

Guilford County Planning Board MARCH 12, 2014

The Guilford County Planning Board met on Wednesday, March 12, 2014 at 6:30 p.m., Old Guilford County Courthouse, County Commissioner's Meeting Room, Second Floor, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Ms. Bailey, Chair; Mr. Derrickson, Vice Chair; Mr. Leonard; Mr. Westcott; Mr. Wood; Mr. Apple, Ms. Gibson, Mr. McKinney, arrived at 6:30 pm

Planning Staff Present: Tonya Hodgin, Leslie Bell and Les Eger.

APPROVAL OF MINUTES:

Mr. Wood moved to approve the minutes of the February 12, 2014 meeting, as submitted, seconded by Mr. Leonard. The Board voted unanimously in favor of the motion. (Ayes: Derrickson, Bailey, Apple, Collins, McKinney: None.)

Chairwoman Bailey explained the procedures followed by the Guilford County Planning Board. She stated that cases are usually called as they are listed on the agenda, Withdrawals and Continuances may be handled before other cases. For public hearing items, the applicant and proponents will have a total of 20 minutes to present their case. The opposition will then have a total of 20 minutes to present any concerns. A five-minute rebuttal for the applicant may be granted by the Chair. Approvals require a 5-7 majority vote, a vote of less than 5-7 on a motion to approve will be forwarded to the Board of Commissioners for a final decision. A tie vote on any motion constitutes denial of the request. Decisions of the Planning Board can be appealed to the Board of Commissioners and appeals must be made within 15 days on most items, must be in writing and there is a processing fee.

POSTPONED REZONING CASE #14-01-GCPL-00234: To rezone from AG to Conditional Use General Business, located on the southwest side of NC 150 East approximately 500 feet north of Brown Summit Road in Monroe Township. Being Guilford County tax parcels #0128162 and 0128169, approximately 2.2 acres owned by Thomas Shreve. **(APPROVAL RECOMMENDED)**

Les Eger stated that this is Rezoning case, #14-01-GCPL-00234, is a request to rezone from Agricultural to Conditional Use General Business. It is approximately 2.2 acres. This case has a long list of Use Conditions that are prohibited; those are listed in the packet presented to the Board members. There are also development conditions that have been included as to building materials; that the building is to be built with brick and other conditions that limit the amount of metal on the front of the building. This request is in a part of the County that is primarily single-family residential and vacant uses. Surrounding uses are: to the north a church, to the south residential/ commercial, to the east

residential /commercial and to the west vacant park land. The plan for the area is the Northern Lakes Land Use Plan and it recommends this area to be a Central Business district and this request is consistent with the recommendations of the 2008 Northern Lakes Area Plan. Staff recommends approval of this request. The zoning uses and development conditions that are applied to this request will help minimize impacts to the surrounding area. Additionally, development standards per the County Development Ordinance will reduce impacts from signs and lighting. Mr. Eger spoke with DOT earlier today and a copy of the plan has been included in the packet and a driveway permit will be issued to the northern side of the property close to the church property.

Chairwoman Bailey asked if there was anyone wishing to speak on this matter.

George Venters, Vanguard Property Group, 709 Yarmouth Road, Raleigh, NC, stated that they wish to rezone approximately 2.15 acres in Brown Summit from Agricultural to Conditional Use General Business as shown on the slide presentation. Handouts were presented to the Board members for their review. The property is located south of Brown Summit United Methodist Church and consists of a vacant lot next to the church and an existing single-family home that is currently being used for rental purposes. Currently, approximately 1.07 acres adjacent to the property is zoned General Business and 1.75 acres across NC 150 is zoned General Business. There is other general business property along Brown Summit Road. The property is located within the Northern Lakes Area Plan, which was adopted by Guilford County Board of Commissioners on March 6, 2008. This area plan was put into place with community input recognizing the inevitable growth that will occur in Guilford County. The legend of the Northern Lakes Area Plan shows that Brown Summit is designated as a Central Business District that extends approximately ¼ mile from the intersection of NC 150 and Brown Summit Road and this calls for a small mixture of businesses, existing manufacturers, churches, homes and institutional uses. This area is planned to be the commercial and social hub of this area. Comprehensive geotechnical and environmental studies have been completed on the property. This area is served off well and septic and a certified soil scientist has done soil studies on the site and the property is appropriate and will support a well and septic system that would support a small business in that location. They are in discussions with NCDOT regarding access to the site, site distances and are addressing any concerns they may have with the capacity on NC150, and the subsequent effect that the railroad crossing may have in the vicinity. The Northern Lakes Area Plan mentions a number of goals and policies as part of the vision and it is felt this proposal adheres to this Plan. The transportation goals encourage shared access points for commercial developments. NCDOT will inform them of what kind of road improvements or aiding other improvements will be required. There are also discussions with the neighbors on how to appropriately utilize shared access points and cross access to minimize the number of driveways along NC 150. The rural character and agricultural preservation goal addresses the need for balance between commercial and residential development and minimizing growth pressures. The size of the proposed rezoning is commensurate with the scale of other existing commercial development in the area. Commercially developed tracts in Brown Summit range of 0.1 acre to 2.4 acres. This plan will not take any farmland out of service, the property is currently being used as a rental house, and the vacant lot is currently being used as overflow parking for the church. In addition, the Plan discourages the use of unfinished block and metal as primary building materials, thus, they have made that a

development condition of this rezoning request, the project will be landscaped using native species and they will consult with the County as to which specific landscaped varieties are preferred. There have been neighborhood meetings that were well attended and their input and concerns will be taken into consideration.

Mr. Wood asked for more information concerning the opaque fence along the property line with the church and it was mentioned that it was going to be taken out of the proposal, but it is still listed as the first condition. What is the current status and if the rezoning passes, is there going to be a fence installed?

Les Eger stated that condition had been removed and Mr. Wood must not have received the updated proposal on the agenda.

Mr. Wood stated that the South boundary, the leg so to speak, looks like it stops a few feet short of Brown Summit Road and then in another photo looks like it may be further away.

Mr. Venters stated that he thinks there is some County property there and then there is railroad right-of-way. Mr. Wood stated that in the formulating of the non-permitted uses, did the church contribute any of those to the list or specifically say that there were things that they definitely did not want to see developed on that property. Mr. Venters stated that the church was receptive to the plan and they agreed with the conditions. They took out everything that they thought would be a negative impact on a small community, such as adult bookstores, ABC stores and bars. The intention is to have a commercially zoned property that can be used for retail and office use.

Mr. Wood asked if there was going to be a convenience store with underground fuel on the property? Mr. Venters stated that is not the plan.

Mr. Derrickson asked if Mr. Venters has spoken with any of the people that attended the meeting. Mr. Venters stated that he has talked to about three of the people a number of times and he found that there has been little or no development in Brown Summit for many years and it appears that these residents seem to be afraid of the unknown, and are opposed to commercial development in this area.

David Honeycutt, 3604 Lake Cove Court, Brown Summit, stated that he is speaking on behalf of the Brown Summit United Methodist Church Trustees. Many members of the church and various opinions about the request and the duties of the Trustees, however, or to oversee the physical properties of the church. Numerous concerns have been expressed by the Trustees and they have considered the impact of having a new business and neighbor next door. His remarks represent the consensus of the Board of Trustees. The church is over 100 years old and has served as a central point of the community and activities in their involvement. During their 100 year history there have been many changes, but in the community and in the businesses that have been part of the small rural culture. Many of the founding families of Brown Summit still reside nearby and some continue to attend and support the church. Fifty years ago, Brown Summit was replete with small businesses scattered throughout the area along Highway 150 in Brown Summit Road. This intersection of the road and the railroad was business hub of the

community. Most of those businesses are now gone and all that remain are a few empty and partially filled buildings. Some businesses, however, have started to come back. Most of those older buildings have been demolished. Those businesses that have started to come back have provided some hope of revitalization opportunities. The owners of the property in the zoning request no longer reside in Guilford County and wish to sell part of their holdings. The two lots that are in question are currently surrounded by parcels that are already Business or Institutional and surrounded by the church are lands owned by the County and the City. The prospects of their selling the property under the current zoning are somewhat slim. As a church, they have always tried to be good neighbors to both residents, as well as businesses that are in the area. They support residents in their concern for the community and support businesses are currently in Brown Summit, as well as those who may come in the future. It is difficult to give up their past and even harder to embrace the future. Change is hard, but if they are to grow and prosper, change must occur. There have been numerous discussions with the representative Vanguard Properties and have explored at length concerns of the Trustees of the church. The conclusion is that most, if not all, of the hesitations and concerns have or will be alleviated should the property be rezoned as requested and the proposed building be completed as described. As they had done in the past, they will do in the future; they will welcome new residents and businesses and hope to be a good neighbor to each.

Chairwoman Bailey asked if there was anyone wishing to speak in opposition.

David Slack 3924 Old Berkshire Drive, Brown Summit stated he is here to present an opposing view to the rezoning issue. This is not just a few locals who are saying they do not want it in their backyard, put it somewhere else. This is rather a large constituency and he pointed out that most of the people in the audience are in opposition to the request. At this time, approximately 30 people stood up to indicate their opposition. A petition has been created in approximately 250 signatures have been obtained, which he presented to the Board. There were delays in area residents becoming aware that this issue would be discussed. He pointed out the main concern are the increase in traffic for this small community, as this is one of the most confusing intersections in Guilford County, in regard to the two roads intersecting as well as the very busy main line railroad running alongside that intersection. There are definitely safety concerns. There are also concerns about adding lanes that will be too close to the existing buildings. They are not necessarily opposed to the particular business that will be located there, but rather any retail establishment that is successful is going to increase traffic.

Mr. McKinney pointed out the property had been posted with signs for anyone passing by to view. He also suggested that by allowing the applicant to attend their planning meeting it would have been an opportune time to collaborate on issues to resolve it. Mr. Slack stated that the area residents just did not have the time to get organized. They have looked at the information that was provided.

Mr. Wood stated that it was immaterial what business would be located on this property, because of the conditions that have to be met. He feels that the business will not add that many more cars in the area than are already there. He pointed out that the NCDOT feels that there will only be an additional 71 car trips per day. He feels that this business is

coming to the area for the convenience of the community center area residents do not have to go further to do their shopping.

Les Eger stated that a revision was sent out that an estimate of approximately 420 trips per day.

Peggy Hamilton, 8105 Sutherland Drive, stated that the rail system passes next to the proposed rezoning is a principal artery mainline rail with frequency of 20 to 30 trains per day, carrying large vehicles, military equipment, grains etc., lots of road building materials, waste; biological products, agricultural products, chemicals, paintings and drugs. Studies have shown that many of these chemicals are dangerous and 21% of rail traffic carries such chemicals including the trains that pass right through Brown Summit. She also pointed out that this area has blind spots where hill crest and roads twist making it difficult to back out of the driveway. Many residents have a difficult time getting out onto NC 150. Large tractor-trailers and large trucks use Highway 150 as a crossover point between Highway 220 and Highway 29 is a shortcut for them. She pointed out several photos and scenarios for the area of the traffic at this intersection.

Stacy Sequin stated that she has driven in this area since 1986 and the Northern Lakes Area Plan did not include that particular corner or the corner across from it. It actually segmented out a downtown business district for the Brown Summit area across on the southeast side of the railroad tracks, which is in keeping with the post office and other existing businesses and the historical context where businesses were 50 years ago. Her primary concern is that the business district has been split in developing this particular part of the Brown Summit intersection is unwise.

Nancy Gorrick stated that there are currently a handful of mom-and-pop businesses. Her concern is that the driveway shown on the plan is 150 feet from the railroad tracks and if traffic is backed up, there is a safety concern that someone will be stuck on the tracks. She feels this is a very hazardous intersection and needs to be addressed.

Chair Bailey stated that the applicant would have five minutes rebuttal time with no new information.

Mr. Venters stated that NCDOT has traffic engineers working on this site and there was a comment that any trucks entering the site would compromise the driveway. The frontage of the property over 150-170 feet and several hundred feet from the railroad. NCDOT is also aware of the traffic counts and trip generation.

Chair Bailey asked if anyone from the opposition wished to speak.

Stacy Sequin stated that the people in opposition to the request or not anti-development. They just want the right kind of development and do not want a high-traffic retail store right next to the railroad tracks. She also pointed out many of the neighbors did not receive written notification.

In response to a question by Chair Bailey, Les Eger stated that adjacent property owners were notified, usually 10 days prior to the meeting and no more than 25 days.

Judy Malcolm stated that she lives right across the street from the property that is proposed for rezoning. Last year alone three accidents there so it is very congested there

David Slack stated that where this property is located and in conjunction with the traffic situation that currently exists, they as neighbors do not want any retail mass merchandiser building a building and creating additional traffic hassles and they are presently contending with.

Gayle Benton, 8106 Sutherland Drive, asked if there is any way they can get NCDOT to give them some kind of what they can do in that particular intersection? She pointed out that this intersection is very dangerous. Mr. Westcott responded that anyone could call NCDOT and request that information.

There being no other speakers in opposition to the request, the public hearing was closed.

Mr. Wood pointed out that the surrounding property owners were notified of the request and the surrounding properties are already zoned general business in the immediate adjacent property, the church, has given its blessing from the church.

Mr. Wood moved that in the matter of Case # 14-01-GCPL-00234, AG to CU-GB and the Guilford County Planning Board believes that its actions to approve this zoning amendment located on Guilford County Tax Parcels #0128162 and #0128169, from AG to CU-GB to be consistent with the adopted Northern Lakes Area Plan and considers the action to be reasonable and in the public interest for the following reason: 1) it is generally consistent with the land use category indicated for the property on the Northern Lakes Area Plan and it has been determined that the zoning to this property for conditional use general business is compatible with the surrounding area and uses, seconded by Mr. McKinney. The Board voted 4-3 in favor of the motion. (Ayes: Wood, Westcott, Apple, McKinney. Nays: Leonard, Bailey and Derrickson.)

Chair Bailey stated that this item will go forward to the County Commissioners and she encouraged the residents to write to their County Commissioner and contact them with their feelings about the case.

Rezoning Case #14-02-GCPL-00603: AG to CU-RS-30 Located on the north side of NC 150 approximately 1,000 feet east of Bostonian Court in Monroe Township. Being Guilford County Tax Parcel #0126953, #0128889 and #0128890, Approximately 31 Acres owed by Paul T. Baynard, Jr. **(APPROVED)**

Les Eger stated that this is a request to rezone from Agricultural to Conditional Use RS – 30 and is on approximately 31 acres. The applicant has conditioned the request for a maximum of 28 building lots. This request is in an area of the County that is primarily low density residential and there are a few retail areas to the west of the property. The property currently has residential use on it, to the North is residential and vacant, to the South is residential, to the East is veterinarian clinic and residential, and to the West is

residential. This is also part of the Northern Lakes Area Plan and the plan recommends for approximately 1 to 2 dwelling units per acre. This request is consistent with the plan and compatible with the surrounding areas and staff recommends approval of this request.

Chair Bailey asked if anyone wished to speak in favor of the request.

Bob Dischinger, Evans Engineering, 4609 Dundas Drive, presented a handout and stated that they have placed a zoning condition for a maximum of 28 residential building lots on the property. The property is approximately 31 acres in size with a density of just under one unit per acre. The property is located on the north side of Highway 150 just east of N. Church Street. An illustrative sketch was shown indicating the plans for developing the property. A driveway permit has been obtained. Letters have been sent to the adjacent property owners. The applicant has received several inquiries with concern that there would be manufactured housing on the property and Mr. Parks has assured them that was not the case and is not allowed in this type of zoning. The homes would be similar and in keeping with the homes currently in the Beacon Hill subdivision and the lots would be sold to local custom builders.

Speaking in opposition:

Chris Howell, 8001 Goldenrod Drive, stated he moved to his home 34 years ago and he has seen the increase in traffic in this area. He is not against change and he had been informed that it could not develop for residential because it was in some original deed. He would like a better understanding of what is proposed for the use of the property. He is against any more development in this area.

Tom Ellenwerth, 702 Pen Oak Court, stated that he is in adjacent property owner and he has questions about the kind of growth that will be on this property. He also wanted to know if there was any kind of guarantee that the developer must stick to the 28 houses that are proposed and if they will be consistent with the neighborhood around them.

Chair Bailey stated that the conditions are already in place and cannot be changed.

Bob Dischinger stated that the 2011 ADT shows that there is a little bit less traffic on this stretch of Highway 150 than on the prior case. This project would generate about 280 vehicle trips per day and a right turn lane will be installed by NCDOT. Also, the homes built will be consistent with existing homes in the area. He feels it will be an 18 to 24 month process.

There being no other speakers, the public hearing was closed.

Jerry Coble, Fire Marshall's Office, stated that related to public safety he sees on the map if there are intentions to carry Widgeon Drive across Highway 150 and he would be concerned about carrying the same road name across the street as that has the potential of creating confusion related to which way to turn on that road on an emergency call. Les Eger stated that issue would be taken care of by the ordinance.

Mr. Wood moved that in rezoning case #14-02-GCPL-00603, AG to Conditional Use Residential 30, the Guilford County Planning Board believes that its actions to approve this zoning amendment located on Guilford County tax parcel #0128953, #0128889 and #0128890, from AG to CU-RS-30 to be consistent with the adopted Northern Lakes Area Plan and considers the action reasonable and within the public interest because it is generally consistent with the land use category indicated for the property on the Northern Lakes Area Future Land Use Map. It has also been determined that zoning the property to CU – RS 30 is compatible with the surrounding area and uses, second by Mr. Leonard. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Leonard, Wood, McKinney, Derrickson. Nays: None.)

Rezoning Case # 14-02-GCPL-00608: RS-30 to CU-LI Located on the northeast side of Liberty Road at the Guilford County and Randolph County Line in Clay Township. Being Guilford County Tax Parcel #0217725. Approximately 1.94 Acres owned by Gilmore Landscaping, Inc. **(APPROVED)**

Les Eger stated that the property is currently vacant and to the north of the property is residential, to the south and in Randolph County is business, to the East is residential, and to the West is vacant and a business in Randolph County. There is no land use plan available for this area so in formulating recommendations the surrounding zoning and surrounding uses have to be taken into consideration. The uses and zoning within this area are a mixture of low density residential and several businesses. The request has been determined to be consistent with the area of a mixture of the uses. The zoning ordinance and the use restrictions help to make it compatible with the surrounding and adjacent uses. Staff recommends approval of the request and the request will be compatible with the non-residential uses across Liberty Road and to the south in Randolph County. Additionally, as the site is developed the Type B buffer yard which is intended to create a visual block, opaque vegetation between adjacent uses will help to minimize the impacts to the residential use that is to the north of the site.

Kristin Fishel, 5603 Skyland Avenue, stated that her husband is involved in small engine repair and kart racing engine rebuilding. Currently his shop is in Advance, North Carolina, which is a 2-hour drive per day, and they are trying to get this land rezoning so they can build a 2400 square foot building on this lot. They have obtained a land improvement permit from the environmental people and she has contacted NCDOT about putting in the driveway off Liberty Road that she has not heard back from them yet. They have spoken with all of the adjacent property owners, the only concern that was brought up was the oil and hazardous waste, and she has explained to them that they have contracted with a company, Clean-Green out of Durham, to handle all of the oil recycling. There are no major traffic issues or congestion in the area. 90% of their business is shipped out of state, although there is a small racetrack within 10 miles that they may have some more customers input.

There being no one to speak in opposition the public hearing was closed.

Mr. Westcott moved that in regard to Rezoning Case # 14-02-GCPL-00608: RS-30 to CU-LI the Guilford County planning board believes is action through this zoning amendment to Guilford County Tax Parcel #0217735, to be consistent with the area

zoning and land use patterns considers the action to be in the public interest for the following reasons: request is consistent with the land use and zoning the area and has been determined that zoning the property to conditional use light industrial would be compatible with surrounding areas and uses, seconded by Mr. Wood. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Leonard, Wood, McKinney, Derrickson. Nays: None.)

Special Use Permit Case # 14-02-GCPL-00567: AG-SP to Revised AG-SP (Solar Facility) (**APPROVED**)

Les Eger stated that this special use permit request is currently AG-SP and is requested to be revised to AG-SP (Solar Facility). Pertinent information was included in the packet and a larger map was also submitted for information. A special use permit was approved approximately a year ago and revision will take some of the areas away and adding in a new area. The property is located on the north side of NC 62 approximately 1000 feet East of NC 61. It is approximately 48 acres. The surrounding land uses are farm and low density residential. The planning board must determine the following findings of fact and the findings have been satisfied based on relevant and credible evidence presented during the hearing; proposed use requires a special use permit under the development ordinance, the proposed conditions meet or exceed development standards and required conditions and specifications found in the development ordinance, (revised by the technical review committee), that either the use as proposed, or subject to additional conditions as the owner may propose to the planning board, is consistent with the purposes of the district and compatible with surrounding uses, and the special use permit shall be granted in each of the following findings of fact have been made by the planning; a) that the use will not materially endanger the public health or safety if located where proposed and developed in accordance with the plan, that the use will not substantially injure the value of adjacent, adjoining or abutting properties, or that it's public necessity and that the location or character of the use is developed according to the plan will be in harmony with the area in which it is located and in general conformity of the plan of development for the jurisdiction within.

After reviewing the proposed development for the request, staff offers the following facts to be considered: the solar facilities are represented in the table of permitted uses in the Guilford County development ordinance, a special use permit is a use that is recognized in agricultural districts, that the revised site plan complies with development standards of the ordinance, and that the proposed solar facility or revised solar facility as presented, meets the intent of the agricultural district with the approval of a special use permit.

Greg Ness, 130 Robert Street, Asheville, NC, stated that FLSF Energy is unique in that design, builds, owns and operates solar facilities and they are based in North Carolina. The plans are brought through engineering reviews, site plan management reviews and as part of that review they look at the initial layout and look at the equipment specifications, the inverters, the panels, the racking components and very little space is needed. They wish to bring in the footprint of the facility away from the Fogelman property and on the church side and tighten up the equipment so the impact of the facility will be minimized to the underlying property. A Type B buffer will be installed to reduce the

impact to the adjacent property owners and they have installed a large landscaping buffer wall along the outline properties.

There being no one to speak in opposition to the request the public hearing was closed.

Mr. Westcott moved that in regard to Special Use Permit Case # 14-02-GCPL-00567: AG-SP to Revised AG-SP (Solar Facility) after considering the evidence presented, that the board find from the evidence the special use permit should be approved subject to the site plan and all applicable conditions with the following findings the board members find board members

That the special use permit should be approved subject to the site plan and all applicable conditions, with the following findings: the proposed requires a special use permit under the development ordinance, the proposed conditions meet or exceed the development standards found in the development ordinance, the use as proposed is consistent with the purposes of the district and compatible with the surrounding uses. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan. The use meets all required conditions and specifications. The use will not substantially injure the value of adjoining or abutting properties or the use as a public necessity. The location and character of the use, if developed according to the plans submitted, will be in harmony with the area in which is located and in general conformity with the plan of development of this jurisdiction and its environment. Therefore, he moved that this request for a special use permit with the conditions submitted and subject to the site plan be approved, seconded by Mr. Derrickson. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Leonard, Wood, McKinney, Derrickson. Nays: None.)

Other Business

Leslie Bell stated that a draft of the Rules of Procedure Revisions have been presented to the Board members for their review. He explained that the current rules of procedure were approved in 1995, about 20 years ago. This also memorializes some of the practices that the board is doing now and there have been some changes. There have been changes to the North Carolina general statutes, so this is an attempt to modernize the rules of procedures by the Board. The board is not asked vote on this tonight but if there are questions, staff will try to answer those questions. The text highlighted in red shows the proposed new text and the strike-throughs are text intended to be deleted. As a rule, it provides that the Board will use this suggested Rules of Procedure. He proceeded to explain the proposed changes and updates to the Rules of Procedure.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Donna Bailey, Chairwoman

Les Eger, Secretary to the Board

LE/jd