

**Guilford County
Planning Board
OCTOBER 14, 2015**

The Guilford County Planning Board met on Wednesday, October 14, 2015 at 6:00 p.m. in the Blue Room 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. Alexander; Mr. Leonard; Mr. Cannon; Ms. Gibson.

Members Absent: Mr. Geter.

Staff Present: Les Eger and Tonya Hodgin, Planning Department.

AGENDA AMENDMENTS:

Mr. Eger stated that there are no amendments to the agenda.

APPROVAL OF MINUTES:

September 9, 2015 Regular Meeting Minutes

Mr. Cannon moved approval of the September 9, 2015 regular meeting minutes as written, seconded by Mr. Jones. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Apple, Jones, Mann, Alexander, Leonard, Cannon, Gibson. Nays: None.)

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

OLD BUSINESS

**REZONING CASE # 15-06-GCPL-02808: AG to CU-RS-40
(Case continued from September, 2015 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. **(APPROVED)**

Mr. Eger stated that this case was continued from September, 2015 by the Planning Board because the applicant could not make it to the meeting. The property is located at the intersection of Dunn Road and Bethel Church Road. The property is owned by Earl Warrick. This case is for a rezoning from AG (Agricultural) to CU-RS-40 (Conditional Use–Residential Single-Family). The application is conditioned for a maximum of seven stick-built residential homes on seven lots. Access is limited to two access points on Bethel Church Road. Lot five would be served by Bethel Church Road. One of the access points on Bethel Church Road will serve as a joint driveway. He summarized that there will be two driveway cuts on Bethel Church Road and the remaining four lots would be off of Dunn Road.

This request is consistent with the Land Use Plan for the area. Additionally, it is compatible with the surrounding uses and zoning and is being requested in the public interest. Staff recommends approval of this request.

Jeff Allred, Allred Land Surveying, was representing the owner, Earl Warrick. He said their intent was to maintain a rural atmosphere with the property. The conditional use is in part due to the way Bethel Church Road is a very hilly road. That is why they reduced the driveway cuts on Bethel Church Road. Instead of having four driveway cuts, they now only have two. With the AG original zoning they could do a four-lot subdivision with all the lots running to Bethel Church Road and could actually end up with eight driveway cuts with residences. This Conditional Use actually cuts down what the owner can do with the property.

At the request of Chair Collins, Mr. Allred clarified the location of the driveway cuts on the map. One of the two curb cuts will be a joint driveway access easement between lots six and seven. Moving northeast toward lot five, it is not specified where the actual curb cut will be. Four lots will front to Dunn Road. Mr. Allred explained that there will be two driveway cuts as opposed to a possible eight.

In Opposition:

Debra Wyrick, 221 Dunn Road, said that Dunn Road is a dead-end road that is supposed to be maintained by the State. She provided pictures of Dunn Road. A school bus could not make it down the road in its present condition. Trash pick-up vehicles have to back up to get down the dirt road to get to her driveway. There are several ponds on the proposed site along with horses and wild animals and felt that it would be dangerous for children. There is a house with asbestos on the property and she questioned how the house will be removed and who will pay for removal. She moved to be in the country and felt the site should be left Agricultural because the land is not well-suited for houses. A large amount of development will be required for houses to be put on the property.

Sheila Bell, 6471-A Bethel Church Road, expressed opposition to the request and presented a petition signed by every adjoining property owner except for the Baker family. They are the only property owners who do not live on the property. Members are in receipt of a copy of the petition.

Allen Branson, 3731 Old Julian Road, Julian, North Carolina, is a Guilford County Commissioner from District 4. He has driven by this property and said that Dunn Road was questionable. He asked if staff has checked to see if Dunn Road is on the list of State maintained roads. Mr. Eger replied that Dunn Road is a State road. It was not known if the State is maintaining the road at this time. Although pro-development, he felt emergency vehicles would be challenged on this road and dual passage would be problematic. He stated his opinion that the State is not looking after some of the roads that the County classifies as State maintained roads and this is something the Planning Department needs to look at moving forward with developments like this situation.

Sheila Bell said that she has a pond and two houses on her property. She has donkeys and noted that she had to move them because people were stopping on the road to look at them. She questioned if the creek running through the subject property will be backfilled.

Robert W. Wyrick, Jr., 221 Dunn Road, indicated that it has been a challenging experience with DOT (Department of Transportation) just trying to get crushed rock put on the road. A lot of work will have to be done to the road to accommodate two-way traffic.

Rebuttal in Support:

Jeff Allred said that proper permits will be secured to remove the house located on the property. He said that concerns about Dunn Road need to be addressed with the State if it is considered to be a State maintained road. The road complies with the ordinance. The other option is to have eight driveways out onto Bethel Church Road. Also, the developer could have four driveways on Dunn Road; however, they would be long lots.

Mr. Cannon asked if ingress and egress issues on Dunn Road have been anticipated by Mr. Warrick. Mr. Cannon commented that the area is extraordinarily rural. He felt that emergency vehicle access might be problematic. Mr. Allred stated that Mr. Warrick has not had any conversation with the State about Dunn Road.

Comments:

Mr. Cannon has visited the site and his principle concern is the transportation issue around ingress and egress at the property. He found it concerning that DOT's position on this matter is unknown. He would like to know what responsibility the State intends to take on the road. Substantial new driveways are being added to the road and this is an extremely rural area.

Chair Collins pointed out that the Board is being asked to come up with a designation that is either equal or better than it currently is. Currently, there can be more impact on the road with the current zoning than if it is changed because there can be more curb cuts. Bethel Church Road is a hilly road but the way it is currently zoned, there can be eight driveways. Mr. Allred indicated that they can currently have eight driveway cuts on Dunn Road.

Mr. Eger stated that Dunn Road only has four homes and DOT will not take over maintenance of a State road until there are enough driveway cuts on the road. This explains why they are not making sure Dunn Road looks like all other State maintained roads. As far as Bethel Church Road, four driveway cuts by right can currently be done. If accessory dwelling structures are put on the property there could ultimately be eight driveway cuts on the four lots. On Dunn Road, four driveway cuts by right without the rezoning could be put on the State road. He mentioned the possibility that DOT might maintain the road if additional driveway cuts were put on Dunn Road.

Jerry Coble, Fire Marshall's Office, addressed concerns about the width of Dunn Road. The County Fire Prevention Code requires the road width to be a minimum of 20 feet of cleared width. The State will accept a road of 18 feet for State maintenance.

To provide additional clarity, Mr. Allred explained that this is an either/or situation. There could be eight driveway cuts on Bethel Church Road with none on Dunn Road or eight driveway cuts on Dunn Road with none on Bethel Church Road.

Mr. Mann asked if there was any discussion about having two curb cuts on Dunn Road. Mr. Allred said that they considered it was more dangerous on Bethel Church Road because it is classified as a major thoroughfare on the City's Thoroughfare Plan. Since this is a major subdivision and Bethel Church is heavily travelled, a waiver was required to front to Bethel Church Road. The waiver was obtained based on equal or better performance.

Mr. Leonard felt that the main concern was the State maintaining Dunn Road. He asked if there was any way to put a contingency on a motion to insure the road is maintained or brought up to some standard. Mr. Eger commented that it is up to the applicant if they want to add any more conditions. Mr. Allred said that the applicant was not interested in upgrading the road when it is already a State maintained road. However, he may be interested in a joint venture if there are other property owners willing to share the expense. Mr. Allred was inclined to advise Mr. Warrick against additional conditions.

Ms. Gibson asked if the owner would have the option to make this worse than what is being proposed if the Board rejected the request. Mr. Allred replied in the affirmative. He would have the option to come in and put any mixture of driveway cuts on Bethel Church Road and Dunn Road.

Chair Collins commented that it appears that the request will improve what could be done on Bethel Church Road and/or improving what could happen on Dunn Road. It is all or none on either road. The

Board should discern what ability they have to address this matter. Mr. Cannon stated that the DOT issue is clearly not in the Board's control.

Mr. Eger said that DOT has already reviewed these maps in a Technical Review meeting.

Mr. Alexander said that DOT will have to do something about the roads or the lots will not sell.

Mr. Cannon said that Chair Collins' comment that this request at least brings some certainty to the situation was well taken.

Jerry Coble confirmed that when the four lots on Dunn Road come in for building permits, life safety issues would be looked at as part of the review process and then it would be ascertained if the road does or does not meet standards for County fire and rescue services.

Chair Collins reiterated his opinion that the Board needs to consider if this request is equal or better than what is already in existence. He felt that because a County Commissioner is present tonight, the questions brought up by neighbors that are not in the Board's purview will be answered. These questions include DOT concerns and fire and safety issues with Dunn Road.

Commissioner Branson said that moving forward with a situation like this, it is strongly recommended that there be approval or conversation with NCDOT on the width of the road, the condition on the road, and access for emergency vehicles.

In the matter of **#15-06-GCPL-02808**, Mr. Apple moved that the Guilford County Planning Board believes that its action to approve this zoning amendment because although the request is inconsistent with the adopted Northeast Area Plan, it has been determined that zoning the property to CU-RS-40 is compatible with the surrounding area and uses; seconded by Mr. Mann. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Apple, Alexander, Cannon, Gibson, Leonard. Nays: None.)

NEW BUSINESS:

Non-Public Hearing Item:

Amendment Case #15-07-GCPL-03468

Pursuant to Section 3-12.2 (C) (1) of the Guilford County Development Ordinance, the property owner, Mark Rumley, requests that the Guilford County Planning Board determine evidence presented sufficient to warrant rehearing of the Rezoning Case #15-07-GCPL-03468 at the November 18, 2015 Planning Board Public Hearing.

(TO BE REHEARD AT THE NOVEMBER 18, 2015 PUBLIC HEARING)

Mr. Eger explained that this case is a request to rehear a rezoning case for a piece of property in the County that was heard two months ago. After talking with NCDOT, the applicant has requested that they change the location of a building and a driveway on the site plan to a different road. He said that NCDOT talked to the applicant and determined that a service road could be used. This matter cannot be addressed at staff level because the action originally occurred at the Planning Board and therefore, it must be revisited by the Planning Board. The Ordinance says that the applicant must bring sufficient information to show that the change is substantial enough to reconsider the case. In this case, the layout of the site has been changed and a few other conditions have been added.

Mr. Leonard moved approval to add **Amendment Case #15-07-GCPL-03468** to the November 18, 2015 agenda; seconded by Mr. Jones. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Apple, Alexander, Cannon, Gibson, Leonard. Nays: None.)

Mark Rumley, owner, was present. Chair Collins stated that the Board will hear evidence presented by Mr. Rumley at the next meeting. Notification letters will be sent out and he advised Mr. Rumley to speak with his neighbors to advise them of his plans.

There was a discussion relative to changing the Ordinance. Commission Branson stated his opinion that the Ordinance is not user-friendly. Mr. Eger commented that changing the Ordinance would need to occur at the State level.

Public Hearing Item:

REZONING CASE #15-09-GCPL-04740: AG TO RS-40

Located 1,046 feet northeast of the Link and Rankin Mill Road intersection in Monroe Township. Being Guilford County Tax Parcel #s 0126884, 0126885, 026886, and 0126889, approximately 12.86 acres. Owned by Bonnie R. Shaver, Ryan S Nelson, Larry C. Lewis, and Thomas L. Adams.

(APPROVED)

Mr. Eger stated that this case proposes to change from AG (Agricultural) to RS-40 (Residential Single-Family). This case came about as a subdivision was being developed. The fifth plot turned the development into a major subdivision which requires that it be zoned RS-40 or RS-40 MH to permit mobile homes. The applicant originally wanted to request RS-40 for the one lot; however, they have now decided to request rezoning for all the properties. The area is all single-family stick-built homes on nice lots. All the surrounding area is single-family stick-built homes. Zoning this RS-40 would limit it to single-family stick-built homes. It is consistent with the Northeast Area Plan and it is compatible with surrounding uses. Staff is recommending approval of the request.

Joseph Stutts, Stutts Surveyors, 303 West Bessemer Avenue, said that the applicant, Thomas Adams, is present. They are trying to create a new lot on Highway 82 so his son can build a house to stay close to the family. When the fifth lot was created, a zoning change was required.

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

Comments:

Mr. Cannon visited the site and concurred that the site is beautiful. He was impressed with the work that has been done.

In the matter of **#15-09-GCPL-04740**, Mr. Cannon moved that the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Parcels #s 0126884, 0126885, 026886, and 0126889 from AG to RS-40 to be consistent with the adopted Northeast Area Plan and considers that action reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Northeast Area Plan Future Land Use Map; seconded by Ms. Gibson. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Apple, Alexander, Cannon, Gibson, Leonard. Nays: None.)

ITEMS FROM STAFF:

Mr. Eger reminded members that the next Planning Board meeting will be held on a different date, November 18, 2015.

ITEMS FROM BOARD MEMBERS:

None.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Tony Collins, Chairman

Les Eger, Secretary to the Board

TC:sm/jd