

Guilford County Planning Board JUNE 11, 2014

The Guilford County Planning Board met on Wednesday, June 11, 2014 at 6:47 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. Apple, Mr. Getter, Mr. Collins.

Planning Staff Present: J. Leslie Bell, Planning & Development Department Director and Tonya Hodgins, Planning Technician.

APPROVAL OF MINUTES:

Chair Bailey stated that in regard to Rezoning Case #14-02-GCPL-00603, there was an e-mail from Ernie Wilson, NCDOT, that there was an error and should be changed to stated that NCDOT will not install a deceleration right turn lane, but the developer will be required to do so.

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

Chair Bailey stated that there are also minutes from the May 14, 2014 meeting.

Mr. Derrickson moved to approve the minutes of the May 14, 2014 minutes as submitted, seconded by Mr. Westcott. The Board voted unanimously in favor of the motion. (Ayes: Derrickson, Bailey, Apple, Collins, Leonard, and Westcott.: None.)

Chair Bailey stated that there is a new member, William Getter. Mr. Bell administered the Oath to Mr. Getter as a new member, who then took his seat at the dais.

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 $\frac{5}{7}$ majority vote, a vote of less than $\frac{5}{7}$ 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.

PUBLIC HEARING:

REZONING CASE #14-05-GCPL-02354: CU-RS-40-MH, RS-40 and HI to CU-HI, Located on the east side of Holden Road approximately 190 feet south of Bishop Road in Sumner Township, being Guilford County Tax Parcel # 0141909, # 0141874, and #0141838, Approximately 20.27 Acres owned by Lynchris, LLC.
(APPROVAL RECOMMENDED)

Leslie Bell stated that this is Rezoning case, #14-05-GCPL-02354, is a request to rezone from CU-RS-40-MH, RS-40 and HI to CU-HI, Located on the east side of Holden Road approximately 190 feet south of Bishop Road in Sumner Township, being Guilford County Tax Parcels # 0141909, # 0141874, and #0141838, Approximately 20.27 Acres owned by Lynchris, LLC. The HI District is primarily intended to accommodate a wide range of assembly, fabricating and manufacturing activities. The District is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. When visiting the property one sees that existing land uses on the property are residential and industrial. Surrounding land uses are industrial to the north, low density residential to the south, U.S. Highway 220 to the east and low density residential and industrial to the west. With regards to existing conditions, the last known traffic count was conducted in 2011 and annual average daily total trip generation was 3,500 trips per day. Projected traffic generation can only be estimated once a specific industrial use is determined. A portion of the property currently is accessed on Holden Road. This area is included in the Southern Guilford Area Plan with both the Heavy Industrial and Agricultural land use recommendation. Although the entirety of the requested area is not consistent with the Plan, the request is compatible with the surrounding industrial land uses. Additionally, impacts to the adjacent residential use should be minimized due to the required Type A buffer between the two uses. Staff recommends approval to Conditional Use HI with all uses permitted in a Heavy Industrial zoning district, except for and excluding billboards. Further, scenic corridor standards will ensure that outside storage areas be fully screened and other requirements of the Guilford County General Development Ordinance will minimize visual impacts to required landscape buffers.

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

Mike Fox, attorney representing the applicant, 100 N. Greene Street, stated that Lynchris, LLC. Is a corporation that is controlled by Mr. Jimmy Clark. This is related to a larger business which is a related entity, the Guy M. Turner business. This business is in the specialty moving business and while there are no current plans for this site to do anything other than what it is currently doing as a storage site. The applicant is asking for rezoning the remainder of the property to HI so that in the future, if it should become necessary, there could be expansion of this facility. Mr. Clark has been involved in this business since the 1980s, is the owner of Guy M. Turner, and knows all of the property owners in the area and no one has issued any concerns or complaints. There are several related entities in the same area. This has been an industrial area for quite some time and has

made a transition from residential to industrial uses. It is felt that this is a good fit for this property in this area.

In response to a question about the operating hours, Jimmy Clark, the property owner, #1 Elmridge Lane, with offices at 4514 S. Holden Road, stated that their basic hours are from 7:00 am to 5:00 p.m. daily and half day on Saturday. On this specific property, the hours would be the same. They want to clean up the downed trees from the ice storms this past winter and prepare for the future use if an opportunity comes along.

Chairwoman Bailey asked if there was anyone wishing to speak in opposition to the request and no one came forward. The public hearing was closed.

Mr. Westcott moved that in the matter of Case # 14-05-GCPL-02354, this is a request to rezone from CU-RS-40-MH, RS-40 and HI to CU-HI, Located on the east side of Holden Road approximately 190 feet south of Bishop Road in Sumner Township being Guilford County Tax Parcel # 0141909, # 0141874, and #0141838, approximately 20.27 Acres owned by Lynchris, LLC. The Guilford County Planning Board believes that its actions to approve this zoning amendment located on the previously stated Guilford County Tax Parcels to be inconsistent with the adopted Southern Guilford Area Plan and considers the action to be reasonable and in the public interest for the following reason: 1) although the request is inconsistent with the adopted Southern Guilford Area Plan, it has been determined that the zoning of the property to CU-HI is compatible with the surrounding area and uses, seconded by Mr. Derrickson.

Mr. Bell offered a friendly amendment that the request is partially consistent and because of the size is not in its entirety. Mr. Westcott accepted the friendly amendment, as well as Mr. Derrickson.

The Board voted 7-0 in favor of the motion. (Ayes: Bailey, Westcott, Apple, Collins, Getter, Leonard, Derrickson. Nays: None.)

Non-Public Hearing Items

Planning Board Rules of Procedure

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 that 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 highlighted text 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 for the Board of County Commissioners [a UNC School of Government publication] as a guide for non-quasi judicial business. He proceeded to explain that the proposed changes and updates to the Rules of Procedure are being presented to the Board of County Commissioners for review and approval.

General Text Amendments Discussion

- a. Farm Bill 774, add definitions of exemptions

Leslie Bell stated that the County Commissioners have scheduled a public hearing for Minimum Housing Ordinance for both residential and non-residential buildings for June 19, 2014 to also include the abatement of abandoned manufactured homes. As a part of that, there are exclusions to the building code that are listed with regards to the farming community by North Carolina General Statute and so there will be a forthcoming public hearing to amend the General Development Ordinance to include those Statutory Exemptions [for clarity]. The listing is included in each Board member's packet.

- b. Section 4-2.3; amend Conditional Use District to read Conditional Zoning

Included in the Board member's packet is information from the School of Government and basically where the issue comes with the General Development Ordinance is the terminology that is used. Conditional Use districting needs to be changed to Conditional Zoning. Conditional Use districting implies that there will not only be a rezoning, but also a quasi-judicial process to approve a Special Exception permit and that is not the process that this Board takes. This Board uses a legislative process to approve Conditional Zonings and so the terminology - Conditional Zoning - will be consistent with the Board's current process.

- c. Section 5-13.6(B) Utilities; remove reference to public water and sewer connection due to GSO new water/sewer policy

There is a reference in the General Development Ordinance that relates to the long-standing City of Greensboro-Guilford County Water and Sewer Policy. That Policy was terminated a few years ago and the reference will be struck so that whatever happens with the Policy moving forward, the General Development Ordinance will be broad enough to cover whatever may happen.

Chair Bailey asked the Board members to read over this information prior to the July meeting.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Donna Bailey, Chairwoman

Les Eger, Secretary to the Board
LE/jd