

**Guilford County
Planning Board
OCTOBER 11, 2017**

The Guilford County Planning Board met in regular session on Wednesday, October 11, 2017 at 6:00 p.m. in the County Commissioners Meeting Room, Second Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: Mr. Leonard, Mr. Collins, and Ms. Hayworth.

Staff Present: Les Eger, Tonya Hodgin, Oliver Bass, Paul Lowe, and Matt Talbott -- Guilford County Planning Department. Also present was Leslie Bell, Planning Director; Frank Park, Guilford County Floodplains Administrator; and Jerry Coble, Guilford County Fire Marshall's Office.

APPROVAL OF MINUTES

September 13, 2017 Regular Meeting Minutes:

Ms. Burnett moved approval of the September 13, 2017 regular meeting minutes as amended, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Alexander, Geter, Mann, Apple, Burnett. Nays: None.)

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

CONTINUANCE REQUESTS

None.

OLD BUSINESS

None.

NEW BUSINESS

Public Hearing Items

REZONING CASE #17-08-GCPL-04041: CU-HI-SP-SR & RS-40 to CZ-HI-SR

Located approximately 2,115 feet northwest of the intersection of Viewmont Drive and Bishop Road in Sumner Township. Being Guilford County Tax Parcel Numbers 0141122, 0141123 and a portion of parcel #0141474. Approximately five (5) acres owned by Martin Marietta Materials.

(APPROVED)

Matt Talbott, Guilford County Planning Department, said this request is to rezone approximately five (5) acres to CZ-HI-SR for a scrap processing facility. The Heavy Industrial district is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is

established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining property owners. The proposed development condition is that there will be a fifty (50) foot type A buffer per the Guilford County Development Ordinance which is shown on the zoning Sketch Map. The applicant/property owner for this case is Martin Marietta Materials. The property location is approximately 2,115 feet northwest of the intersection of Viewmont Drive and Bishop Road in Sumner Township. This request is in an area that is primarily industrial. The existing land use on the property is vacant. Surrounding uses include the Urban Loop to the north; industrial to the south; industrial, residential and vacant to the east; and sand rock mining to the west. The area is served will by a private septic systems and wells. There are no traffic counts available for Viewmont Drive. He stated that the consistency is as follows: This request is consistent with the adopted plan, is compatible and is being proposed in the public interest through the provision of future employment opportunities. Staff recommends approval of this case to enable the applicant an opportunity to apply for a Special Use Permit for Scrap Processing. If approved, no Land Use Plan amendment for this request will be required.

Mr. Eger clarified that when this packet first came in and was set up, AG was part of the application. The applicant removed the AG portion of the request and therefore, the description is CU-HI-SP-SR & RS-40 to CZ-HI-SR.

Speaking in favor of the application was the applicant, Jay Nivens, 613 South Chimney Rock Road, who is with Martin Marietta. If approved through the rezoning and special use, Martin Marietta plans to partner with Thompson Arthur Paving and Construction to provide a recycling and sustainable manufacturing activity at this location. A post-consumer asphalt shingle recycling program is being proposed. In 2011 the State allowed recycling of asphalt shingles to be used in asphalt production for roadways. Thompson Arthur Paving and Construction is interested in using this concept as a sustainability project and development. They plan to use the business to make recycled asphalt shingles more readily available for use. The site is wooded and will be screened from the public. The shingles will be ground approximately twice a year.

Mr. Geter asked about toxins that may become involved with any water runoff. Mr. Nivens said that the only toxin involved would be asbestos. Asbestos was used in asphalt shingle production in the early 1970's but the shingles available for recycling take place after that. No asbestos asphalt shingles will be accepted in the facility. Thompson Arthur Paving and Construction works with local contractors who are certified to know which shingles can be accepted and which shingles cannot be accepted.

There being no other speakers either in support or opposition, Ms. Burnett moved to close the public hearing, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Alexander, Geter, Mann, Apple, Burnett. Nays: None.)

In the matter of **REZONING CASE #17-08-GCPL-04041**, Mr. Geter moved approval of this request that is consistent with the adopted Plan and is compatible as being proposed in the public interest through the provision of future employment opportunities. (1) The Plan designates the area as Heavy Industrial which is consistent with this request. (2) The Heavy Industrial District (HI) is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. (3) It is reasonable and in the public interest as the site is located just off Bishop Road with surrounding uses being the Urban Loop, industrial residential/vacant and sand rock mining. (4) It provides employment opportunities in an industry that diverts useable recycled materials from being placed in area landfills. The motion was seconded by

Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Alexander, Geter, Mann, Apple, Burnett. Nays: None.)

SPECIAL USE PERMIT CASE #17-08-GCPL-04046: Scrap Processing Facility

Located approximately 2,115 feet northwest of the intersection of Viewmont Drive and Bishop Road in Sumner Township. Being Guilford County Tax Parcel Numbers 0141122, 0141123 and a portion of parcel #0141474. Approximately five (5) acres owned by Martin Marietta Materials. The petitioner is seeking a Special Use Permit to operate a scrap processing facility.

(APPROVED)

Swearing in of staff and those speaking on CASE #17-08-GCPL-04046:

Matt Talbott, Guilford County Planning Department, and Jay Nivens, applicant, were sworn as to their testimonies in this matter.

Mr. Talbott stated that this request is to approve a Special Use Permit to permit five (5) acres for scrap processing as illustrated on the Special Use Permit Site Plan. The applicant is Martin Marietta Materials and the property location is approximately 2,115 feet northwest of the intersection of Viewmont Drive and Bishop Road in Sumner Township. The request is in an area that is primarily industrial and the existing land use on the property is vacant. The Urban Loop is to the north; industrial is to the south, industrial/residential/vacant is to the east; and sand rock mining is to the west.

After reviewing the proposed development plan for this request, staff offers the following facts for the Planning Board's consideration: (1) Scrap Processing is represented by an "S" in the Guilford County Development Ordinance table of permitted uses. (2) 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. (3) The proposed scrap processing activities are intended uses in the Heavy Industrial District with approval of a Special Use Permit.

Jay Nivens, 613 South Chimney Rock Road, who is with Martin Marietta, spoke in favor of this request. He addressed questions about health issues associated with the scrap metal facility and said that the facility must comply with all air quality standards. He did not anticipate any NCDOT (North Carolina Department of Transportation) revisions or requests for extra turn lanes or road improvements associated with the facility.

Mr. Geter asked about fire protection precautions that are being taken at the facility. Mr. Nivens said that he is not aware of any precautions being taken. This is an outside facility and the likelihood of fire will be minimal. The grinding will not be ongoing but will occur about twice a year. There is very little dust associated with the grinding of the asphalt shingles because the shingles are very moist.

The applicant reviewed the findings of fact necessary for this case. Mr. Nivens stated that (1) A written application was submitted and is complete in all respects; (2) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (3) The use of a scrap processing operation, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use and the use meets all required conditions and specifications; (4) 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 is in general conformity with the plan of development of the Jurisdiction and its environs; and (5) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.

Mr. Jones asked if there were any special requirements applicable to the use of a scrap processing operation. Mr. Talbott stated that buffer requirements and any other requirements will all be addressed in the site plan review process. There will be a 50-foot yard buffer requirement.

Mr. Nivens reviewed adjacent property uses and indicated that no opposition was heard from owners of vacant land across the street.

There being no other speakers either in support or opposition, Ms. Burnett moved to close the public hearing, seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Alexander, Geter, Mann, Apple, Burnett. Nays: None.)

In the Matter of **SPECIAL USE PERMIT CASE #17-08-GCPL-04046**, Mr. Alexander moved that the Guilford County Planning Board, having held a hearing on October 11, 2017 to consider scrap processing operation, submitted by Martin Marietta Materials a request for a Special Use Permit for the property located at 4030 Viewmont Road, being Tax Parcels 0141122, 0141123 and a portion of parcel 0141474 and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS: (1) A written application was submitted and is complete in all respects; (2) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan. This conclusion is based on sworn testimony and evidence submitted during the hearing which shows the following: 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 areas; (3) The use, a scrap processing operation, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the hearing which shows the following: the proposed conditions meet or exceed the development standards found in the Development Ordinance; (4) That 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 is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the hearing which shows the following: It is in a heavy industrial area; and (5) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the hearing which shows the following: It is in a heavy industrial area. THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for a scrap processing operation be GRANTED subject to the following: (1) The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO); (2) The development shall be in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department; (3) The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards; and (4) If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted. The motion was seconded by Mr. Apple. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Mann, Geter, Apple, Burnett, Alexander. Nays: None.)

For the record, Chair Jones asked that the minutes reflect that there is not a public hearing for a quasi-judicial hearing. Therefore, there was no public hearing to close.

REZONING CASE #17-08-GCPL-04100: PD-R to Amended PD-R

Located at the southern terminus of Bakersfield Drive in the Bakersfield subdivision in Deep River Township. Being Guilford County Tax Parcel Numbers 0168440, 0168439 and 0168419. Approximately 46.3 acres owned by John Baker and County Line Partners, LLC.

(APPROVED)

Oliver Bass, Guilford County Planning Department, read the case into the record. This is a request to rezone an existing PD-R to an amended PD-R. They would like to modify the map to eliminate a proposed road stream crossing for a road that extends beyond Bakersfield Drive. There will be no change in the density or other changes to the existing PD-R that was originally approved in 2006. The property is located at the terminus of Bakersfield Drive. It is an extension of the Bakersfield subdivision in Deep River Township off Beeson Road. The area is single-family residential and it would be a continuation of the subdivision off Beeson Road and Cross Creek Road which is currently 40 percent built-out. The area does contain some regulated floodplain and is in the general watershed district WS-III. The Land Use Plan is the Airport Area Plan that was adopted in 2008 which recommends the area for low-density residential.

Following staff's review, it was found that this request is consistent with the adopted Land Use Plan in terms of the types and density of uses allowed. It is compatible with the surrounding zoning and surrounding uses and it is found to be in the public interest through the provision of new housing opportunities. Staff recommends this request due to the revision of the PD-R zoning map to eliminate the future stream crossing which initiated this rezoning request. Prior to this meeting, the TRC reviewed the plan and found there will be no significant impact with the change and that it will have minimal effect on the area as referenced in the consistency statement. If the request is approved, a land use plan amendment will not be required.

Speaking in favor of the request was Vince Townsend, Civil Engineer, 7-A Wendy Court, who was present to speak for the applicant, John Baker. John Baker is the Managing Member of County Line Partners, LLC. Mr. Baker held a neighborhood meeting with the residents of Bakersfield, Ridgecrest and Morning Glory Court. The majority of people attending the meeting had no objection to the elimination of the crossing. The elimination of the crossing should prevent more traffic coming through the existing subdivision.

In Opposition:

Mike Hobson, 2504 Morning Glory Drive, Kernersville, North Carolina, stated that Morning Glory Road is the only way into the subdivision and it is not a state maintained road. He asked if the last zoning gave any input to this situation. Mr. Bass said that there was no requirement or condition that the existing part of the street be upgraded to the state maintained system. Only the new extension would have to be upgraded to NCDOT standards. Mr. Hobson commented the road that is not state maintained will have added traffic and it is already currently in disrepair. It was his understanding in the original zoning that the road had to be brought up to a state maintained status in order to come down that road. Mr. Bass explained that this is not conditional zoning or conditional use zoning and there was no contractual stipulation that the road be improved to state standards.

Also speaking in opposition was Mark Zawatski, 8900 Sunflower Court, Kernersville, North Carolina. He asked if the applicant plans to access the non-state maintained road, do they plan to offer financial assistance to help with maintenance of the road. The neighborhood currently maintains the road. Mr. Bass explained that the road was dedicated as a public road but never taken over by the state. Once it is dedicated it has to be accepted by NCDOT for maintenance through an official request. The request apparently never went through when it was first built. In order to get the road maintained by

the state, it would have to be improved to NCDOT standards. The road is considered to be a public road. Mr. Zawatski explained that the developer planned to donate the road to the state when the development was built. The state said that there was not enough housing density to meet maintenance requirements. It is up to the neighborhood to maintain the road.

Mr. Bass pointed out that this is a proposal to amend what has already been approved. They will still be able to develop but they will have to do the crossing across the creek that connects off of Cross Creek Road to Beeson Road. He clarified that the applicant is requesting to eliminate a future stream crossing that does not exist and that they won't have to have in the future. Therefore, all traffic would have to travel on the non-state maintained road for the lots being proposed.

Rebuttal in Support:

Chair Jones asked Mr. Townsend to comment on the condition of the non-state maintained road and the expected amount of additional traffic. Mr. Townsend said the change that is being proposed will eliminate potential cut-through from County Line Road through the subdivision and should greatly reduce the potential traffic through the subdivision. When the applicant finishes their work on the lots, they will petition NCDOT for roadway maintenance.

Rebuttal in Opposition:

Lisa Mahaffey, 2505 Morning Glory Drive, Kernersville, North Carolina, was not aware that a neighborhood meeting had been held by the applicant. She asked about the impact to Morning Glory Drive. In addition, when the original zoning was proposed there was going to be a community septic tank that was planned at the rear of her property and she asked for an update on that proposal. Mr. Townsend said he did not attend the neighborhood meeting but the information about the meeting was sent by John Baker. Referring to a map, he explained that the proposed change involves a road that was originally supposed to tie into Morning Glory Drive and now the plan is to eliminate that tie-in and still have a stub street coming up Morning Glory Drive that stubs to the property to the west. The property to the west will eventually be developed and that would be a way for NCDOT to be able to maintain that street. He clarified that the stream crossing is the road that is being eliminated.

Jerry Coble, Guilford County Fire Marshall's Office, was asked to comment on any concerns about emergency vehicle access. He had no concerns about the elimination of the crossing but felt it was a bit concerning that the existing road was not maintained. Seventeen lots are available for development and not having a maintained road there could present problems for any emergency services needing to enter the roadway. It was noted that there was a better chance for NCDOT to take over the road when the additional residences are built.

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

Members commented that the Board deals with orphan roads all the time. It sounds like the neighbors are not concerned with the property but more with the road and they have a better chance of the road being taken over by the state for maintenance with additional residences. Board members did not have concerns about the request.

In the matter of **REZONING CASE #17-08-GCPL-04100**, PD-R to Amended PD-R, Mr. Apple moved for approval. The request is consistent with the adopted land plan, compatible with the surrounding zoning and is being proposed in the public interest through the provision of new housing opportunities. The Plan designates the area as low-density residential which is consistent with the request. The

PD-R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The PD-R District also accommodates neighborhood business and office uses which primarily serve nearby residents. It is reasonable and in the public interest that the site is located surrounded by low-density residential uses and provides for future housing opportunities. The motion was seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Alexander, Geter, Mann, Apple, Burnett. Nays: None.)

REZONING CASE #17-08-GCPL-04126: AG-SP to GB

Located at the terminus of Fairway Run Drive in the Country Hills Estates subdivision in Madison Township. Being a portion of Guilford County Tax Parcel Number 0111767. Approximately 4.6 acres owned by Bryant Properties.

(DENIED)

Mr. Apple asked to be recused from REZONING CASE #17-08-GCPL-04126 due to a conflict of interest. Ms. Burnett moved to recuse Mr. Apple from the case, seconded by Mr. Mann. The Board voted unanimously to recuse Mr. Apple from this case. Mr. Apple left the room for the remainder of the case.

Mr. Eger read the case into the record. This is a request to rezone from Agriculture with a Special Use Permit to General Business located on approximately 4.6 acres. The Special Use Permit on the property that would be changed is for a driving range. A portion of the driving range would be converted into the GB zoning. The applicant is Chris Bryant. The property is located at the end of Fair Run Drive in the Country Hills Estates subdivision shown on Tax Map #0111767 in Madison Township. This request is in an area that is residential adjacent to the Country Hills Golf Course. Surrounding land uses are residential to the north; driving range to the south; golf course to the east and to the west is residential. The Land Use Plan for this area is the updated Northeast Area Plan. The recommendations of that plan offer Public Institutional/Open Space. This request is not consistent with the area plan and is not compatible with the surrounding residential uses. The proposed use is not consistent with the land use shown on the adopted Northeast Area Plan. It is in the public interest through the provision of future employment and activity center; however, it is not compatible with the adjacent residential uses. Staff recommends denial of this request. Approval of this request would open the property to a wide variety of incompatible uses adjacent to the residential neighborhood with the only access through the residentially zoned area. If this request is approved, a Land Use Plan must be recommended to the Guilford County Board of Commissioners.

Brooke Bryant, Bryant Properties, 2969 Huffine Mill Road, distributed packets of information to Board members. She provided a brief history of the property. When the Country Hills practice facility opened 17 years ago, Bryant Properties did not own adjacent property for an access road to be built. Therefore, an entrance entering from Fairway Run Drive through Country Hills Village subdivision was established. The clubhouse, located in the practice facility, was staffed and operated from 8:00 a.m. until 10:00 p.m. seven days a week and ballfield lights were turned off every evening. As homes began filling up on Fairway Run Drive it was decided to decrease hours of operation closing at dark as a friendly gesture to the homeowners. The practice facility remained open and customers would purchase range balls at Country Hills Golf Course and drive their vehicles through Country Hills Village. Increased traffic flow and increased speeding through the subdivision became a concern as many children lived in the area and parents were worried for their safety. Speed limit signs were posted. Through the years, Bryant Properties has purchased adjoining land for the purpose of permanently closing the entrance from Fairway Run Drive and building an access road through Country Hills Golf Course where only golf carts can enter Country Hills practice facility. Bryant Properties owns six pieces of property around the site consisting of approximately 250 acres. They are proud of their community and have no intention of jeopardizing the area through improper zoning. Three

months ago the entrance located at Fairway Run Drive was gated and permanently locked eliminating all traffic entering through the subdivision. An access drive has been built connecting Country Hills Golf Course with Country Hills Practice Facility. Only golf carts can travel down this road to enter the practice facility. Customers must purchase range balls at the golf course and drive the golf cart to the practice facility using the access road. They would like to add a fitness facility as a perk to the practice facility and community. Hours of operation would run from daylight to dark, the same as the golf course. She reiterated that the entrance into Fair Run Drive has been closed. They plan to add a turn-around at the dead end for garbage trucks, school buses, etc. Before closing the entrance, traffic was using their private parking lot for that purpose.

Bryant Properties has spoken with several homeowners living in the subdivision who have noticed a substantial decrease in traffic since the entrance closure and they are pleased with this outcome. Country Hills practice facility is located at a dead end road and is very secluded. Bryant Properties owns all adjoining properties except for one parcel whose owner who accepts the request. Members are in receipt of a list of witnessed and notarized signatures of all adjoining property owners indicating their approval. Chris Bryant personally visited with each property owner and all were receptive and positive toward the request.

Ms. Bryant stated that they are not requesting rezoning for the reason to resell. They are in the purchasing business and not in the reselling business. She and her brother would like to build homes in the future on the adjoining land that has been acquired. Several members of the Bryant family live next door to this property and they plan to keep the neighborhood friendly and compatible. The entrance located at Fairway Run Drive will remain closed.

Ms. Bryant felt that rezoning to GB would be less intrusive. Under current zoning the business can remain open until 10 p.m. with ball field lights turned on shining into homes and all traffic entering into Fairway Run Drive. With this request to rezone to GB, the business will close at dark or before, lights will be turned off and absolutely no traffic will enter through Fairway Run Drive. This will create a safer environment for children and their families.

Chris Bryant, 2969 Huffine Mill Road, responded to questions from the Board and said that the hours for the fitness center would have the same hours as the golf course from daylight until dark. Under the current zoning there is a condition that the operation could be until 10:00 p.m. with the lights on. He noted that Forest Oaks and several more clubs in town have fitness centers in their golf course clubhouse. The only difference is that they are asking for the fitness center to be located in the driving range clubhouse. The building is there and has sat vacant and could be utilized instead of adding on to their golf course club house. He clarified for Chair Jones that the only thing being requested is for a fitness center to be put in the clubhouse for the driving range. Mr. Geter asked if there would be any expansion of the driving range clubhouse and Mr. Bryant said that there would not be an expansion of the facility. Access to the facility would be only with a golf cart. Mr. Bryant reached out to all adjoining property owners and spoke with the Homeowners Association and everyone he spoke with supports the request.

In Opposition:

None.

Members asked Mr. Eger to explain why staff recommends denial of this request. Mr. Eger stated that this is a straight GB rezoning with no conditions being offered. If approved, all uses under GB which are not compatible with a residential neighborhood could go on this property. There has to be access to a public road to run a business. There cannot be a cart path coming from across another

property. There must be handicapped accessibility to the property and this cannot be accomplished with a golf cart on a cart path.

Mr. Eger confirmed for Chair Jones that Fairway Run Drive running up to this location is still open. Mr. Bryant has put a gate across the parking lot entrance.

Mr. Bryant commented that this is about a mile from a major thoroughfare. There are no businesses that can realistically function at this location. Only what is being proposed will work because it is being tied back to the golf course.

Chair Jones asked if the Special Use Permit would have to be amended if this request is approved. Mr. Eger explained that there are no conditions applied to this. This is a straight GB rezoning. The property was assigned a Special Use Permit for this use, which is a golf course driving range. However, there are other uses in straight AG zoning that could go in there. They do not have to follow the Special Use Permit. When a Special Use Permit is approved and there is AG property, the owners do not have to follow the Special Use Permit and could turn the property into a farm.

Mr. Bryant commented that the driving range will stay Special Use.

Chair Jones asked if the use of the building in its current zoning with an amendment to Special Use Permit allows for the use of an athletic center. Mr. Eger said that the use could not occur in the AG district.

In terms of any use under General Business and not doing this as conditional to limit it to uses as a driving range and an athletic facility, Chair Jones asked Mr. Bryant if there was any reason he was asking for that flexibility for General Business with no conditions. Mr. Bryant said that a fitness center comes under GB but Mr. Eger recommended Highway zoning. Mr. Bryant felt General Business would be a better zoning district than Highway. Mr. Eger clarified that he recommended Highway when he first saw this property which was a different application. Once he found out it was not located the way he thought it was, as originally shown to him in an application, he did not recommend for anything. He recommended that if they did anything, they should request conditional zoning.

Mr. Bryant commented that the neighbors are supportive of this request and noted community support because traffic is being taken away.

Responding to a question from Mr. Mann, Mr. Eger said that he spoke with the applicant about doing a conditional zoning but they wanted to do GB instead. Mr. Mann asked Mr. Bryant why he did not want to do conditional zoning. Mr. Bryant said that they own many properties in Guilford County and if they wanted to put up a commercial business, they have a lot of land to do so. They have had to put conditions on various properties in the past that did not work. He felt that this rezoning request fits very well on this property.

If approved, Mr. Alexander asked if there were any requirements for emergency services to be able to get there. He asked if a vehicle would have to go through the gate and access the golf cart road. Jerry Coble, Fire Marshall's Office, said that an access must be provided for the fire department and EMS that was not on the cart path. The gate could stay there but access must be provided and the drive would have to stay there. Mr. Bryant said that he called the local fire station and offered them a key to the gate for emergency access.

There being no other speakers, Mr. Mann moved to close the public hearing, seconded by Ms. Burnett. The Board voted 5-0-1 in favor of the motion. (Ayes: Jones, Mann, Geter, Burnett, Alexander. Nays: None. Abstain: Apple.)

Ms. Burnett commented that she did not understand why the applicant did not request conditional zoning. If the property is sold in the future, any type of use under GB could be put on the property.

Following discussion, Chair Jones summarized that it seems to be the consensus that members could generally agree with this request if there were some conditions placed on it. The concept that somebody in the future could open this up to uses that are very incompatible to residential is concerning. The Board could hear a new request at a future date for conditional zoning that might be able to be approved.

In the matter of **REZONING CASE #17-08-GCPL-04126**, Mr. Mann moved to deny this zoning amendment located on a portion of Guilford County Tax Map Parcel 0111767 from AG-SP to GB because the amendment is not consistent with the applicable plans because (1) the proposed zoning is not consistent with the use shown on the adopted Northeast Area Plan, and (2) the request is in the public interest through the provision of future employment and activity center; however, it is not compatible with the adjacent residential uses. The motion was seconded by Mr. Alexander. The Board voted 5-0-1 in favor of the motion. (Ayes: Jones, Mann, Geter, Burnett, Alexander. Nays: None. Abstain: Apple.)

Mr. Mann moved to allow Mr. Apple to rejoin the meeting, seconded by Mr. Alexander. The Board voted unanimously in favor of the motion and Mr. Apple rejoined the Board for the remainder of the meeting.

REZONING CASE #17-09-GCPL-04796: AG-SR & RS-40-SR TO CZ-LI-SR

Located approximately 2,265 feet northwest of the intersection of South Holden Road and Bishop Road in Sumner Township. Being a portion of Guilford County Tax Parcel Number 0142503. Approximately 1.26 acres owned by John and Elvira Passarino and Janet and MC Bartlett. **(APPROVED)**

Paul Lowe, Guilford County Planning Department, read the case into the record. He stated that this is a request to rezone approximately 1.26 acres on a portion of Tax Parcel #0142503. The proposed use condition is for no billboards. Existing land uses on the property are vacant and salvage yard on a portion of the property not included in the request. Surrounding uses include residential/industrial to the north; distribution/industrial to the south; vacant/transitional residential to the east and auto salvage yard to the west. This property is in the Southern Guilford Area Plan that was updated in 2016. The plan recommends Light Industrial. This request is consistent with the Area Plan, compatible with the surrounding uses and is being requested in the public interest through the provision of a future business to provide services and employment opportunities. (1) The Plan designates the area as Light Industrial which is consistent with this request; (2) The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties; (3) It is reasonable and in the public interest as the site is located on South Holden Road in an area that is a mixture of industrial and several transitional low-density residential uses and; (4) It will provide services and employment opportunities for the area, Staff is recommending approval of this request. If approved, no Land Use Plan amendment for this request would be required.

Juhann Waller, 7-L Dundas Circle, JC Waller and Associates, was speaking on behalf of the property owners. They desire to rezone the property so they can use an automotive repair shop on their property. The site is surrounded by industrial uses. The owners have reached out to all surrounding property owners and have heard no comments in opposition to their proposal. He clarified for Chair

Jones that the only condition on this request is that there are no billboards. The site is recommended for industrial use on the area plan.

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

In the matter of **REZONING CASE #17-08-GCPL-04796**, Mr. Geter moved to approve this zoning amendment located on a portion of Guilford County Tax Map Parcel 0142503 from AG and RS-40 to CZ-LI which will permit the occupant to develop the site for potential business and industrial uses. This request is consistent with the Area Plan, compatible with surrounding uses and is being requested in the public interest through the provision of a future business to provide services and employment opportunities. (1) The Plan designates the area as Light Industrial which is consistent with this request; (2) The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties; (3) It is reasonable and in the public interest as the site is located on South Holden Road in an area that is a mixture of industrial and several transitional low-density residential uses; and (4) It will provide services and employment opportunities for the area. The motion was seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Mann, Apple, Geter, Burnett, Alexander. Nays: None.)

REZONING CASE #17-09-GCPL-04789: AG AND RS-40 to CZ-RS-30

Located approximately 4,350 feet north of the intersection of Alcorn Road and NC Hwy 68 in Bruce Township. Being a portion of Guilford County Tax Parcel Number 0167292.

Approximately 80 acres owned by Gregory L. Gorham.

(APPROVED)

Mr. Eger read the case into the record. This is a case to rezone approximately 80 acres from AG and RS-40 to CZ-RS-30. Conditions that apply to this request include that it will be limited to a maximum of 80 residential lots. The property is owned by Gregory L. Gorham and is located approximately 4,350 feet north of the intersection of Alcorn Road and NC Highway 68 in Bruce Township, being Guilford County Tax Parcel #0167292. The request is in an area that is a mixture of low-density residential. The existing land use on the property is vacant. Surrounding uses are vacant/residential to the north, residential to the south, Outer Loop to the east, and residential to the west. The adopted Land Use Plan for this area is the Airport Area Plan updated in 2008 that recommends this area be approved for low-density residential. This request is consistent with the adopted Land Use Plan, compatible with the surrounding zoning and is being proposed in the public interest through the provision of new housing opportunities. (1) The Plan designates the area as low-density residential which is consistent with the request; (2) The RS-30, Residential Single-Family District, is primarily intended to accommodate low-density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less; (3) It is reasonable and in the public interest that the site is located surrounded by low-density residential, vacant and transportation uses; and (4) it provides for future housing opportunities. Staff recommends approval of this request. The CZ-RS-30 request is for residential uses envisioned with the Airport Area Plan and is compatible with the surrounding uses. If approved, no new Land Use Plan amendment for this request will be required.

Amanda Hodierna, Attorney, 804 Green Valley Road, was representing Leoterra Development. She distributed packets of information to Board members. Leoterra Development is the contract purchaser

for this property. The request is to rezone approximately 80 acres from a split zoning of Agricultural RS-40 to Conditional Zoning RS-30. This request is just for the western most 80 acres as pointed out on a map before the Board. The intended use for the property is for a single-family residential subdivision. Two zoning conditions were submitted with the application. The first condition limits the use to single-family dwellings and the second limits the maximum number of lots to eighty. She reviewed an illustrative rendering of the project and noted that there is a floodplain to the northwest. The layout of the lots allows for this sensitive area to be maintained. The proposed RS-30 zoning is really a tool to allow for more flexibility and design for more efficient layout of the lots. The illustrative layout has not yet been through the County's rigorous review. If approved tonight, the owner will submit a full Engineer's Subdivision Plan that would go through the review process. That process would include review by NCDOT and would require their approvals for all access points. She reviewed maps of the area and stated that the proposal is compatible with the area and is the highest and best use for a piece of property that directly abuts a major interstate. She felt that the proposed thoughtfully designed low-density residential subdivision was a good fit.

A letter was sent to surrounding property owners based on the County's mailing list. Several recipients of the letter did reach out with questions about the eastern portion of the property, site layout, and access points.

Mr. Geter asked about the amount of wetland acreage on the site. Brad Coe, 582 Saddle Chase Lane, Winston Salem, North Carolina, said that a preliminary wetlands evaluation was done. He said that although there are floodplains, wetlands are limited. He estimated that the amount of wetlands is less than an acre. The illustrative rendering shows their intention to put the sensitive environmental areas in common open spaces as much as possible.

Ms. Hoderne stated that this site has been placed on a conceptual layout for a Greenway that connects Greensboro all the way up to Winston Salem. Her client sees this as an added amenity and would welcome a discussion about the Greenway at the appropriate time.

In Opposition:

Joe Wyatt, 5686 Falkirk Drive, stated that his concern was with the eastern portion of the site that is not under development. He asked if they were seeking deed separation for that portion. Ms. Hoderne said that at closing there will be a deed that only conveys the western portion. The zoning of the eastern portion will not change.

Donna Moran, 4910 Golden Acres Road, Oak Ridge, North Carolina, lives across the street from the property that is for sale. She said that a temple bought nine acres of property off of Alcorn Road last May. They hope to build a large temple, catering hall, auditorium and tennis courts which will abut the back yards of the first nine acres of houses on Golden Acres Road. The property was zoned as AG. There will be a lot of traffic from the temple with people coming and going at all hours. Now across the street from Golden Acres eighty houses are being built by changing the zoning. She said that a Traffic Impact Study must be done as Alcorn Road will become very congested. The additional houses alone will add at least 200 cars to the road and the temple will add even more. Congestion will be at all times of the day and not just when school begins and lets out. She expressed additional concern about well water and felt that a study should be conducted. In addition, she said that the children from the new houses will attend Oak Ridge schools. She questioned if the schools in Oak Ridge can handle the influx of so many new students or if new schools will need to be built.

Rebuttal in Support:

Ms. Hodiernne said that this submittal did not register to a level requiring a Traffic Impact Study. Traffic and safety will be a large factor in the evaluation made by NCDOT during the process.

Mr. Wyatt said that he has exchanged emails with Mr. Wilson at NCDOT. They have reviewed the volume of vehicles per day and may or may not require road improvements such as turning lanes based on the site design. Mr. Wilson is well aware of the traffic situation and the developer plans to work closely with him at the appropriate time.

Ms. Burnett noted that the schools are already at maximum capacity. She asked if any consideration had been given to the school situation and the influx of new students from the proposed housing. Mr. Wyatt said that he has no knowledge concerning studies that were done about school capacity.

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

In the matter of **REZONING CASE #17-09-GCPL-04789**, Mr. Alexander moved to approve this zoning amendment located on a portion of Guilford County Tax Map Parcel 0167292 from AG and RS-40 to CZ-RS-30 because the amendment is consistent with applicable plans because (1) The Plan designates the area as Low-Density Residential which is consistent with this request and also the RS-30, Residential Single-Family District is primarily intended to accommodate low-density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less. (2) The amendment is reasonable and in the public interest because it is reasonable and in the public interest at the site and is located surrounded by low-density residential, vacant and transportation uses; and provides for future housing opportunities. The motion was seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Mann, Apple, Geter, Burnett, Alexander. Nays: None.)

TEXT AMENDMENT CASE #17-09-GCPL-04839: FLOOD DAMAGE PREVENTION ORDINANCE - AMENDMENTS TO GUILFORD COUNTY DEVELOPMENT ORDINANCE SECTIONS 2-1. DEFINITIONS; 3-3.5 FLOODPLAIN DEVELOPMENT PERMIT; 9-5.9 FLOOD HAZARD APPEALS; 8-3.3 ORDER OF CORRECTIVE ACTION; AND 7-5 FLOOD DAMAGE PREVENTION.

The Guilford County Planning Board will hold a legislative public hearing to adopt revisions to the Guilford County Flood Damage Prevention Ordinance. These proposed revisions reflect updated flood map panels and these updates to the Flood Damage Prevention Ordinance are required by FEMA in order for Guilford County to remain eligible in the National Flood Insurance Program.

(FAVORABLE RECOMMENDATION TO COUNTY COMMISSIONERS)

Frank Park, Guilford County Floodplains Administrator, gave a PowerPoint presentation on the mandatory revised 2017 NC Model Flood Damage Prevention Ordinance. The Ordinance is required by FEMA (Federal Emergency Management Agency) in order for Guilford County to remain eligible in the National Floodplain Insurance Program. In addition, the Ordinance must be adopted to maintain lower flood insurance rates and to maintain Community Rating System Points for community wide insurance discounts. Guilford County must adopt the 2017 NC Model Flood Damage Prevention Ordinance before November 11, 2017 due to the Alamance County Map Updates. Mr. Park reviewed

the added Elevation Certificates changes to the document in Sections 7-5.12 and 3-3.5 and noted that three Elevation Certificates are now required in the Ordinance. This change is mandatory for CRS (Community Rating System) participants and Guilford County is a CRS participant. The Community Rating System is a voluntary community program and is another way to reduce the cost of flood insurance policies.

Mr. Park reviewed the summary of proposed Ordinance changes included in five sections as follows: Section 2-1 Definition; Section 3-3.5 Flood Plain Development Permit; Section 7-5 Flood Damage Prevention; 8-3.3 Order of Corrective Action; and Section 9-5.9 Flood Hazard Appeals.

Mr. Mann asked if this impacted any real estate, residential, or commercial property more than what is currently in place. Mr. Park said that this must be adopted due to changes in the Alamance County Map. Most of the impact will be in Alamance County. Very little change will be felt in Guilford County.

Chair Jones moved to recommend approval of this item to the County Commissioners, seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Mann, Apple, Geter, Burnett, Alexander. Nays: None.)

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Frankie Jones, Chairman

Leslie P. Eger, Secretary to the Board

FJ:sm/jd