

**Guilford County
Planning Board
SEPTEMBER 9, 2015**

The Guilford County Planning Board met on Wednesday, September 9, 2015 at 6:00 p.m. in the Commissioner Board Room, Second 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, Dervin Spell, and Tonya Hodgin, Planning Department. Also present was J. Leslie Bell, Guilford County Planning Director.

AGENDA AMENDMENTS:

Relative to the Non-Public Hearing item for discussion of the Small Area Plan review process, Mr. Eger stated that the review process will begin sometime in October rather than the September 22, 2015 date referenced in the Agenda.

APPROVAL OF MINUTES:

August 12, 2015 Regular Meeting Minutes

Mr. Geter moved approval of the August 12, 2015 regular meeting minutes as written, seconded by Mr. Apple. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Jones, Geter, Mann, Alexander, Leonard, Cannon. Nays: None.)

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

NON-PUBLIC HEARING ITEMS:

**APPEAL OF TRC (TECHNICAL REVIEW COMMITTEE) WAIVER DECISION
CASE #15-06-GCPL-02799**

Located at the southwest corner of the Bethel Church Road and Dunn Road intersection in Rock Creek Township. The Guilford County Technical Review Committee granted a waiver to Section 5-13.2 (F) of the Guilford County Development Ordinance to permit three lots of a major residential subdivision direct access onto Bethel Church Road, a minor thoroughfare. The granting of the waiver has been appealed. **(DENIED)**

Mr. Eger stated that this case is an appeal of a decision by TRC for property located at the southwest corner of the Bethel Church Road and Dunn Road intersection in Rock Creek Township. A preliminary plat was proposed for seven residential lots on 24 acres. The waiver was granted by the TRC on July 21, 2015. It was a waiver to Development Ordinance Section 5-13.2 (F) which talks about the number of lots within a subdivision that front onto a thoroughfare. This subdivision is along Bethel Church Road which is considered a minor thoroughfare and because seven lots were proposed for the subdivision, it would not be permitted by right. A waiver of the standard was requested from the Technical Review Committee. Mr. Eger explained that a waiver can be granted by TRC, as well as the

Planning Board, based on either unintentional error, equal or better performance, or physical hardship. The Technical Review Committee was asked to allow three of the lots of this major residential subdivision to access onto a thoroughfare. They determined that there could be four lots by right accessing onto the thoroughfare with four driveway cuts. They worked with the applicant and decided that this would qualify as equal or better performance because there could be four lots and the applicant is only asking for three. A condition was put on the waiver that two of the lots would have a joint driveway easement meaning there would be one driveway for those two lots and one driveway for the other lot. Therefore, there would be two driveway cuts onto the thoroughfare and the remaining four lots would access off of Dunn Road. The waiver was granted by TRC based on equal or better performance.

The ordinance is set up such that when waivers are granted through TRC, surrounding property owners must be notified giving them the opportunity to appeal the decision. The waiver has been appealed and members are in receipt of information in their packets that explains equal or better performance and physical hardship which must be taken into consideration during the review. Members are being asked to either approve or deny the waiver.

It was clarified that this is a Non-Public Hearing item. Chair Collins explained that the appeal must be considered before the rezoning case can be addressed.

Sheila Bell, 6471-A Bethel Church Road, also owns 6471 Bethel Church Road. Both of her properties look directly across to the subject properties. She described substantial traffic problems, including tractor traffic, and safety issues on Bethel Church Road. There is a lot of agricultural activity in the area. The road has many hills and curves and she noted numerous traffic accidents on the road. Additional traffic on the road would be problematic. She expressed concern that there will be more than seven homes on the property because there is no way to restrict what the developer will do in the future. She felt it would be dangerous to put driveways on the thoroughfare and noted safety concerns with children and school buses.

Jody Wesley, 6521 Bethel Church Road, reiterated that this is a very dangerous road. Cars frequently pass stopped school buses and there is already a lot of traffic on the road with just the homes that are already there. Safety for her children is a major concern. She also expressed concern with the flora and fauna in the area noting that Rock Creek is under the same rules and regulations as Jordan Lake. She questioned how the creek could be protected if the development occurs. There are no shoulders on the road and the school buses cannot pull off the road to pick up children.

Responding to questions, Mr. Eger stated that the vote of TRC to grant a waiver was unanimous.

Chair Collins stated that staff and TRC are looking at what could be on Bethel Church Road which could potentially be four driveways. With the waiver, four driveways would be allowed on Dunn Road with two driveways on Bethel Church Road. There are seven lots in the proposed development. Bethel Church Road is the issue, not Dunn Road. There would be three lots on Bethel Church Road with two points of access.

In the matter of **#15-06-GCPL-02799**, Mr. Jones moved to deny the appeal of the TRC waiver, seconded by Mr. Cannon. The Board voted 7-1 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Alexander, Cannon, Leonard. Nays: Apple.)

PUBLIC HEARING ITEMS:**REZONING CASE #15-06-GCPL-02808: AG to CU-RS-40** (Case Continued from August Planning Board Meeting)

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 OCTOBER, 2015 MEETING)**

Mr. Eger stated that this is a rezoning case to rezone approximately 24.3 acres from AG to CU-RS-40. The RS-40 designation is only for stick-built homes. The proposed number of homes is limited to seven. The request includes a condition would allow three lots accessing onto Bethel Church Road with a joint drive for the two lots. The other four lots will be accessed onto Dunn Road. There are seven lots with three of them accessing onto Bethel Church Road with two driveway cuts on Bethel Church Road. If more lots are added in the future, the developer must come back before the Board because the proposal is conditioned to seven lots. The applicant is Earl Warrick and the request is continued from last month's meeting. The area surrounding the request is primarily low-density residential uses and farms. The land use plan for this area is the Northeast Area Plan that was updated in 2008. It recommended for single-family residential uses and this request is consistent with the Plan. It is compatible with surrounding uses and zoning. Staff recommends approval of this request. It will enable the applicant to develop the site for residential use with limited driveway access onto Bethel Church Road.

Staff noted that the applicant is not present to speak on this matter. The applicant indicated during an earlier conversation that he would be present. There was no one else wishing to speak in favor of the request.

Speaking in opposition to the request was Deborah Wyrick, 221 Dunn Road, who explained that Dunn Road is a single-lane dirt dead-end road. It is supposed to be maintained by the State but it is not. She expressed concern that there is a lot of agricultural equipment coming down Dunn Road. Mr. Warrick has farmed in the past on the property he is proposing to change to residential. She said that if seven homes are built and the homes have children, there is no room for the school bus to turn around on the dirt road. She was also concerned that wildlife in the area would be disturbed if homes were built in that area. She described the wild game in the area along with cows, horses, and deer and was concerned that children may interact and get hurt. There are also several ponds in the area. She would like to see the continuation of agricultural uses on the property.

Sheila Bell, 6471 Bethel Church Road, expressed her opposition to the request citing construction noise and dust that will occur in front of her house. She stated that the seven lots do not perk. She would like to see the perk tests or be present when the tests are done. She was concerned that the owner will come back and reapply for additional rezoning and felt the taxes on the property should be reexamined.

Jody Wesley, 6521 Bethel Church Road, reiterated that Rock Creek is under the same rules and regulations as Jordan Lake and she asked how the creek will be protected if the request is granted. Mr. Eger stated that the watershed engineers will review it and will require buffers along the stream so that the stream areas are not developed.

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

Mr. Jones expressed concern that the applicant was not present to express his views. Mr. Eger stated that the applicant suggested that he would be present. Chair Collins noted existing traffic delays

occurring in the downtown area. Members discussed continuing the case to allow the applicant another opportunity to be present.

In the matter of **#15-06-GCPL-02808**, Mr. Cannon moved to continue this item until the October, 2015 meeting, seconded by Mr. Leonard. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

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, Guilford County. **(APPROVED)**

Mr. Spell stated that staff finds that the closing of the road is not contrary to public interest and that no individual owning property in the vicinity of the road or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress through the property. Staff submits the following findings for consideration by the Board: The Planning Department has received the request to close that portion of Peeden Drive (SR# 2810) extending approximately, 580 feet south from the terminus of Peeden Drive, and has determined that closing this portion of said road is not contrary to the public interest and that no individual in the vicinity would be deprived reasonable access to their property.

There was no one present to speak on this matter.

In the matter of **#15-07-GCPL-03472**, Mr. Leonard moved to approve the road closing as presented by staff, seconded by Mr. Jones. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

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 60 feet to 50 feet along the entire alignment of said roads in Bruce Township, Guilford County. **(APPROVED)**

Mr. Spell stated that staff submits the following findings for the Board's consideration: The Planning Department has received the request to close those portions 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 and have determined that closing of said roads is not contrary to the public interest and that no individual in the vicinity would be deprived of reasonable access to their property.

Larger versions of maps were distributed by the applicant to Board members.

Speaking in support of the request was Phil Berger, an Attorney representing Truman Doggett. Mr. Doggett is elderly and could not be present at the meeting. He was one of the original developers of this subdivision. Mr. Berger stated that this subdivision has roads and that three of the roads in questions are not part of the State maintenance system at the present time. The purpose of this partial road closing is prefatory to having the roads assumed by the State. Mr. Doggett has had the roads resurveyed and the right-of-way has been reexamined in light of the paved roads that are there. They are trying to true-up the right-of-way with the existence of the paved portions and with the 50-foot perimeters. If successful with this request, the intent would be to obtain signatures from the property owners who would need to cede a small portion of their property to complete the right-of-way. At that point, the roadways would have been examined by the Department of Transportation. Once the right-of-way has been straightened out, there should be no impediment to the State assuming maintenance of the roads.

Chair Collins asked about potential impacts to current property owners. The sections of land that would become property of other individuals seem to be small enough so that tax valuations should not be impacted. Mr. Berger explained that Mr. Doggett plans to assume expenses associated with updating the plats on record.

Gene Robinson, responsible for plat preparation, was present to answer any questions.

Speaking in opposition was Mike Chase, 8407 Deep Valley Road, in Summerfield, NC. He voiced questions about deeds and potential tax questions. Chair Collins explained that Mr. Doggett plans to prepare new plats at his expense. He said that it is not in the purview of the Board to respond to the tax question; however, it does not seem that the amount of land that would be gained would be impactful to the tax valuation.

Sheila Koch, 309 Deep Valley Road, Summerfield, NC, said that her understanding was that the road was not put in the proper place. The deeds do not correlate with the proposed road. She felt this matter should be legally addressed and expressed concern that there will be legal costs associated with adjustment of the deeds. Mr. Berger responded that one of the problems is that the location of the pavement was not consistent with what the original maps reflected. Part of what Mr. Doggett is trying to rectify is the road right-of-way and to have that reflect the road being within the right-of-way.

Mr. Eger clarified that the road will look the same and will not be reconstructed or moved. The Department of Transportation has said they will not take over maintenance unless the road is changed from 60 feet to 50 feet. Owners will still have their property as they know it today with some slight modifications.

Laurie Chase, 8407 Deep Valley Road, asked who will pay for a new survey for her property since she has already paid for a survey. Chair Collins stated that Mr. Berger indicated that Mr. Doggett will be doing new plats which show the property pins and each property as it is identified. If property is sold in the future, most lenders and buyers would probably recognize the plat because this is a subdivision, rather than requiring the seller to get another survey.

Gene Robinson, surveyor, stated that iron pins must be placed at the new lot corner. They have not incurred that expense yet as they are waiting to see how the Board reacts to their request.

Jerry Coble, Fire Marshall's Office, asked for confirmation that the existing paved width of the road will not be narrowed down at all. Chair Collins stated that just the right-of-way is being affected, not the width of the paved area.

In the matter of **#15-06-GCPL-02810**, Mr. Cannon moved to approve the road closing as presented by staff, seconded by Mr. Leonard. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

ROAD RENAMING CASE #15-08-GCPL-04177

Renaming Sanctuary Drive as shown on Plat Book 51, page 74, to White Rock Road, located at the terminus of Cannan Forest Drive, Monroe Township. **(APPROVED)**

Mr. Spell stated that this request is due to the realignment of Sanctuary Drive connecting with White Rock Road as a result of the NC Department of Transportation Loop Project.

James Davis, 4507 Sanctuary Drive, also owns 4603 Sanctuary Drive. He pointed out that residents must make many adjustments when the name of their road is changed such as driver's license, mortgage, and numerous financial institution changes and mistakes often result. He asked for

clarification as to the reason for the road renaming. Mr. Spell explained that the renaming is due to the Urban Loop Project that is going on in that area. Chair Collins asked Mr. Spell to explain how staff determines which name will be used when renaming occurs. Mr. Spell said that the ordinance states that whichever portion of the road has the lesser amount of lots would be the part of the road that will be renamed. There are nine lots coming off of Sanctuary Drive as opposed to ten lots on White Rock Road. Therefore, according to the ordinance the street must be renamed White Rock Road.

Mr. Davis said that the lots being referred to on White Rock Road are empty lots. Sanctuary Road has more residences on it. White Rock Road only has one residence located on it. He commented that changing road names can be confusing to municipal and state entities and should be taken into consideration.

Paul Griffin, 2945 White Rock Road, expressed his desire that Arvid Road will remain as named. Chair Collins explained that this renaming is only for Sanctuary Road and White Rock Road. Arvid Road will stay as it is.

Jerry Coble, Fire Marshall's Office, commented that from a service level there will be no confusion for emergency services responding to calls in the area. When a road officially changes names, maps are put into the 911 system for dispatch purposes.

In the matter of **15-08-GCPL-04177**, Mr. Cannon moved to approve the road renaming as presented by staff, seconded by Mr. Alexander. The Board voted 6-2 in favor of the motion. (Ayes: Collins, Apple, Geter, Leonard, Alexander, Cannon. Nays: Jones, Mann.)

NON-PUBLIC HEARING ITEM:

Discussion of Small Area Plan review process tentatively to begin September 22, 2015.

Mr. Eger noted at the beginning of the meeting during Agenda Amendments that the review process will begin sometime in October, 2015 rather than September 22, 2015. A review will be done of all the County Land Use Plans in place on a small area to look for major changes to show new rezonings, new jurisdictional boundaries, and growth influences from the City of Greensboro and other municipalities.

Mr. Bell explained that this item is before the Board because all matters dealing with land use must come through the Planning Board for a recommendation. There have been changes with annexation laws since the land use plans were done. In addition, the water and sewer policy the County had with the City of Greensboro was terminated subsequent to the existing plan so some assumptions have changed.

Mr. Collins moved to move the Small Area Plan review process forward, seconded by Mr. Cannon. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

ITEMS FROM STAFF:

Mr. Eger thanked the Board for continuing #15-06-GCPL-02808 and noted that the applicant has been working closely with staff on this case.

ITEMS FROM BOARD MEMBERS:

None.

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