

**Guilford County
Planning Board
SEPTEMBER 10, 2014**

The Guilford County Planning Board met on Wednesday, September 10, 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: Mr. Derrickson, Chair; Mr. Apple; Mr. Collins; Ms. Gibson; Mr. Westcott; Mr. Leonard; Mr. Geter; and Ms. Bailey.

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

APPROVAL OF MINUTES:

Mr. Collins moved approval of the July 9, 2014 meeting minutes as written, seconded by Mr. Derrickson. The Board voted 8-0 in favor of the motion. (Ayes: Bailey, Derrickson, Apple, Collins, Gibson, Westcott, Leonard, Geter. Nays: None.)

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

ELECTION OF OFFICERS:

Chair Bailey advised members that she has accepted a job with Guilford County and is resigning as Chairwoman of the Guilford County Planning Board to avoid any conflict of interest. She opened the floor for nominations for Chairman and Vice-Chairman to serve for the remainder of the year.

Mr. Leonard moved to elect Mr. Derrickson as Chairman of the Guilford County Planning Board, seconded by Mr. Collins. The Board voted 8-0 in favor of the motion. (Ayes: Bailey, Apple, Collins, Gibson, Westcott, Leonard, Geter, Derrickson. Nays: None.)

Members thanked Ms. Bailey for her service to the Board. Ms. Bailey left the dais.

Chair Derrickson opened the floor for nominations for Vice-Chairman.

Mr. Leonard moved to elect Mr. Westcott as Vice-Chairman of the Guilford County Planning Board, seconded by Mr. Collins. The Board voted 7-0 in favor of the motion. (Ayes: Apple, Collins, Gibson, Westcott, Leonard, Geter, Derrickson. Nays: None.)

PUBLIC HEARING ITEMS:

REZONING CASE 14-08-GCPL-04241: AG and RS-30 to CU-RS-30 (APPROVED)

Located on the north side of NC 150 West approximately 1800 feet east of Valley Fall Road in Center Grove being Guilford County Tax Parcel #0138357, approximately 31 +/- Acres owned by Janet and Robert Herman.

Mr. Eger stated that this is a request to rezone approximately 31 acres from AG (Agricultural) and RS-30 to CU (Conditional Use)-RS-30 zoning in order to develop a major residential subdivision. The conditions that apply to this request are that there is a maximum of 25 residential building lots and that the development will comply with the 30 foot farm buffer or buffers surrounding the property that are dedicated farm lands. Should the designation of the farmlands be removed, the buffer will also be eliminated. This request is primarily low density residential subdivisions, residential acreage tracts, and scattered farm uses. Land uses on the property are low density residential. Surrounding it are low-density residential land uses and bona fide farm uses. The Northern Lakes Area Plan is the adopted plan for the area. The Plan recommends for residential developments up to two (2) residential units per acre with farm buffers from adjacent bona fide farms. This request is consistent with the intent of the Land Use Plan, compatible with surrounding uses and zonings, and is being requested in the public interest. Staff recommends approval of this request, which would allow the developer to build up to 25 residential single-family stick built lots.

In Support:

Bob Dischinger, President of Evans Engineering, 4609 Dundas Drive, was present to represent LTD Equity, Inc. who is under contract to purchase this piece of property. This request is to rezone 31 acres from existing AG (Agricultural) and RS-30 zoning to CU-RS-30 zoning to allow for a single-family residential development for lots for custom builders. He distributed a booklet of information to staff and Board members for purposes of his presentation. He reviewed the conditions associated with the request and described the location of the proposed project. Referring to an illustrative sketch of the property, he pointed out that NCDOT (North Carolina Department of Transportation) has agreed to connect into the existing Northern States division on Patsy's Trail, thereby giving access out onto Highway 150. This would limit an additional public street connection out onto Highway 150. They anticipate lots ranging in size from a minimum of 30,000 square feet to some in excess of two (2) acres on the northern end of the property.

Mr. Dischinger stated that the developer sent a letter to adjacent property owners describing the request. The letter generated two (2) inquiries to the developer who met with the property owners to explain details of the development. The homeowners are now in support of the request. The proposal is consistent with the intent of the Northern Lakes Area Plan and is compatible with surrounding uses and zoning.

Opposition:

None.

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

Mr. Westcott moved that in the matter of rezoning case **14-08-GCPL-04241**, AG and RS-30 to Conditional Use RS-30, the Guilford County Planning Board believes that its action to approve the zoning amendment located on Guilford County Tax Parcel 0138357 from AG and RS-30 to CU-RS-30 to be consistent with the adopted Northern Lakes 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 Northern Lakes Area Plan Future Land Use Map, seconded by Mr. Leonard. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Apple, Collins, Gibson, Leonard, Westcott, Geter, Derrickson. Nays: None.)

ROAD RENAMING CASE # 14-08-GCPL-04295 (APPROVED WITH CONDITION)

Renaming of a portion of **High Point Road** to **Gate City Boulevard** and to consider the naming of a **new portion of the bypass** to **Gate City Boulevard**. The proposed change is for those portions of High Point Road, in unincorporated Guilford County, from the City limits of Greensboro at Groometown Road running south to Vickrey Chapel Road.

Mr. Eger stated that this is a request to rename a portion of High Point Road and an unnamed bypass that is being built to Gate City Boulevard. The request is from Hilltop Road extending south and southwest to the Vickrey Chapel Road area. The renaming started with the City of Greensboro with the condition that the name does not change until July 1, 2015, which is a stipulation due to the completion of the actual road construction and new bypass of the High Point Road area. Mr. Eger said if the Board chooses to recommend approval of the renaming, considering the July 1, 2015 date would be helpful for the renaming of the entire project all at once.

Mr. Westcott recused himself from this case due to a conflict of interest.

Mr. Bell said that this item was presented to the Board of County Commissioners at their August 21, 2014 meeting for concurrence to move this forward at this point. For the record, he stated that members are also in receipt of a letter from the town of Jamestown Board.

In Support:

Steve Showfety, 400 Four Seasons Town Center, Koury Corporation, stated that they have been involved with this effort since the mid-1980's when the land was assembled and the cities of High Point, Jamestown, and Greensboro first established extraterritorial jurisdictions in that area. Subsequently, he worked with the County in 1989 to issue the Southwest Area Plan, which took into account the future needs of that area in regard to transportation network, water and sewer, and land use planning. Mr. Showfety said that the Jamestown bypass has changed the alignment of the predetermined extraterritorial jurisdiction lines. Koury Corporation asked the cities of Jamestown and Greensboro to redefine those lines so that they could determine who to go to for building permits and supervision of other ordinance items. That process took over a year to establish and new extraterritorial jurisdiction lines are in effect. Although they touch the new roadway alignment, the vast majority of property behind it to the south is in the Greensboro extraterritorial jurisdiction and for that reason; their planning is oriented around focus back to the Greensboro area. They are interested in having continuity in the name change because several thoroughfares in the Greensboro area are important for reference purposes. He noted that Holden Road is known by three different names as it expands through Greensboro. He used Wendover Avenue as an example of a roadway with only name as it starts at Interstate 40 on the east continuing onto Highway 68 making it convenient and easy for travelers to understand.

Mr. Showfety stated that from the Guilford College Road intersection to Interstate 85 in the east, the proposed road would hopefully have one name and one identity to connect Highway 73, Highway 40, and Highway 85. He felt this was important not only for local citizens but for visitors to recognize important thoroughfare connectors between the two areas. Aligning more closely with the Jamestown community is the expanse of road traveling from Guilford College Road west to Vickrey Chapel Road. They have no objection with this portion being identified as the community so directs but he requested that Guilford College Road traveling east all the way through the City of Greensboro have a uniform name.

Jerry Coble, Guilford County Fire Marshall's Office, stated that in the interest of public safety it would be advantageous to maintain the continuity of one name for the road especially since it is a major thoroughfare going through the City. It can become very confusing for fire, law enforcement, and emergency medical services if the name of the road that they are being called from is not known. He was supportive of having one road name because the subject road is very long and has many destination points.

Mayor Keith Volz, 601 O'Neill Drive, Jamestown, North Carolina, was in support of the Jamestown community having the opportunity to provide a name for the road from the Guilford College Road interchange with the new bypass into Jamestown. They are in process of considering two possible names for the road. One name under consideration is the Jamestown Parkway. The identity of Jamestown could be maintained by having the road named at that intersection where it could continue onto Vickrey Chapel and Five Points. He referred to a letter that he sent to County Commissioners on August 26, 2014 asking for the opportunity to be a part of the name change process. He asked that the letter be entered into the record.

Chair Derrickson asked Mr. Bell if it was appropriate for the Board to vote on Mr. Volz's request at this meeting or should the matter be addressed at another meeting. Mr. Bell stated that the Board could table this matter and let Jamestown make their decision and then come back to the Board for another hearing. Another option would be for the Board to make a decision tonight on renaming what portion they would like but another hearing might have to be held based on what Jamestown indicates they would like to name the road.

Mr. Showfety pointed out that there is a time element of concern associated with NCDOT providing signage on Interstate 73 from the off ramps that are part of this project. He was advised that a decision needed to be made by last summer to allow for lead-time providing contracts to bidders to provide the signage. He stated that time is of the essence at this point and it would be important for NCDOT if there is a way to incorporate various elements of concern and move this project forward.

Mr. Collins asked staff if this matter will be heard by the County Commission. Mr. Eger indicated that it would be heard by the Commissioners only if it is appealed. Mr. Collins felt that this seems to be a County Commissioner concern and he asked if it would be appropriate for the Board to pass along a recommendation to the Commission based on information received at this public hearing. Mr. Bell stated that the Board must make a decision. Mr. Collins asked if this was a yes/no vote or if the request could be modified. Mr. Eger said that it could be modified but another hearing would be held at a later date after the town has had time to make a decision as to what they want to do with that portion of the road.

Chair Derrickson's suggestion was to move the matter along. Regardless of the decision, there is an appeal process. Mr. Bell recommended that the Board consider making a decision tonight as presented in case the matter is appealed.

Mr. Coble pointed out that there is a section of the roadway that is now open from Guilford College Road south to Vickrey Chapel Road that is basically a traveled but unnamed road at this point in time. Until the Board adopts a name, that portion of the road will remain unnamed and has the potential to cause public confusion.

In Opposition:

None.

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

In the matter of road renaming case **14-08-GCPL-04295**, Mr. Collins moved to accept the item as presented to be named as shown on the document to move this forward, seconded by Mr. Geter. Mr. Collins added to his motion the condition that this goes into effect on July 1, 2015, seconded by Mr. Geter. The Board voted 6-0-1 in favor of the motion. (Ayes: Derrickson, Apple, Collins, Gibson, Leonard, Geter. Nays: None. Abstain: Westcott.)

Mr. Coble offered information for a possible amendment to the last vote that made the name change effective on July 1, 2015. There is still a section of the road in service at this time between Guilford College and Vickrey Chapel that will remain unnamed until July 15, 2015.

Following discussion, Mr. Leonard moved that the unnamed portion of road be named Vickrey Chapel Road. There was no second to the motion.

Chair Derrickson pointed out that a petition is required before a road can be renamed and therefore, the Board cannot rename the unnamed portion at this meeting.

Mr. Eger suggested that there be an amended motion taking the July 1, 2015 effective date out so that the renaming would be immediate. Mr. Bell added that the effective date of the renamed road could be conditional upon DOT (Department of Transportation) opening up sections of the road for public use.

Mr. Collins withdrew his earlier condition and moved an amended condition that the renaming be effective when DOT opens up the road for public use, seconded by Mr. Geter. The Board voted 6-0-1 in favor of the motion. (Ayes: Derrickson, Apple, Collins, Gibson, Leonard, Geter. Nays: None. Abstain: Westcott.)

**(3) TEXT AMENDMENT CASE 14-08-GCPL-04262 (Bona Fide Farms and Farm Buildings)
(RECOMMENDED)**

A proposed text amendment to the Guilford County Development Ordinance to amend Section 2-1 Definitions as it relates to statutory definitions for Bona Fide Farms as described by N.C.G.S. 153A-340 and 106-581.1 and Farm Buildings as described by N.C.G.S. 143-138.

Mr. Eger stated that this text amendment establishes definitions of bona fide farms, farm buildings, and farm uses. State statutes have changed over the last year describing what a bona fide farm is and actually provides a definition for a farm and farm buildings. The text amendment also describes the exemptions to farm building standards.

Staff is asking the Board for a recommendation to the Guilford County Commissioners for approval of this text amendment which establishes farm definitions in Chapter 2 of the Development Ordinance. The amendment would describe what a bona fide farm is, what the uses are on a bona fide farm, and information that must be provided by an applicant for a bona fide farm for a determination to be made. Staff is also asking the Board to recommend the definition of a farm building. These two changes come straight out of the statutes as presented and they are being added into the definitions of the ordinance.

Jerry Coble, Guilford County Fire Marshall's Office, stated his support of the request. If approved, the language from the General Statutes will be in line with the requirements of the fire code and building code. The codes address farm buildings the same way as the General Statute does and therefore, approving the text amendment would make everything consistent.

Mr. Westcott moved to recommend proposed text amendment **14-08-GCPL-04262**, seconded by Mr. Collins. The Board voted 7-0 in favor of the motion. (Ayes: Derrickson, Apple, Collins, Gibson, Leonard, Geter, Westcott. Nays: None.)

**TEXT AMENDMENT CASE 14-08-GCPL-04263 (Low-Voltage Fencing)
(RECOMMENDED)**

A proposed text amendment to Sections 6-5.3, 6-5.5 C, 6-5.7 and incorporating new section 6-5.7 F Low-Voltage Electrified Fences

Mr. Eger indicated that this text amendment involves fences and the establishment of low-voltage electrified fences to be used to protect industrial uses in the Light Industrial and Heavy Industrial zoning districts. Low-voltage electric fences are addressed in section 6-5.7 F where it states that a maximum of 12 primary volts is allowed in Light and Heavy Industrial districts. Staff would like to leave the sound spacing intervals on the fence at 50 feet. In addition, staff would like to leave the Knox Box totally at the fire department's discretion. Staff is recommending approval of the request.

Jerry Coble, Guilford County Fire Marshall's Office, asked that the Board consider making staff's request for the optional Knox Box a requirement. That would bring this amendment in line with what is required in the Fire Prevention Code. From the public safety aspect, it would be much easier on fire fighters if they did not have to use forceful entry tools trying to get through an electric fence. A key and Knox Box is a much better way to gain entry.

Mr. Collins moved to recommend text amendment **14-08-GCPL-04263** with the addition of staff's request to leave the Knox Box at the discretion of the fire department, seconded by Mr. Leonard. The Board voted 7-0 in favor of the motion. (Ayes: Derrickson, Apple, Collins, Gibson, Leonard, Geter, Westcott. Nays: None.)

**TEXT AMENDMENT CASE 14-08-GCPL-04264 (Dumpster Screening)
(TABLED UNTIL OCTOBER, 2015 MEETING)**

A proposed amendment to the Guilford County Development Ordinance adding new sections 6 – 7 Dumpster Screening.

Mr. Eger stated that this is a request to enter standards in the building ordinance to help clarify situations dealing with dumpsters and dumpster screening in the development ordinance. Currently the ordinance just says that the dumpster has to be screened from a public road and surrounding areas. This text amendment would address how the dumpster is to be screened. The text amendment is consistent with the City of Greensboro's ordinance addressing the screening of dumpster facilities at commercial and industrial uses. Staff recommends approval of the request.

Judy Stalder, TREBIC (Triad Real Estate and Building Industry Coalition), stated that they just received a copy of the amendment earlier in the afternoon. She would like to run the amendment by their members to determine if they agree that this is a good idea. She felt it was an oversight that the information was not received in time to review it before the Planning Board meeting. She indicated that they will have received all comments prior to the meeting of the Board of County Commissioners. Ms. Stalder asked that it be noted in the minutes that TREBIC is reviewing the amendment.

Mr. Collins asked staff if this text amendment is the same as what is in effect in the City of Greensboro. Mr. Eger replied in the affirmative and said that this amendment would provide consistency with the Greensboro ordinance.

Mr. Westcott suggested that the maximum screening height should be 12 feet to address situations where the road is higher than the site. Mr. Collins asked if the amendment could indicate that screening should be 8 feet from the entry point of the dumpster. Mr. Westcott pointed out that the amendment states a minimum screening height of 8 feet and his objective is to set a maximum height.

Mr. Eger noted that the lay of the land will vary in each situation and therefore, there is no perfect situation.

Chair Derrickson inquired if the text amendment can actually be changed or if Mr. Westcott's suggestion should be noted for the record.

Mr. Eger stated that conditions could be added to the text amendment. This is a recommendation to the Commissioners for approval.

Mr. Collins was supportive of adding a maximum height as a condition of the amendment. He felt this matter should be researched before it is presented to the Commissioners in case the maximum height number needs to be adjusted. Mr. Westcott agreed and suggested that staff should decide on the maximum height number.

Mr. Apple felt there was no need to exceed the 8 foot height.

Mr. Bell explained that the Board should be as specific as possible in a motion because the text amendment must be advertised. The item can be tabled and brought back to the Board if members are not comfortable with the wording.

Mr. Collins pointed out that staff would deal in review with the applicant if they had a special situation where they were backing up to something that was looking down on the site.

Mr. Eger reiterated that the amendment must be specific and clear before it goes to the County Commissioners.

Mr. Leonard felt that this item could be tabled until the next meeting and noted that the matter is not time sensitive and TREBIC has already asked for time to review the amendment.

Mr. Leonard moved to table text amendment case **14-08-GCPL-04264**, seconded by Mr. Collins. The Board voted 7-0 in favor of the motion. (Ayes: Derrickson, Apple, Collins, Gibson, Leonard, Geter, Westcott. Nays: None.)

NON-PUBLIC HEARING ITEM:

Future PDR/PDM Text Amendment Discussion

Chair Derrickson said that this item can be discussed at the next meeting. Mr. Collins inquired about the expectation of the text amendment. Chair Derrickson stated that there are interested parties working with the County attorney who wanted to be present at tonight's meeting to participate in the discussion and he felt the Board should wait and hear the matter next month.

Mr. Apple commented on the condition of the sound system equipment and the poor acoustics in the Commissioners Chamber. He noted that members of the audience often have difficulty understanding what is being said on the dais.

* * * * *

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:27 p.m.

Respectfully submitted,

Michael Westcott, Chairman

Les Eger, Secretary to the Board

HD/sm:jd