Hannah's Haven to serve residents in a longer-term capacity. Harris shared that her facility works with women leaving incarceration, and currently has residents for a period of one year. Harris opined that the second facility would allow Hannah's Haven to accelerate the acclimation process, so residents would leave the program better prepared to reenter society successfully. Harris added that her organization also helps the women with job placement, and drug counselling services. Harris concluded by that though letters were sent to adjoining property owners, only one had contacted the Planning Department for additional information. Harris then stated that she is in receipt of several letters of support for the request.

Responding to questions, Ms. Harris explained that the current facility will continue to be used after the new building has been completed. Harris shared that her organization takes women 18 years and older into their program to learn a new way of living. The students will transfer from one home to the other during the course of the program. Harris add that there is no state funding; however, the program must comply with Teen Challenge regulations and pass inspections that occur every two years. In addition, they are inspected yearly by the fire department. There will be five full-time and two part-time personnel. There is one live-in staff person.

Sandy Troxler, 7467 Doggett Road, Brown Summit, North Carolina, is a volunteer at Hannah's Haven. She said the women were looked after very well at the facility and the yard is always maintained. Troxler expressed support for the second phase home noting that when the women leave after the year-long program and enter into the community, it is hard to stay away from their addictions and cope with the real world. The second phase home will provide the women with a staff who can support and monitor them.

In Opposition:

Barry Levine, 5428 Yanceyville Street, stated that the facility currently has five or six cars parked in front. Additional staff will double that amount making the homes look more like a non-residential use. He expressed concern that there will be too many cars parked in front of the facility.

Staff noted that there will be some additional parking spaces at the back of the building. There will also be landscaping and buffering requirements to help address some of these concerns. The GO-M zoning standards will require landscape buffers on all sides and parking will have to be landscaped. There is no condition requiring that parking be in the rear of the building. Staff commented that it is up to the applicant to make a condition that restricts parking to the back of the building.

Rebuttal in Support:

None.

There being no other speakers, Acting Chair Leonard closed the public portion of the hearing.

Mr. Eger noted that the building code will have to be satisfied and there will be inspections on the building as far as fire code, ingress, and egress. Although updates may be required, the building will stay residential in appearance.

Ms. Hayworth expressed concern about parking in the front of the building and turning around in the front yard of other people's property. Unless the parking is in the back, the proposed landscaping will not provide the necessary buffer to make the addition appear like a residential use. Hayworth also expressed concerns regarding the traffic that would be generated by the expansion. Hayworth

state that she could not support the request unless there were additional conditions to alleviate her concerns.

Staff reiterated that additional conditions could only be made by the applicant.

Ms. Harris stated that both her staff and residents do not turn around in other people's front yards. Harris explained that although five staff members work at the facility daily, they are not all present at the same time. Harris shared that three cars are owned by the ministry that are always there; the live-in staff member has a car on the property most of the time; and another staff person has a car there during the day. Harris commented that she did not expect to hire more than three new employees if her proposal was approved, and did not know if each of these potential employees would own a car. Harris noted that up to five parking spaces would be added to the back of the property for the new employees.

There was a discussion about parking scenarios should a condition be proposed by the applicant.

Ms. Hayworth commented that in a residential setting, it is not normal to see five cars parked in front of a house. Hayworth opined that if the operation doubles, and on any given day there are already six residents who regularly have visitors, there could easily be 10 cars on site including staff. Five parking spaces in the front and five in the back would max out the available parking. Hayworth expressed concerns that overflow parking would occur on the lawn, and in the circular drive-which would detract from the residential character of the area.

Ms. Burnett commented that it is not uncommon to see five cars parked at a residential house.

Acting Chair Leonard shared his opinion that the bulk of the parking for the facility should be in the rear, with overflow parking located in the circle driveway which fronts onto Yancellville Road.

Responding to questions, staff explained that enforcement of County a parking regulations would be complaint driven.

Ms. Harris indicated that she was amenable to requesting a condition concerning the location of the parking spaces.

Mr. Eger commented that it appeared there was concern regarding the number of vehicles that may be parked in front of the house if the request was approved. Eger noted that some houses today have four or five cars parked in front at any given time. Eger shared that currently as a single-family home, six cars are allowed based on the County's development ordinance.

Ms. Harris added an additional condition on her original request capping the number of cars parking in the front yard to five-with all others being parked in the rear of the property.

Ms. Burnett moved to accept the additional condition that once there are more than five cars in front yard- that all others would be parked in the back.

Acting Chair Leonard amended the condition, and offered that parking will be in the rear and any overflow will be in the front of the property. Ms. Harris commented that the office is in the front yard, and added that there are two office staff members who park in the front of the property. Bell suggested that once the applicant begins the new phase, any parking associated with the addition should be in the rear.

Mr. Eger summarized the proposed condition as follows: Any new parking for the addition would be to the rear of the structure that currently exists on the property. Ms. Harris indicated that she was amenable to the amended condition.

Ms. Burnett moved approval of the amended condition that that any additional parking for the new phase will be in the rear of the existing structure, seconded by Mr. Mann. The Board voted 6-0-1 in favor of the motion. (Ayes: Leonard, Mann, Apple, Alexander, Burnett, Hayworth. Nays: None. Abstain: Jones.)

Ms. Hayworth moved to reopen the public portion of the hearing, seconded by Mr. Mann. The Board voted 6-0-1 in favor of the motion. (Ayes: Leonard, Mann, Apple, Alexander, Burnett, Hayworth. Nays: None. Abstain: Jones.)

Speaking in opposition to the request, Mr. Levine commented that on a recent family day at the facility, there were up to 30 cars at the property. He stated that going from RS-40 to GO-M would constitute a substantial change-which does not happen very often. Levine noted that the land use map would need to be updated, if the request was approved, because the recommended land use classification for the area was residential not commercial. He also questioned the potential impact that a GO-M district would have on neighboring property values.

Ms. Harris explained that the recent family day held at the facility was to celebrate their 10-year anniversary. Harris added that she does not plan to hold this type of function at the facility going forward, and would find another venue, off-site, to host future celebrations.

Ms. Hayworth moved to close the public hearing, seconded by Ms. Burnett. The Board voted 6-0-1 in favor of the motion. (Ayes: Leonard, Mann, Apple, Alexander, Burnett, Hayworth. Nays: None. Abstain: Jones.)

Mr. Mann moved that the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0129751, from RS-40 to CZ-GO-M, to be compatible with the surrounding land uses and zoning and considers the action to be reasonable and in the public interest because although the request is inconsistent with the adopted Northern Lakes Area Plan, it has been determined that zoning the property to CZ-GO-M is compatible with the surrounding area and uses. The motion was seconded by Ms. Burnett. The Board voted 5-1-1 in favor of the motion. (Ayes: Leonard, Mann, Apple, Alexander, Burnett. Nays: Hayworth. Abstain: Jones.)

Mr. Mann moved to approve amending the Northern Lakes Area Plan to the Guilford County Commissioners, seconded by Ms. Burnett. The Board voted 5-1-1 in favor of the motion. (Ayes: Leonard, Mann, Apple, Alexander, Burnett. Nays: Hayworth. Abstain: Jones.)

Mr. Leonard moved approval for Chair Jones to return to the dais, seconded by Ms. Burnett. Mr. Jones returned to the dais for the remainder of the meeting.

Ms. Hayworth moved to excuse Ms. Burnett from the meeting, seconded by Mr. Leonard. The motion was unanimously approved. Ms. Burnett left the meeting at 6:45 PM.

Special Use Permit Case #17-05-GCPL-02276 Landscaping/Horticultural Services

Located approximately 1,410 feet southeast of the intersection of NC Highway 150 East and Bee Jay Road in Monroe Township. Being Guilford County Tax Parcel #0130235.

Approximately 26.34 acres owned by Doris B. Fisher heirs. The petitioner is seeking a Special Use Permit to operate a landscaping contractor business. **(APPROVED)**

Oliver Bass, Guilford County Planning Department, stated that this Special Use Permit request would allow the applicant to operate a landscaping contractor company which is listed under Landscape and Horticultural Services in the Guilford County Land Development Ordinance. The proposed development conditions include: (1) that the use not be for public or retail public traffic; (2) that the hours of operation are limited to Monday through Saturday, 7:00 a.m. until 6:00 p.m.; and (3) that the existing tree buffer on the property will remain.

The applicant has added a fourth condition that limits the description and uses of the business to plant installation (including landscaping), irrigation system installation, hardscape installation (including pavers and stones), and outdoor low-voltage night lighting.

Mr. Bass explained that the findings necessary to approve the Special Use Request are listed in the information packets that were distributed to members. After reviewing the proposed development plan for this request, staff offers the following facts for consideration by the Planning Board: (1) that Landscape and Horticultural Services is listed as "S" in the County Development Table of Permitted Uses; (2) that the site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved; and (3) that the proposed Landscaping Contractor business meets the intended uses within the agricultural district with approval of a Special Use Permit.

Swearing-In:

Les Eger and Oliver Bass, Planning Department, and the applicant, Marcus Vinroot, were sworn as to their testimony in these matters.

Marcus Vinroot, 7988 Witty Road, Summerfield, North Carolina, is the proposed buyer of the property. Vinroot has a landscaping and irrigation business, which does not do any spraying or mowing. Vinroot explained that his company strictly installs plants, irrigation systems, outdoor lighting systems and hardscapes. Vinroot added that he plans to construct a building where he can park several tractors, mini-excavators, and similar equipment.

Responding to questions from Chair Jones, Mr. Vinroot said that the use will not endanger public health or safety, and will not have a negative impact on any adjoining properties. Vinroot shared that he has spoken with adjoining neighbors, and the only concern was relating to what would happen to the property. Mr. Vinroot said that he is not interested in cutting down trees and the location where the equipment storage building would be built is in a field. Out of 26 acres of land, only three or four acres would be disturbed in his effort to improve the area.

There being no other speakers, Ms. Hayworth moved to close the public portion of the hearing, seconded by Mr. Leonard. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Mann, Apple, Alexander, Hayworth. Nays: None.)

After considering the evidence presented in regard to the application for this Special Use Permit, Mr. Apple moved that the Board finds from the credible evidence that the Special Use Permit should be approved, subject to the site plan and all applicable conditions and in support of this decision the Board makes the following findings: (1) The proposed use requires a Special Use Permit under the Development Ordinance; (2) The proposed conditions meet or exceed the development standards found in the Development Ordinance, (3) The use as proposed and/or agreed to, and/or as the Planning Board imposed, is consistent with the purposes of the District and compatible with surrounding uses; (4) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) The use meets all required conditions and specifications; (6) The use will not substantially injure the value of adjoining or abutting property, or the

use is a public necessity; and (7) The location and character of the use if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of this jurisdiction and its environs. Therefore, Mr. Apple moved that this request for a Special Use Permit, with all applicable conditions and subject to the site plan and applicable law, be APPROVED. The motion was seconded by Mr. Alexander. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Apple, Mann, Alexander, Hayworth. Nays: None.)

**GUILFORD COUNTY AREA PLAN TEXT AND MAP UPDATES:
CASE # 17-02-GCPL-00646 (APPROVED)**

The Guilford County Planning Department is proposing text changes and map updates to the Northeast, Northwest, Northern Lakes, Southern, Southwest, Rock Creek, and Alamance Creek Area Plans. The text changes include adjustments due to updated corresponding Area Plan Land Use Map adopted in September, 2015; an Executive Summary of the plan update process; revised Land Use Definitions; and a proposed Future Land Use Compatibility Matrix to guide land development and zoning decisions. The map updates will be presented to reflect public school locations within Guilford County. Additionally, the Planning Department is recommending updates to the Southwest, Northeast, and Northwest Area Plan Maps to reflect land use designation changes due to rezoning approvals throughout 2016 as described below:

Mr. Bell stated that these are seven of the nine area plans that continue with eight-year updates. The new revised format builds upon land development activities through 2016. Bell shared that the format reflects citizen responses from the six public input meetings; provides both annexation and rezoning data that offers insight into redevelopment trends and decisions; and provides more transparency to the public about the process. Additionally, a Future Land Use Compatibility Matrix has been added to aid in decision making. The Future Land Use Compatibility Matrix also gives the current status on local conditions and serves a precursor to the general Development Ordinance Update for modernization

Southwest Plan (Map Update)

Amendment occurred on April 13, 2016; (Case #16-03-GCPL-01266) Zone change, Residential 40,000 square feet lots to Conditional Limited Office; Area Plan land use designation change, Residential to Office.

Northeast Plan (Map Update)

Amendment occurred on June 8, 2016; (Case #16-05-GCPL-02335) Zone change, Conditional Light Industrial to Conditional Heavy Industrial; Area Plan land use designation change, Light Industrial to Heavy Industrial.

Northwest Plan (Map Update)

Amendment occurred on December 14, 2016; (Case #16-11-GCPL-06183) Zone change, Agricultural to Conditional Highway Business; Area Plan land use designation change, Agricultural to Moderate Commercial.

Key points in each area plan were presented by staff.

Alamance Creek

Mr. Bass said that some of the notable changes in the Alamance Creek Area Plan included the addition of an area of inconsistency to the land use category. It was noted that the area was popular for non-residential and mixed-use rezoning over the past several years. Greensboro captured some of the new subdivisions that occurred in the area through annexation. Mr. Eger said that the Alamance Creek Area Plan has had several changes since the last update. The Woody Mill Small Area Plan, emphasizing development standards, was approved along with the Woody Mill Small Area Plan

Overlay District. In addition, Greensboro has annexed further out into the Forest Oaks area and a Mega-Site was announced in Randolph County. During the public meetings the two public input items that came up were community appearance and economic growth. There is currently attractive development and nice growth in the Woody Mill area as seen through new jobs and emerging grocery stores.

Northeast

Regarding the area plan, Mr. Bass said that the Future Land Use Map will be updated to align with recent zonings from 2015-2016 and recent annexations in 2016. Greensboro annexed some of the adjacent residential and commercial subdivisions that occurred within that area. An area of inconsistency was also added to the Land Use designation as well. Some of the changes since the last update are as follows: (1) the urban loop is being constructed; (2) Stoney Creek is beginning to see new growth in that area; and (3) the aesthetic quality of the area has been improved around the US-70 Gateway Corridor.

Northern Lakes/Northwest

Mr. Bass noted that significant acreage was rezoned for RS-30 and RS-40 in the Northern Lakes area. It is the most dynamic area for residential growth in the County. There was more acreage rezoned in 2015-16 than in the previous eight years combined. There was an annexation by the City of Greensboro in 2016 and the Future Land Use Map was updated. Mr. Eger said new schools, the outer loop and pedestrian bike-ways have attracted people to the area. Public commenters wanted continuation of the rural conservation mode, if possible, and bicycle connectivity which are currently moving forward.

The Northwest area also experienced significant single-family residential growth. A land use definition was added to Moderate Commercial since the previous update did not have Commercial use in the area. The Land Use Map was amended to make sure it was consistent with the HB rezoning that occurred in 2016.

Mr. Bell stated that several things that have occurred since the adoption include House Bill 637 that appropriated 14.5 million dollars to study the feasibility of a regional public water system. Approximately 75 percent of this money was appropriated to Rockingham County and 25 percent to Guilford County. Last year there were some amendments but within the last 30 days, the study has been approved by the Board of Commissioners and all jurisdictions including Stokesdale, Oak Ridge, Summerfield and Guilford County, have adopted it. Bell noted that consultants have been hired and the study is moving forward.

Rock Creek Area

An area of inconsistency was added to the Rock Creek area as well. Burlington annexed Alamance Creek as a watershed critical area for watershed management and over 171 acres were rezoned for mixed-use type development in that area. Some of the things that changed in this area included the watershed area and the Greensboro planning area that had moved out that area. Guilford County will work with the City of Greensboro moving forward when requests come in for rezoning. Through the public input process, staff heard that people would like to see continued watershed protection and economic development in this area.

Southern Area

Approximately 400 acres of land were annexed by various communities in the Southern area. Only 11% of the total rezoning that occurred in the County occurred in the Southern area. An area of inconsistency in the area was added as a land use definition. The Future Land Use Map was updated

to reflect 2016 annexations. Staff currently works with High Point on rezoning and with this update; they will also be working more with the City of Greensboro for rezoning in the area.

Southwest Area

There were some annexations and rezoning in the area in 2015-16 and therefore, the Land Use Map was updated to reflect those. There were annexations by Greensboro, High Point and Jamestown and an area of inconsistency was added as well. The planning area that is left in the Southwest part of the county is residential in the area plan. Most of the growth that is occurring in this area is through annexation by High Point or Greensboro.

In conclusion, Mr. Bell stated that upon joining the Board, new members are given a packet describing each area plan. He presented an example of the new format for area plans in each jurisdiction. The new format lists the six areas of inconsistency and it reflects local conditions as development changes. Annexations will be listed by year as well as the percentage of rezoning from a particular district to another district. There will be an updated Land Use Map in the packets that will include the local schools and there will be updated definitions and descriptions of land use and zoning. A new item in the packet will be a Land Development Matrix to better prepare applicants when they request zoning changes. The information will allow the applicant to know if the zoning being requested is generally consistent with the Land Use Plan or conditionally consistent with the Land Use Plan.

The Planning Board was asked to consider recommending this update to the Board of Commissioners for their meeting in July, 2017.

Ms. Hayworth moved to recommend approval of the changes to the area plans to the County Commissioners, seconded by Mr. Leonard. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Mann, Apple, Alexander, Hayworth. Nays: None.)

ITEMS FROM PLANNING STAFF:

None.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 7:18 p.m.

Respectfully submitted,

Frankie Jones, Chairman

Leslie P. Eger, Secretary to the Board

FJ:sm/jd