

**Guilford County
Planning Board
AUGUST 12, 2015**

The Guilford County Planning Board met on Wednesday, July 8, 2015 at 6:00 p.m. in the Blue Room, First Floor of the Old Guilford County Courthouse, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Mr. Collins, Chairman; Mr. Apple; Mr. Jones; Mr. Mann; Mr. Geter; Mr. Alexander; Mr. Leonard; Mr. Cannon.

Members Absent: Ms. Gibson.

Staff Present: Les Eger, Oliver Bass, and Tonya Hodgin, Planning Department. Also present was J. Leslie Bell, Guilford County Planning Director.

AGENDA AMENDMENTS:

Mr. Eger stated that Rezoning Case **#15-06-GCPL-02808** (AG to CU-RS-40) has to be continued until the September 9, 2015 Planning Board hearing. The case must be continued due to the fact that an appeal of a waiver was received to allow three lots to front onto Bethel Church Road. The appeal must be heard by the Planning Board before the zoning case can be heard because the conditions of the zoning case were based on the waiver granted through the Technical Review Committee (TRC).

Chair Collins asked if there was anyone present in the audience for this rezoning case. Audience members who were present for this case indicated that they were aware there might be a possibility for a continuance. Chair Collins explained that the appeal to TRC must be taken up before the case can be heard by the Planning Board. The case must automatically be postponed until the next meeting on September 9, 2015.

Mr. Leonard moved to continue Rezoning Case **#15-06-GCPL-02808** until the September 9, 2015 hearing, seconded by Mr. Cannon. The Board voted 7-0 in favor of the motion. (Ayes: Collins, Apple, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

APPROVAL OF MINUTES:

(1) July 8, 2015 Regular Meeting Minutes

Mr. Mann moved approval of the July 8, 2015 regular meeting minutes as written, seconded by Mr. Apple. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Collins, Apple, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

Chair Collins reviewed the rules and procedures of the Guilford County Planning Board.

Mr. Geter joined the meeting at 6:06 p.m.

PUBLIC HEARING ITEMS:**RESOLUTION OF INTENT ROAD CLOSING CASE #15-07-GCPL-03472:**

BEING that portion of Peeden Drive (SR #2810) extending approximately 580 feet south from the terminus of Peeden Drive, Rock Creek Township, and Guilford County. **Requested action is to set date for Public Hearing on September 9, 2015.**

Mr. Eger explained that this case is to set up a Resolution of Intent for a Public Hearing in the month of September. State statutes require that in order to do a road closing, there must first be a meeting announcing the intent to have a road closing case the following month. There are two of these cases tonight. The first case, **#15-07-GCPL-03472**, is for the terminus of Peeden Drive. They are requesting to have a Public Hearing set for September 9, 2015. The second case, **#15-06-GCPL-02810**, is to have a portion of a 60' right-of-way closed within a subdivision on a number of streets within the subdivision. These streets are Horse Farm Road, Deep Valley Road, and Rush Springs Road within the Woodvale Subdivision. He explained that DOT (Department of Transportation) used to require that public road right-of-ways had to be 60'. That standard was changed in the 1990's. This was platted at 60' and the developer and property owners wish to bring it down to 50' on either side of the road. This would represent a reduction of 10' or 5' on either side.

In both of these cases a vote must be taken by the Planning Board to set a Public Hearing for the September 9, 2015 meeting.

In the matter of Case # **#15-07-GCPL-03472**, Mr. Apple moved to set a Public Hearing at the Guilford County Planning Board meeting on September 9, 2015, seconded by Mr. Alexander. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Geter, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

RESOLUTION OF INTENT ROAD CLOSING CASE #15-06-GCPL-02810:

BEING that portion of Horse Farm Road, Deep Valley Road and Rush Springs Road in the Woodvale Subdivision recorded in Plat Books 70-7, 109-94, 108-73, 115-116, and 99-113. The closure involves reducing the dedicated roadway widths from sixty feet (60') to fifty feet (50') along the entire alignment of said roads in Bruce Township; Guilford County. **Requested action is to set date for Public Hearing on September 9, 2015.**

In the matter of Case # **#15-06-GCPL-02810**, Mr. Cannon moved to set a Public Hearing at the Guilford County Planning Board meeting on September 9, 2015, seconded by Mr. Apple. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Geter, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

REZONING CASE #15-06-GCPL-02808: AG to CU-RS-40

Located at the southwest corner of the Dunn Road and Bethel Church Road intersection in Rock Creek Township. Being Guilford County Tax Parcel #0107655, approximately 24.35 acres owned by Earl Warrick. **(CONTINUED UNTIL SEPTEMBER 9, 2015 MEETING)**

REZONING CASE #15-07-GCPL-03468: RS-30 to CU-HB

Located on the north side of NC Highway 150 East approximately 1,000 feet east of US 29 North in Madison Township. Being Guilford County Tax Parcel 0114056, approximately 5.08 acres, owned by Jane Mitchell Cullen. **(APPROVED)**

Mr. Eger stated that this case is a request to rezone from Residential (RS-30) to Conditional Use-Highway Business (CU-HB) for approximately five acres. They are requesting for all uses to be permitted in the HB excluding construction demolition, debris landfills, and land clearing inert debris landfills, beneficial fills, and billboards. This request is in an area of the County that has a mixture of low density residential, commercial, farming and office uses. Existing land use on the property today is vacant. The surrounding uses to the north are US 29 North and a farm. To the south is low density residential, commercial, and office. To the east is farm, and to the west is a doctor's office and US 29 North. The land use plan for the area is the Northern Lakes Plan that was adopted in 2008. The plan recommended for Moderate Commercial zoning. This request is consistent with the adopted Northern Lakes Area Plan. The development standards of the Guilford County Development Ordinance would minimize impacts to the surrounding residential uses. The use is being proposed in the public interest by providing for future commercial uses. Staff recommends approval of this request. This approval will enable the applicant to develop the property for intended commercial uses within the Development Ordinance Permitted Use Table and those uses referenced in the application.

Chair Collins asked if there was any one present to speak on this request.

Pat Diamond, 1906 Swannanoa Drive, was present on behalf of Mark Rumley Enterprises, Inc., the applicant. Mr. Diamond introduced Mark Rumley, 5571 Turner Smith Road, and McLeansville, who is the applicant. Mr. Diamond stated that the proposed property is a few parcels away from the intersection of US Highway 29 and Highway 150 and it is a fairly odd shaped tract. Mr. Rumley is requesting that the County rezone this property to Conditional Use-Highway Business. It is intended to accommodate retail services along thoroughfares and it is established to provide a road access catering to customers who are passing along as motorists. Mr. Rumley has been in the business of selling small commercial utility trailers for the last 23 years and he would like to expand his business to include higher end flatbed utility trailers. There will be a fenced-in area to accommodate storage of his inventory. Mr. Rumley has already discussed his plan with the adjoining neighbors, particularly Doug Galyon, who owns the 64 acre tract just west of the property. Mr. Galyon has no objection to the plan or the rezoning request. The other land to the west of the subject property is already zoned as Highway Business and therefore, this request is consistent with what is in the vicinity. Mr. Rumley has acknowledged that the conditions in the application limit his use of the property and he plans to abide by those limitations.

There being no other speakers, Chair Collins closed the Public Hearing.

In the matter of Rezoning Case **#15-07-GCPL-03468**, Mr. Apple moved that the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Parcel # 0114056, from RS-30 to CD-HB, to be consistent with the adopted Northern Lakes Area Plan and considers the action reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Northern Lakes Area Plan Future Land Use Map, seconded by Mr. Mann. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Geter, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

REZONING CASE #15-07-GCPL-03467: RS-40 to AG

Located at the east side of Graystone Court approximately 1,400 feet south of the Graystone Court and Kivett Drive intersection in Sumner Township. Being Guilford County Tax Parcels #0144952 and #0144953, approximately 9.47 acres owned by Linda and Terry Kersey. **(APPROVED)**

Mr. Bass explained that this is a request to rezone approximately 9.5 acres of land from Residential (RS-40) to Agricultural (AG) in order to be consistent with the use of the property which is currently a working farm. The area is mostly characterized by low density residential and working farm as well. It is surrounded by either low density residential properties or vacant lands on large lots. This request affects

two parcels of land and is located within the Southern Guilford Area Plan which was updated in 2008. The plan recommends rural residential for that area. Staff finds the request to be consistent with the Southern Guilford Area Plan and recommends approval of the request based on consistency with the plan in terms of use and character of development.

Linda Kersey, 5432 Graystone Court, is the applicant. She requested that the property be changed from Residential to Agricultural. The previous owners changed the zoning to Residential from Agricultural because they hoped to break the land up into units that could handle single-family homes. Ms. Kersey would like to change the zoning back because they only want to use the land for agricultural purposes. She pointed out adjacent parcels that she owns with her husband already zoned for Agricultural use. They are requesting this rezoning to Agricultural to be consistent with the rest of their property in the area. She has spoken with neighbors and has not heard any objection to the rezoning.

There being no other speakers, Chair Collins closed the Public Hearing.

In the matter of Rezoning Case **#15-07-GCPL-003467**, Mr. Mann moved that the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Parcel # 0144952, from RS-40 to AG, to be consistent with the adopted Southern Guilford Area Plan and considers the action reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Southern Guilford Area Plan Future Land Use Map, seconded by Mr. Apple. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Geter, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

ROAD RENAMING CASE #15-07-GCPL-03470

Renaming of previously named Peggy Lane to a new name: Phillips Cobb Lane, located to the west of McLeansville Road and Peggy Lane intersection in Jefferson Township. **(APPROVED)**

Mr. Eger explained that the applicant is requesting to rename Peggy Lane to Phillips Cobb Lane. This renaming is in response to a request from owners of properties adjacent to Peggy Lane. Mr. Eger stated he is in receipt of the 51 percent or more of the signatures of residents on the road required for this request to be accepted. He has also received a letter from one of the signers indicating they were not in opposition to the road renaming.

Casey Reed, 1944 Pavilion Drive, Whitsett, North Carolina, stated that the intent of this request is to honor and memorialize his father-in law, James Phillips who has lived on the road since September, 1984. The road was previously named by his deceased uncle in honor of his wife, Peggy Cobb. Mr. Phillips has been diagnosed with ALS and the family would like the renamed road to serve as a symbol to remember the lifetime he spent in the McLeansville community. Mr. Phillips is well known throughout the community and has been an active member of the Lions Club and Mt. Pleasant United Methodist Church.

There being no other speakers, Chair Collins closed the Public Hearing.

In the matter of Case **#15-07-GCPL-003470**, Mr. Cannon moved to approve the road renaming from Peggy Lane to Phillips Cobb Lane, seconded by Mr. Mann. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Geter, Jones, Mann, Alexander, Leonard, Cannon. Nays: None.)

SPECIAL USE PERMIT CASE #15-06-GCPL-02809 (Private Club Recreational Facility, Other)

Located on the west side of Church Street approximately 300 feet north of Kellams Creek Court, in Center Grove Township, Being Guilford County Tax Parcels #0139373, 0139354, 0139374, and 0139375, approximately 32.06 acres owned by William Price, Evelyn Kellam, and Eddie McLauren.

(APPROVED)

Mr. Eger stated that this is a request for a Special Use Permit which is considered a Private Club Recreational Facility, Other in the County Development Ordinance. Staff does not recommend on Special Use Permit cases. The case is based on facts presented at the quasi-judicial hearing that requires people to be affirmed or sworn-in. There are findings that must be met during the case to make a final decision either to approve or deny.

This property is in a portion of the County for the Northern Lakes Plan that was adopted in 2008. The intended uses in this area are for Agricultural or Residential uses that accommodate residential uses, large lot residential subdivision developments, low-density residential subdivision developments not connected to public water and sewer with densities not to exceed two units per acre. Large major residential subdivisions are permitted in the AG rural residential areas which incorporate minimum design standard policies of the Land Use Plan. Anticipated land uses of the Land Use Plan for this area were for those uses permitted in the Agricultural district; the RS-40 district; the single-family RS-30 districts; Planned Unit Development residential districts; rural preservation districts including but not limited to institutional uses; recreational uses; and uses determined by the Guilford County Development Ordinance. Higher densities may be approved if there is a Rezoning Matrix in the area. There is no Rezoning Matrix for the area. As far as consistency with the Land Use Plan, the proposed Recreational use is permitted in the Agricultural district in this area with approval of a Special Use Permit.

During the Board's consideration of the Special Use Permit, the Planning Board must determine the following findings of fact have been satisfied based on relevant and credible evidence presented at this hearing: (1) The proposed use requires a Special Use Permit under the Development Ordinance; (2) The proposed conditions meet or exceed the development standards for all required conditions and specifications found in the Development Ordinance; (3) That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding uses; (4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board: (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted; (b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and (c) 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 in general conformity with the plan of development of the Jurisdiction and its environs.

After reviewing this request, staff offers the following facts for the Board's consideration: (1) The Club Recreational Facility, Other is represented by an "S" in the Guilford County Development Ordinance table of permitted uses; (2) Proposed site plan conditions of this request meet development standards of the Development Ordinance; and (3) The proposed Club Recreational Facility, Other as presented meet intended uses within the agricultural district with approval of a Special Use Permit. These three items are given facts that the Special Use Permit is designated in the Ordinance, that it meets the conditions of the Development Ordinance per the site plan, and that it can be approved if a Special Use Permit is approved with it.

Staff and members of the public wishing to speak were sworn as to their testimony in the following matters.

Mike Fox, 100 North Greene Street, is an Attorney representing the applicant, Eddie McLauren, of McLauren Farms. Mr. Fox distributed packets of information to Board members. He stated that the applicant, McLauren Farms, is present tonight to ratify an existing use on this property. He has been operating an attraction, Woods of Terror, on the site for more than 20 years. He has been operating that event on a Temporary Annual Event Permit that he gets every year. [Event permit as of August 12, 2015 has been applied for with status pending] He has already secured a permit for the current year. The County approached Mr. McLauren several years ago and suggested that he secure a Special Use Permit for this property to avoid having to deal with it every year. Additionally, there were some improvements that Mr. McLauren needed to make to come into compliance with the ordinance. This has been about a two-year process going through TRC to make changes and now everything has finally been agreed upon. One of the things that is odd about this request is that most Special Use Permits are effective on the date after any appeal period applies but in this case, they are asking the Board to make an effective date of January 1, 2016. A temporary permit has already been secured for this year and some site improvements will need to be made once the Special Use Permit is approved and he does not have time to make those improvements between now and when he opens. This year he would like to operate under the temporary permit which has already been granted by the County. [Applied for with status pending]

The applicant is asking for Private Club Recreational Facility, Other as suggested by the County to be consistent. Another attraction, Spooky Woods, came before this Board in 2009 and was granted a Special Use Permit almost identical to tonight's request. Mr. McLauren has been operating for over 20 years. Woods of Terror operates about 23 nights during any given year. McLauren Farms would like to hold other small seasonal events, as they have in the past. These events will not occur every weekend. Woods of Terror is the primary event.

A neighborhood meeting was held on the site on July 7, 2015 and letters were sent to everyone on the County's mailing list. Over 20 people attended the meeting. Concerns relating to noise and traffic were expressed by some neighbors at the meeting. It was noted that Mr. McLauren employs his own off-duty policemen to address any kind of traffic and safety issues that may arise. Mr. Fox pointed out that surrounding neighborhoods have been built around the site since Woods of Terror began 20 years ago. Mr. McLauren has tried to be proactive reaching out to neighbors. Neighbors have been given his cell phone number so that he can be reached at any time during an event if there are any concerns. He has been very responsive about addressing noise concerns and wants to be a good neighbor. Mr. McLauren has requested emails of surrounding neighbors so that he can keep them informed of events. All neighbors are invited to attend events free of charge.

Mr. Fox referred to a letter from Stewart Acoustical Consultants as distributed in the informational packets. Mr. Stewart, a noise expert, was engaged to tour the site and review audio from previous events. It was noted in the letter that Mr. McLauren had already taken actions to reduce noise leaving the site. He pumps white noise into the site to lower the distinction between some of the sounds and he uses the smallest speakers possible and directs them to the ground. The letter commended Mr. McLauren for his efforts and also gave some recommendations to further reduce noise.

Mr. Fox addressed the potential impact on any neighboring property values. A licensed appraiser, Rich Kirkland, was hired to determine if the use is likely to affect property values in the area. Rich Kirkland, 9408 Northfield Court, Raleigh, North Carolina, is a commercial certified appraiser. He stated his professional opinion that this is not going to have any impact on adjoining property values. This represents a continuation of an existing use that has been around for 20 years. He visited other haunted forest attractions around North Carolina where suburbs have come up to the site of the event over the

years and determined that Woods of Terror is similar and consistent with other trails in the area. He described the criteria used for evaluating impact including hazardous materials, odor, noise, stormwater, traffic, and stigma. Only noise and traffic are relevant criteria at this site and these issues are being addressed. He reiterated that there is no impact on adjoining property values and this is a consistent and harmonious use.

Mr. Fox stated that Johan Waller, Engineer, worked extensively with the County to make sure that the site plan would comply with all ordinances and regulations. The footprint of the attraction itself is the same as it has always been. Mr. Waller addressed water and sewer, parking, and restrooms on the site plan.

Juhann Waller, 780 Dundas Circle, responded to questions and indicated that there are a few permanent structures on the property. There are several single-family residential dwelling units on the property as well as several shed-type structures that are used with the attraction event. He said that the attractions are located in the woods and it is difficult to see them from Church Street.

Mr. Fox referred to the distributed information and noted numerous letters of support from business partners, local businesses, a nearby church, and others. This enterprise supports the local economy and has for many years. There are approximately 175 seasonal employees. Seasonal employees of the attraction who were in the audience stood to be recognized for their support of the request.

Mr. Fox stated that there is no evidence that the use will endanger the public health or safety. It is a seasonal attraction and appropriate measures for traffic and crowd control have been taken. No alcohol is sold on the site. Much effort has been made on parking and safety. Mr. Kirkland addressed the matter of property value and testified that this was a harmonious use and stated his opinion that this use will not diminish property values. In addition, Mr. Fox felt that they do meet the long range plan. Attractions of this type are normally found in rural/residential areas such as this one. He pointed out that many of the conditions attached to the application are identical to what was approved for Spooky Woods. Condition 5 states that the event shall end no later than 1:00 a.m. and ticket sales will end no later than midnight because it takes about an hour to get through the attraction. He noted that they must still comply with the County's Noise Ordinance.

Responding to questions, Mr. Fox said that the property is primarily used as a residence during the rest of the year. Mr. McLauren sells wood and occasionally has other events at the site such as an Easter Egg Hunt and benefit concerts. The site is not actively farmed although there is a corn field that is part of the attraction. Mr. Waller explained that there are three parking lots with a total of approximately 450 parking spaces. Currently the majority of the existing parking area is grass; however, gravel will be added to a portion of the parking area as part of the ordinance for other events at the site. The remaining 300 plus grassed parking spaces are allowed as overflow parking for this one-time event or any event where more spaces are needed than the graveled area provides. Mr. Eger confirmed that for the one-time event, approximately 100 permanent graveled spaces are required in addition to handicapped spaces. Mr. McLauren has no plans for any permanent events.

Ed Peeples, 5598 North Church Street, stated that he is employed by Mr. McLauren. He has learned a lot about leadership from him and McLauren Farm has given a lot of people a home and something positive to do with their time. He was supportive of the request.

David Moore, 4249 Crooked Creek Road, Climax, North Carolina is the acting coordinator at Woods of Terror and he is also a retired law enforcement officer. He manages approximately 100 actors that are employed at the site. He spoke positively about the character of Mr. McLauren. He said that Woods of Terror is not just an attraction but it is a home and a family to anyone who wanted to work there.

Darius Harris, 3417 Regents Park Lane, spoke in support of the request. He spoke positively about Mr. McLauren's character and his many positive experiences while working at Woods of Terror.

Tony Collins, 358 Carlisle Park Drive, Kernersville, North Carolina, was present on behalf of his son who works at the Woods of Terror. His son, Joe, could not be present due to another work commitment. He read a statement from his son in support of the Woods of Terror.

Devin Sowers, 7960 Troxler Mill Road, Gibsonville, North Carolina, is head of maintenance at the Woods of Terror. He indicated that concerns of neighbors are always addressed and he gave examples of those efforts. He said that their main concern is for the safety of patrons and employees. They are continuing to work on addressing the noise issue.

Speakers in Opposition:

Marsh Prause, 380 Knollwood Street, Winston Salem, North Carolina, is an Attorney representing Kellams Creek 7 LLC. His client is the developer of a subdivision near this commercial enterprise.

Packets of information were distributed to Board members.

Mr. Prause stated that this meeting is not a referendum on Mr. McLauren's character; rather, it is a quasi-judicial hearing on evidence that relates to this land use and whether or not it is in harmony with the surroundings and the potential impacts it can have on property values on neighboring properties.

Drone footage was shown of surrounding properties and the subject property. He stated that there are multiple applicants for the Special Use Permit in addition to Mr. McLauren. Although they were not present, he assumed they were also in support of the request. He pointed out a site that was cleared for employee parking for the Woods of Terror that encroached his client's property because it was so close by.

Mr. Prause said that Woods of Terror is immediately north of his client's property. Parking on the site has evolved over the last five years. There are approximately 15 attractions on the Woods of Terror site that are advertised throughout the state of North Carolina. This is a heavy commercial use that is having a detrimental impact on neighboring property values. He explained that even though a Special Use Permit may be issued, this is an overlay and the underlying zoning is important. Woods of Terror has grown over the years from a five event attraction to a series of 15 attractions. Based on website information, this season the facilities will be open as the Woods of Terror for 24 nights but that is really over a period of 50 days spanning from September until November. On peak nights, more than 4,000 people attend this amusement park. The traffic is very bad during the time that the event is operating. Church Street in this area is a two-lane winding road with limited right-of-way and cannot handle the heavy traffic. He estimated that on peak nights there are as many as 2,000 cars coming and going which equates to 4,000 trips. The impact is increased when added to the 5,300 estimated base trips per day. Efforts are made to control the traffic but it is a bad situation for people who need to get through Church Street to access their homes. The parking overflows into the front yards of people who live nearby who make money charging people to park in their front yard. Accidents could result from these people crossing Church Street to get to the event. Mr. Prause noted that strobe lights are used as well as amplified noise and there are resulting screams emanating from the site. Nearby homeowners have already had problems marketing their homes. He pointed out that there are also merchandise and food sales at this event and numerous building permits have been issued for electrical extensions.

Mr. Prause commented Mr. McLauren has asked to operate under a temporary permit but a temporary permit is only good for 30 days. The event goes for 50 days but has been operating under a 30-day permit. They plan to bring this matter up with Planning Department staff. He urged members to notice

that one site plan was submitted with the Special Use Permit and another site plan was submitted with the Temporary Event Permit. One plan shows the installation of a septic system, a drinking water well, and other facilities. He questioned if Woods of Terror is still expanding their facility. To show how commercial this property is, he pointed out that there are six to eight parking spaces provided for buses.

Mr. Prause questioned how this can be classified as a recreational facility for purposes of the permit. He felt that this is an amusement park and according to OSHA, amusement parks are defined as establishments which group together and operate a number of attractions. In addition, expanding the hours of the facility with the Special Use Permit until 1:00 a.m. is problematic for neighboring families trying to put their children to bed. He stated that Woods of Terror is not a haunted house and he reiterated that this is a commercial use. Items on the list of allowed uses for Private Club Recreational Facility are not nearly as impactful as Woods of Terror.

He stated that the purpose of the district is to discourage isolated commercial development. From his perspective, this Special Use Permit is inconsistent with that purpose. He contended that the proposed use will impact the value of surrounding properties and noted that there are serious marketing challenges being faced by developers to get buyers for homes that are near Woods of Terror. In addition, he contended that this is not in harmony with the proposed area. He referred to the 2011 denial of a Special Use Permit for Twister Trail by the County Commission and said that there is precedence for disallowing these permits for haunted trails.

Tom Hall, 5603 New Garden Village, is with Windsor Homes. Windsor Homes is currently buying lots and building homes in the neighborhood south of the Woods of Terror facility. The facility is a detriment and concern of prospective home buyers. They express concern about the facility itself, potential future expansion, and the expansion of operating hours. Sales have been slow which has forced Windsor Homes to lower their home prices. This area is dynamic and continues to change to an increasingly residential environment. This facility does not meet the standards for approval. It's a nuisance for traffic, noise, and potential safety issues. He asked the Board to consider the significant demand for residential growth in this area now and in the future.

Herb Parks, 7-B Corporate Center Court, stated that he does not object to what Mr. McLauren is doing. However, the attraction has grown from a small operation to a huge operation and is not in harmony with the area. Had the attraction remained small, property values would probably not have been effected. Woods of Terror has outgrown the area. Development in the area will continue. When the adjacent property was purchased for development, Woods of Terror was 10 acres. It began expanding during the development of Kellams Creek. He noted that approximately 285 homes will be built in this general area which will put an additional burden on Church Street and no traffic study has been done on this site. He concluded that Mr. McLauren's event has outgrown the usefulness of that piece of property.

Ann Somers, 5631 North Church Street, stated that she was also representing her neighbor, Charles Hanson, who resides at 5641 North Church Street. She has lived in the neighborhood for over 35 years. She stated her opinion that the event has grown and has now gotten out of hand. It is not in harmony or in character with the rural neighborhood. She felt that no one would want to buy property next to an entertainment center. She commented that she did not receive an invitation to the neighborhood meeting that was held.

Chair Collins called a brief recess at 8:02 p.m. The meeting resumed at 8:10 p.m.

Rebuttal in Support:

Mr. Fox clarified numerous points brought up by those opposed to the request. He explained that the applicants are Mr. McLauren's relatives. The house he purchased at such a discounted price was a family house that was inherited. The purchase price was low because he bought his sister's share of the home. Regarding the encroachment of the parking lot, the other side of the property line was disturbed while the lot was being graded. Once Mr. McLauren realized this, he fixed the problem. The parking lot is not inches from the property line; rather, it is 25 feet away. Addressing the traffic issue, Mr. Fox said that since Church Street is a state road, Mr. McLauren was granted a driveway permit from NCDOT who indicated that no turning lanes would be required at that time. They did indicate that law enforcement would be needed for the hours of operation which has been provided by Mr. McLauren. NCDOT felt that there were no problems with traffic. Regarding the parking problem, Mr. McLauren was unaware there was a problem in the new development. None of the property owners called him to inform him of a problem so it could be resolved. Mr. Fox pointed out that the Planning Department suggested that McLauren Farms should apply as a Recreational Facility. Staff analyzed an exact same use, Spooky Woods, which was granted a Special Use Permit for Recreational Facility. Mr. Fox also pointed out that Woods of Terror has been the same for the last 10 years and was well known when the new homes were being planned.

Eddie McLauren, 5601 North Church Street, clarified for Mr. Jones that currently the last ticket is sold at 11:00 p.m. The show lasts approximately one hour. The new request is to sell the last ticket at 12 midnight so that the facility can be closed by 1:00 a.m. Responding to questions, he said that everyone on the County's list was mailed an invitation to the meeting. Additional flyers were given to homes on additional streets beyond the County's list that might be impacted. He estimated that 15 complaints were received this year with 14 complaints coming from the same house. He has tried to address concerns received from neighbors. He has no intention of making Woods of Terror larger; in fact, he would consider making it smaller in the future.

REBUTTAL IN OPPOSITION:

Mr. Prause asked the Board to consider whether or not this is a commercial use. He stated his opinion that this is not a recreational facility or club; it is an amusement park that impacts property values.

Mr. Parks clarified that the parking lot encroachment was actually on their land and he is prepared to provide testimony to that point. He disagreed with comments that the attraction has not grown over the last four years as shown on aerial and drone footage. It has grown and is now inches or a few feet, not 25 feet, from his property

Ms. Somers referred to comments made by Mr. Fox and clarified that any experiences that might have occurred with Mr. McLauren over parking involved her ex-husband because she never received funds from Mr. McLauren.

Mr. Cannon asked Mr. Prause if he had heard from other neighbors who were opposed to the request. Mr. Prause noted that there were other people in the audience who did not speak on this matter. Members of the audience in opposition to the request stood to be recognized.

There being no other speakers, Chair Collins closed the Hearing.

DISCUSSION:

Mr. Eger clarified for Mr. Cannon that Woods of Terror has been receiving Temporary Event Permits for many years which means that the event closes up and goes away. Due to the way the buildings and property are set up for the event, they have remained in place. To make this legal, their only avenues were either rezoning or the Special Use Permit process. A Temporary Event Permit allows for an event that is between 3 and 30 days. Three consecutive permits can be pulled in a year which is how Woods of Terror was able to function for 90 days.

Mr. Jones felt that the two issues that could be addressed with conditions were parking and operating hours. To make the request more in harmony with the surroundings, he would like to see a condition that addresses a minimum number of parking spaces in excess of the 49 indicated on the site plan. In addition, while the site plan in the packet indicates the event will go until 11:30 p.m., the conditions indicate the event will go until 1:00 a.m. He would like for there to be consistency between the site plan and the conditions, one way or the other. It was noted that members may have an older version of the site plan in their packets. Mr. Fox noted that the current version of the site plans reads the same as the conditions on the application.

Lisa Rollins, 69 Holland Ridge Drive, stated that her residence backs up to the subject property. She expressed concerns about long-term effects of the Special Use Permit.

Mr. Fox stated that the new parking lot is for employee parking. The parking lots on the site plan have always been there. The change is that the County has asked that a portion of the new lot be graveled as opposed to it being a field. The County has asked that 49 spaces be graveled. The owner is agreeable to provide all the parking shown on the site plan in perpetuity as long as the event is operating; it is just a question of how much must be graveled.

Mr. Waller clarified that the 49 permanently graveled parking spaces are for the year round operation aside from Woods of Terror. The overflow parking and the graveled parking will be required during the 23 day time the event is operating. The amount of parking required is determined by the number of people on the property at a given time.

Mr. Fox offered an additional condition that Mr. McLauren will maintain the parking as shown on the site plan in the state that the County requires. Additionally, they are willing to amend one of the conditions to find a compromise in terms of the time of the event. They would be willing to close the event at 12:30 a.m. with the last ticket sale at 11:30 p.m.

Mr. Prause commented that the proposed change in operating hour is an improvement but it does not change the legal standard of whether or not this is in harmony with the adjacent uses. Regardless of the operating time or number of parking spaces, this request is still not in harmony. He felt it would be helpful to place a limitation on the number of patrons attending the event along with some sort of requirement for buffering and/or fencing.

Mr. Parks stated that this application is a request for 365 days, not 23 days. He was concerned that the year round activities might increase and the limitation for them would be until 12:30 in the morning. When asked to offer remedies, Mr. Parks stated that limiting the event to 23 days, limiting the number of visitors, and adding screening would be items that they would consider.

Additional Conditions:

Mr. Jones moved to accept the amended condition that ticket sales would end at 11:30 p.m. and the event end at 12:30 a.m. for Woods of Terror, seconded by Mr. Alexander. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Cannon, Leonard, Apple, Geter, Mann, Jones, Alexander. Nays: None.)

Mr. Jones moved to accept the additional condition that parking shall be in the form as shown on the site plan with the seal date 7-13-15, seconded by Mr. Alexander. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Cannon, Leonard, Apple, Geter, Mann, Jones, Alexander. Nays: None.)

Mr. Fox addressed the screening issue and said that the problem is not that the applicant is unwilling to do screening; rather, it is a practical problem of topography. The new subdivision at the point where the parking lot is located is roughly 30 to 50 feet higher in elevation than the parking lot. When they were grading the subdivision, a berm was done behind one the lots which provided a great deal of screening. Mr. McLauren would certainly be willing to do some landscaping on that berm. The other lot does not have a berm and there is nothing that Mr. McLauren can put on his property that would have any effect because it is so much lower than the subdivision. It is difficult for the applicant to agree to do something that would have to be done on someone else's property. They are not prepared to offer a condition on screening.

Motion:

After considering the evidence presented in regard to the application for the Special Use Permit, Mr. Jones moved that the Guilford County Planning Board finds from the credible evidence that the Special Use Permit should be approved, subject to the site plan and applicable conditions and as part 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 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; 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. Jones moved that this request for a Special Use Permit, with all applicable conditions and subject to the site plan and applicable law, be **APPROVED**. All references to the site plan are the ones with a seal dated 7-13-15. The motion was seconded by Mr. Geter. The Board voted 6-2 in favor of the motion. (Ayes: Collins, Leonard, Apple, Geter, Jones, Alexander. Nays: Mann, Cannon.)

NON-PUBLIC HEARING ITEMS:**Proposed Text Amendment to Article 4-10.5 Unified Development Plan Approval.**

The amendment is designed to assure that infrastructure that benefits the entire development is constructed in a timely manner; the phasing plan must be clearly delineated and strictly adhered to.

Mr. Eger stated that corrections have been made to this text amendment that were discussed at the last meeting. Earlier in the day, Mr. Eger received information from someone who was interested in this text amendment and additional changes have been requested and since then, additional changes have been offered up for discussion to the Board. He plans to email the additional changes to Board members for their review so that a fair discussion can occur at the next Board meeting.

ITEMS FROM STAFF:

Mr. Eger indicated that the appeal of the Technical Review decision, one rezoning case, two road closings, and a road renaming will appear on next month's agenda.

ITEMS FROM BOARD MEMBERS:

Chair Collins noted for the record that the microphones need to be turned on if future meetings are held in the Commissioners Meeting Room. Audience members in the back of the room could not hear what was being said and he asked staff to pass along the request to whoever can resolve the problem.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Tony Collins, Chairman

Les Eger, Secretary to the Board

TC:sm/jd