

**Guilford County
Planning Board
JULY 9, 2014**

The Guilford County Planning Board met on Wednesday, July 9, 2014 at 6:38 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. Apple; Mr. Collins; Ms. Gibson; Mr. Westcott; Mr. Geter; and Mr. Derrickson.

Also Present: J. Leslie Bell, Guilford County Planning Director, Tonya Hodgin and Les Eger, Planning Staff.

APPROVAL OF MINUTES:

Mr. Collins moved approval of the June 11, 2014 meeting minutes as amended, seconded by Mr. Westcott. The Board voted 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

Chair Bailey advised members that a vote was needed to determine if the Guilford County Planning Board meeting would maintain the business meeting at 6:15 p.m. and the regular meeting at 6:30 p.m.

Mr. Derrickson moved that the Board continue to meet with a business meeting at 6:15 p.m. and a regular meeting at 6:30 p.m., seconded by Mr. Westcott. The Board voted 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

Chair Bailey explained the policies and procedures of the Guilford County Planning Board.

PUBLIC HEARING ITEMS:

REZONING CASE #14-06-GCPL-02867: RS-30-SP to CU-GB (APPROVED)

Located in the northwest corner of the Sharpe Road and Lee Street intersection in Jefferson Township, Being Guilford County Tax Parcel #0114710, approximately 10.11 acres. Owned by Piedmont Baptist Association, Inc.

Mr. Eger stated that this request is in an area that is a mixture of low-density residential commercial and institutional uses and it is off the ramp of I-85 and I-40. Existing land use on the property are institutional buildings and vacant. To the north, the property is vacant and to the south, there is low density residential. To the east, the property is low density residential and commercial and to the west, there is institutional use. The land use plan for this request is the 2008 Northeast Area Plan that recommends for residential. The plan recommends for residential, which inconsistent with the recommendation. The impacts of the proposal on the surrounding area and public interest have been taken into consideration with this application as shown through the use conditions that limit future uses and site development. Taken this into consideration, the impacts of the request to the area should be minimal even though the plan recommends residential uses. Staff recommends approval of the request. By imposing uses and development conditions offered, the impacts will be minimized.

Mr. Eger stated that the land use plan looked at the area but did not look closely enough at the other surrounding uses and the impacts. This is a smaller area in between three busy roadways, there is low-density residential use to the south across one of the busy roadway, and there is a commercial use across Lee Street. The land use plan being referred to goes back to 2008 and before.

In Support:

Henry Isaacson, 101 West Friendly Avenue, is an attorney representing the owners of the property, Piedmont Baptist Association. Their headquarters are located on Sharpe Road immediately behind the subject property. He also represents the firm of T. Cooper James and Associates, the proposed developer, with offices on Green Valley Drive. The subject of this rezoning is a ten-acre tract located along East Lee Street extension at the intersection of East Lee Street and Sharpe Road. Mr. Isaacson introduced Dr. Larry Doyle, Piedmont Baptist Association, and Tom Jones, T. Cooper James and Associates, who stood to be recognized. Should this property be rezoned as requested, the developer will build a Dollar General store on approximately one and a half acres. The store would be located near the corner of East Lee Street and Sharpe Road. Referring to booklets of information distributed to members, he reviewed the conditions associated with the request along with the illustrative site plan of the development. The final site plan will be subject to approval by the County if this property is rezoned. He presented numerous photographs of the site along with a photograph illustrating a typical Dollar General store with landscaping on an acre and a half site located near Sedgfield.

Mr. Isaacson said that a letter was sent out to neighbors and several phone calls were received regarding the project. He was not aware of any opposition to the request.

Mr. Isaacson explained that this property adjoins a portion of Interstate 40 that carries traffic for Business 85 making it an even busier roadway. The subject property is steps away from three convenience stores with fuel pumps and there are more commercial properties across Lee Street as well. He felt this property was not suitable for single-family or multifamily homes with the highway and existing businesses close by. While some office uses may decide to locate there, it appears that neighborhood serving retail shops are the best and most logical use for this property. The fact that the existing church and the Piedmont Baptist Association will remain at their current site reflects their confidence in the development of the property. He felt this plan was well founded for the future of the site as well as the neighborhood.

Dr. Larry Doyle, 2009 Sharpe Road, indicated that the Piedmont Baptist Association's intention is to serve the community. He described the services offered through the various congregations represented by the Association. The Board of Directors of the Piedmont Baptist Association voted to proceed with the proposed project as a way to serve and add value to the community.

In Opposition:

J. Towl, 2014 Sharp Road, stated that he was not opposed to the idea of development; however, there are existing problems with congestion as a result of the growth of churches in the area. Increased population in the area has also added to the congestion and a school is being built nearby which will add to the traffic problem. He noted parking issues and trespassing on his property as a result of the congestion. He was supportive of another store such as a Chik-Fil-A or Sheetz. He pointed out that the property was originally donated to the Piedmont Baptist Association to be used for missionary work. Mr. Towl stated that there is already a Dollar General store within two miles of the proposed site and he commented on the unwelcoming appearance of the store.

Chair Bailey clarified that the Planning Board cannot consider exactly what business will be located on the property but there is a list of conditions indicating what cannot be placed on the site. This is a general rezoning and not specific to Dollar General. Mr. Towl stated his opposition to the request and commented that either way, the request would bring additional traffic into the area.

Terl Gleason, 2010 Sharpe Road, identified his property on the map. He stated that the property is adjacent to the City limit and he was concerned about water runoff, the necessity of a retention pond, and traffic in the 45 mph zone. He felt the property was an undeveloped cloverleaf at the City limit. He pointed out spot zoning all around the site. He was not opposed to development as long as it was done properly and planned for the area. He was concerned about the highway buffer. He questioned why they were not building at the highway to get full exposure. He pointed out that two Dollar Generals are located nearby and there are 18 Dollar Generals in Greensboro. They would like the area to be developed similarly to the development at Elm-Eugene and Highway 85. He noted development on the City side of the highway and said that they were on the County side of the highway. He would like this to be developed together as a whole piece of property.

Responding to a question concerning communication, Mr. Gleason stated that he has spoken with representatives from the church and the developer. The community hosted a community meeting for the three rural neighbors in the area who are directly impacted. He was unsure how the neighbors on the other side of Lee Street feel about the request. He would like to have more conversation with the developer about the proposed development.

Rebuttal in Support:

Mr. Isaacson responded to the neighborhood concern about traffic and congestion and pointed out that it was determined a Traffic Impact Analysis was not needed at this point. A new stoplight was recently erected in the area. Following questions regarding daily trips generated by the Dollar General store, Mr. Eger stated that this is a request for ten acres to be rezoned and it is not a request for a Dollar General. Traffic projections were not just for a Dollar General store. They were based on non-residential uses on the whole ten acres. He confirmed that the proposed parcel would be only part of a projected 750 trips. Mr. Isaacson indicated that most of the traffic is local-serving traffic. He added that Dollar General is closing many of their older stores because they are not up-to-date. Better locations have been found and different materials will be used to build the newer stores. The Dollar General stores are intended to be neighborhood stores. Addressing the concern about a water retention feature, Mr. Isaacson stated that the developer will do whatever the County indicates should be done. The feature will be covered in the site plan review using best practices. Regarding the façade, Mr. Isaacson confirmed there will be no metal building materials on the front or side. Masonry, brick, or stucco will be used for the building.

Dr. Larry Doyle, Piedmont Baptist Association, commented they were initially concerned about the development, which is why so many conditions were added to the request. They are investing back into the property and would not put anything inappropriate on the site that would not add value to the community. He agreed there would be more traffic but felt the roads could handle the increase.

Opposition in Rebuttal:

Terl Gleason commented that there is a store across the street that serves the same needs as the proposed Dollar General. If a Dollar General adds to the community, he questioned what will they add that is not already there and who are their neighbors. He reiterated his opposition to the request.

Kerry Towl, 2014 Sharpe Road, stated that her biggest concern was the traffic. There are many elderly and disabled people in the neighborhood. She noted that it is difficult to get into their driveway on Sunday when church services let out. Traffic conditions would worsen if a Dollar General were located on the corner.

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

Discussion:

Mr. Derrickson felt the highest and best use of the land is to have some type of commercial development. The church is the owner of the land and they have already proven to be good leaders in the community.

Mr. Derrickson moved that in the matter of **Case #14-06-GCPL-02867**, the Guilford County Planning Board believes that its action to approve the zoning amendment located on Guilford County Tax Parcel 0114710 from RS-30-SP to CU-GB to be consistent with the adopted Northeast Area Plan and considers the action taken to be reasonable and in the public interest because the request is generally consistent with the Land Use Category indicated for the property on the Northeast Area Plan Future Land Use Map; although the request is inconsistent with the adopted Northeast Area Plan it has been determined that zoning the property to CU-GB is compatible with the surrounding area and use; along with the other applicable factors raised at the Public Hearing; seconded by Mr. Westcott. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

Mr. Derrickson stated that he would like to see the two parties get together for purposes of clarifying information.

Chair Bailey offered a friendly amendment that the zoning is inconsistent with the adopted land use plan. Mr. Derrickson accepted the friendly amendment.

REZONING CASE #14-06-GCPL-02880: RS-30 to CU-HI (APPROVED)

Located on the north side of Hicone Road and Eristin Road intersection in Madison Township, Being a portion of Guilford County Tax Parcel #0113271, approximately 22,250 square feet owned by Martin Marietta, Inc.

Mr. Eger stated that this request is for industrial uses but it is conditioned so the property being rezoned can only be used for an access drive to the adjacent property. Heavy industrial zoning is being looked at because if it becomes part of a quarry, it has to be zoned consistent with the industrial requirements for the quarry. In addition to this rezoning case, a Special Use Permit would also have to be approved for the Heavy Industrial zoned area to be consistent with the requirements for a quarry and the access drives to the quarry. Land uses to the south across Hicone Road are low-density residential. To the east and west are ball fields owned by the quarry that are low density residential. The plan for the area is the Northeast Area Plan that recommends for Public Institutional zoning. Although it is not consistent with the plan, rezoning a smaller portion of the area to install an access drive to the quarry is compatible with the adjacent ball fields and is being done in the public interest. This request would also consolidate all the drives along Hicone Road into one drive, which would be better than the present three driveways. Martin Marietta, Inc. owns the property and provides the community ball fields. Rezoning a small portion of the property will permit a buffer adjacent to the residential areas on either side of the ball fields. Staff recommends approval of the request.

In Support:

Mike Fox, 100 North Greene Street, is an attorney representing the applicant, Martin Marietta, Inc. Mr. Fox explained that because this is a quarry operation, a Special Use Permit is required in addition to the rezoning. The presentation will be the same for both requests.

Chair Bailey commented that the Board can hear all the information at once. A vote will be taken on the first motion for the first case and then the second case will be called when specific information relating to the Special Use Permit can be added.

Individuals planning to speak either for or against the proposal were sworn as to their testimony in this matter.

Three sets of informational material were distributed to members consisting of maps, a Market Study Analysis of Economic Impact, and a Transportation Impact Analysis.

Mr. Fox stated that the owner of the quarry is looking for a new access point on Hicone Road. He described the current entrance point being used along with another existing entrance that was permitted in 2001. The permitted entrance has never been built. Martin Marietta, Inc. would like to abandon the permitted entrance and replace it with the new proposed entrance. Since the time the entrance was permitted, the subdivision has grown and developed. The neighborhood Homeowner's Association has submitted a letter in support of abandoning the permitted entrance that has never been built and adding the new access. The urban loop is scheduled to be completed within the next five to seven years and the eastern part of the loop will connect into Highway 29 close to the subject property. The new access will make it more convenient and less costly to deliver materials to the eastern loop site as well as other construction sites that are in the community. The Northeast Youth Sports Association uses the site as a sports field. They are in favor of the new access point. No opposition was noted during meetings with the immediate neighbors. There will not be a noticeable impact of traffic on Hicone Road. Mr. Fox anticipates that the Department of Transportation (DOT) will require improvements on Hicone Road that have already been recommended. He stated that DOT has approved the new entrance.

Paxton Badham, 2700 Wycliff Road, Raleigh, North Carolina, is with Martin Marietta, Inc. He provided an overview of the company who is the largest aggregates producing company in the United States and is still headquartered in Raleigh, North Carolina. In addition to the Hicone Road quarry, Martin Marietta, Inc. has three other Guilford County quarries. He described the costly nature of hauling the product and said it was very economical to have a quarry near the business site. A meeting was held with the neighbors and no opposition was noted as a result of the meeting.

Will Letchworth, 5400 Centerview Drive, Raleigh, North Carolina, is an engineer. A Traffic Impact Analysis was performed as part of the application. He indicated that there will not be significant impact as a result of the request. Looking at historical shipments, Mr. Letchworth indicated that approximately 55 trucks come in and out of the quarry per day equating to six trucks coming in and out of the driveway during peak morning and afternoon periods. He has recommended an acceleration lane on Hicone Road as a safety improvement for trucks turning right out of the driveway that will be going up a grade in the westbound direction. The acceleration lane will allow the trucks to build up speed before they merge into Hicone Road. Mr. Letchworth confirmed that there is a letter from NCDOT (North Carolina Department of Transportation) stating that they have no opposition to the new driveway for the quarry. This entrance will not materially endanger the public health or safety.

Tom Taylor, 305 Blandwood Avenue, is a real estate appraiser in Greensboro, North Carolina. He was asked to look at the new driveway to determine if it would impact surrounding properties in any way. He described how he conducted his study and indicated that there was no evidence the quarry and associated truck traffic has created any difference in values than exist in Guilford County as a whole. He concluded that the request would not create any kind of negative impact on the neighborhood or injure surrounding or abutting property values.

Mr. Fox addressed the rezoning request and stated that it is a good use for the property. He asked members to consider approval of the rezoning request.

As far as the Special Use Permit, Mr. Fox stated that members must be able to support the following criteria: (1) The use is not likely to materially endanger the public health or safety; (2) The use meets all the requirements and conditions and specifications of the ordinance; (3) The use will not substantially injure the value of adjoining or abutting properties; and (4) The location and character of the use if developed according to the submitted plan 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.

Mr. Fox contended that evidence has been presented to satisfy all four findings of fact through the Traffic Impact Analysis Report, the ordinance, testimony from Mr. Taylor regarding his Market Study Analysis of Economic Impact, and staff's report that the request is in conformity with the general plan for the area. In addition, information has been submitted about the existing nature of the quarry and its business. He felt that all requirements have been met and he asked that the Board grant the Special Use Permit.

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

Discussion:

None.

Mr. Derrickson moved that in the matter of **Case #14-06-GCPL-02880**, the Guilford County Planning Board believes that its action to approve the zoning amendment located on Guilford County Tax Parcel 0113271 from RS-30 to CU-HI to be consistent with the adopted Northeast Area Plan and considers the action taken to be reasonable and in the public interest because the request is generally consistent with the Land Use Category indicated for the property on the Northeast Area Plan Future Land Use Map; although the request is inconsistent with the adopted Northeast Area Plan it has been determined that zoning the property to CU-HI is compatible with the surrounding area and use; along with the other applicable factors raised at the Public Hearing; seconded by Mr. Westcott. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

Chair Bailey offered a friendly amendment that the zoning is inconsistent with the adopted land use plan. Mr. Derrickson accepted the friendly amendment.

SPECIAL USE PERMIT CASE #14-06-GCPL-02882: Quarry Access Road (APPROVED)

For the record, Chair Bailey stated that approval of a Special Use Permit Case requires the following findings of fact: (1) That the proposed use requires a Special Use Permit under the Development Ordinance; (2) That the proposed conditions meet or exceed the development standards as found in the Development Ordinance; (3) That the use as proposed and/or agreed to or as the Planning Board has imposed is consistent with the purposes of the district and compatible with the surrounding uses;

(4) That the use will not materially endanger the public health or safety if located where proposed and developed according with the plan; (5) That the use meets all the requirements and conditions and specifications; (6) That the use will not substantially injure the value of adjoining or abutting properties or that the use is a public necessity; and (7) That the location and character of the use if developed according to the submitted plan 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 environments.

Chair Bailey reminded the Board that their vote in this matter is based on the aforementioned findings of fact.

Mr. Westcott moved that in the matter of **Special Use Permit #14-06-GCPL-02882**, after considering evidence in regard to the application for the Special Use Permit, the Guilford County Planning Board finds credible evidence that the Special Use Permit should be approved subject to the site plan and all applicable conditions and in support 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 as found in the development ordinance; (3) The use as proposed and/or agreed to or as the Planning Board has imposed is consistent with the purposes of the district and compatible with the surrounding uses; (4) The use will not materially endanger the public health or safety if located where proposed and developed according with the plan; (5) The use meets all the requirements and conditions and specifications; (6) The use will not substantially injure the value of adjoining or abutting properties; and (7) The location and character of the use if developed according to the submitted plan 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 environments. Therefore, Mr. Westcott moved that the request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law be approved, seconded by Mr. Apple. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

TEXT AMENDMENT CASE #14-06-GCPL-02921 (APPROVED)

Amendment to sections 4-2.3 Conditional Use Districts, 4-2.3 (A) Districts Established and 4-2.3 (B) Application of the Guilford County Development Ordinance. Purpose of amendment is to change district title to reference conditional zoning rather than conditional use district.

Mr. Eger stated this is an amendment to the Guilford County Development Ordinance describing conditional use districts. The request as proposed would eliminate confusion between conditional use districts and conditional zoning. Amendments to this section are included in packets distributed to members. To make wording consistent across the state and to minimize confusion, it has been requested that the County change the Development Ordinance to use the wording conditional zoning instead of conditional use district. Staff recommends approval of the amendment.

In the matter of **Text Amendment Case #14-06-GCPL-02921**, Mr. Westcott moved to approve the text amendment as written, seconded by Mr. Derrickson. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

TEXT AMENDMENT CASE #14-06-GCPL-02922 (APPROVED)

Amendment to section 5-13.6 (B) Utilities of the Guilford County Development Ordinance removing text requiring public water and sewer connection to public utilities within 300 feet of proposed subdivisions.

Mr. Eger stated that this request is proposed to eliminate ordinance language requiring water and sewer line connections to subdivisions within 300 feet of public water and sewer lines. Amendments to this section are included in packets distributed to members. Mr. Eger described events that triggered the amendment. With changes in the annexation laws and the loss of the water and sewer agreement with the City of Greensboro, this section of the Development Ordinance at one time were included to help water and sewer extension throughout the County. With the loss of this agreement, this requirement actually hurts individuals or developers who want to do simple subdivisions or even a large subdivision without public water and sewer. It would also force people to be annexed into the City.

In the matter of **Text Amendment Case #14-06-GCPL-02922** regarding section 5-13.6 (B) Utilities of the Guilford County Development Ordinance, Mr. Westcott moved that the language as presented be removed, seconded by Mr. Apple. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Geter, Derrickson. Nays: None.)

NON-PUBLIC HEARING ITEMS:

(1) Adopted Rules of Procedure

Mr. Bell stated that he has final copies of the revised Rules of Procedure ready for distribution to members. During the process of getting the revision approved by the Board of Commissioners, the membership computation was changed. In addition, although the Board had voted some time ago to change the time of the meeting, public information still refers to the Planning Board meeting at 7:00 p.m. That is why Chairman Bailey asked members to make the earlier motion regarding the meeting time. At the request of the Board, Mr. Bell indicated that he will send a whole fresh copy of the revised Rules of Procedure to members tomorrow that reflects the 6:15 pm business meeting and the 6:30 pm regular meeting. Staff will also send members a voting guide indicating the change from seven members with alternates to nine members [and no alternates] that may be useful, especially for rezonings. Staff is looking at getting another staff member to become a Notary so that they can attest to oaths of office.

(2) Text Amendments for Consideration at the Next Meeting

- **Amendment to Section 6-5 Fencing to include low voltage fencing in industrial districts and clarify requirements for barbed wire fencing**
- **New text regarding dumpster screening standards**

Mr. Eger stated that he would like to bring two text amendments to the Board next month for recommendation to the County Commissioners. One amendment is for dumpsters requesting that the ordinance be changed to offer how dumpsters are to be screened rather than just saying they are to be screened.

The other amendment relates to low voltage electrical fences around uses other than agricultural. There will also be a change in how the barbed wire will be positioned on the tops of fences.

In the interim, Mr. Eger asked members to contact him should they have any questions about the amendments before the next meeting. He commented that a third amendment may be brought before the Board relating to definitions of different types of farms.

Mr. Bell indicated that [in accordance with the recently revised and adopted Rules of Procedure] that Mr. Eger will serve as the Clerk. From time to time as a training opportunity, Mr. Bell advised members that other staff members may come to give presentations on occasions and when Mr. Eger is absent.

Chair Bailey informed the Board that she has been in touch with one of the developers of the solar company for the land that was rezoned in Brown Summit. The project is up and running and the Board had expressed an earlier interest in visiting the solar farm. The visit must be arranged with both the solar company and the homeowner leasing the land. It was suggested that the visit occur with a non-quorum of members. Chair Bailey plans to schedule the visit for an hour and have the Board come in two different groups. Dates for the meeting will be sent out after she has heard back from the solar company.

Chair Bailey asked staff if applicants can be required to provide their information in a format that can be shared with the audience. She felt it was off-putting when the Board receives a packet of maps, pictures, and site plans that are not available for the general public to view. Mr. Eger stated that the information could be requested but could not be required. Following a discussion of the current system, Mr. Bell indicated that he would communicate the Board's request for the appropriate equipment to display information.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Michael Westcott, Chairman

Les Eger, Secretary to the Board

LE/sm:jd