

# Guilford County Planning Board August 14, 2013

The Guilford County Planning Board met on Wednesday, August 14, 2013 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. Collins; Mr. Leonard, Ms. Munden, Mr. Derrickson, Mr. Wood, Mr. Westcott, Alternate; Mr. Apple, Alternate

Planning Staff Present: Les Eger and Tonya Hodgins, Planning Staff.

## **APPROVAL OF MINUTES:**

Ms. Bailey moved to approve the minutes of the May 8, 2013 meeting, as submitted, seconded by Mr. Wood. The Board voted unanimously in favor of the motion. (Ayes: Collins, Leonard, Munden, Derrickson, Wood, Nelson, Westcott, Apple: 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.

## **RESOLUTION OF INTENT ROAD CLOSING CASE #13-08-GCPL-03724:**

WHEREAS, a petition has been filed pursuant to GS153A-241 requesting the Board to close and remove for dedication the following described roadway:

Being that portion of Joe Drive, State Road 1877, approximately 1750 feet north of Sandy Ridge Road, State Road 1850, extending 1149 feet north to the end of existing State Road 1877 in the Deep River Township of Guilford County.

NOW, THEREFORE, BE IT RESOLVED that it is the intent of this Board to close said road to public use and that a Public Hearing on this question will be held on the 11th day of September 11, 2013, at 6:30 p.m. in the Old Guilford County Courthouse, Commissioner Meeting Room, 2nd Floor, Greensboro, North Carolina, at which time the Board will hear all interested citizens

and make a final determination on whether the road should be closed and removed by demolition.

A motion to approve the Resolution was made by Mr. Derrickson, seconded by Mr. Wood. The Board voted unanimously in favor of the motion.

### **CONDITIONAL USE REZONING:**

**CASE #13-07-GCPL-03060: AG to CU-HI** Located on the north side of Kivett Drive approximately 2,000 feet east of Riverdale Road, in Jamestown Township,, being Guilford County Tax Parcel #0157391, #0157392. #0157394, approximately 16.72 Ac owned by Martin Marietta Materials, Inc. **(APPROVED)**

Mr. Eger stated that this is a request to rezone from agricultural to conditional use heavy industrial. The purpose of this in a special use permit case following this case, is they've added conditions to the request for the site that will be used for this quarry. Conditions that the use will be limited to mining the quarry, including related support activity to the quarry. This request is in an area of low density residential and quarry. It is surrounded by the quarry property. There is a vacant residential structure on the property. To the north of the property is the quarry. Across Kivett Road is a vacant and low density residential use. To the east is quarry and to the west is vacant. The land use plan for this area is the Southern Guilford County Area Plan. The plan recommends for agricultural and industrial uses, overall not all consistent with the plan. This request is compatible with the adjacent quarry and land uses and is in the public interest.

Staff recommends approval of the request, which will enable Martin Marietta to apply for a required special use permit necessary to operate a quarry on the property. It is felt that the impacts of the proposed use will be mitigated through development standards of the Guilford County Development Ordinance and conditions that have been applied to this request. This property is in Guilford County and is also in High Point's future growth area. Mr. Eger stated that consulted the City of High Point's Planning Department as to their land use plans and what their plans recommend for the area. He received a letter from Herb Shannon with High Point Planning Department. His response to the application request was that the subject site is within the City of High Point's Planning Area and is designated on the High Point City Land Use Plan Map as Heavy Industrial. The proposed HI rezoning district is consistent with the City's Heavy Industrial Land Use Designation. This request is consistent with their plan.

Chair Bailey asked if the applicant was present.

Derek Allen, Attorney for Martin Marietta approached the podium to speak on behalf of Martin Marietta and provide answers to any questions. Paul Ware, Production Manager, Dennis Cobb, Plant Manager, Steve Bruce, Vice President, Brian North, Environmental Manager who prepared the maps, Chuck Jaworski and Mr. Harbison from Vibrotech. Mr. Allen stated that this quarry has been in Jamestown since 1952. Martin Marietta has operated continuously under mining permits that are granted by the state. In 2010, there was a rezoning and Special Use Permit hearing. He referred back to those reports in comparison to this project. The Bowman family has been in discussion with Martin Marietta for years. A neighborhood letter was distributed to invite

concerns or questions they may have, including the meeting notification and site plan for the whole quarry. No response was received. An updated ambient air quality study was completed by Mr. North. The site plan has already been through TRC and conditional approval has been received. Corrections have been made to the site plan.

Mr. Wood asked why doesn't Martin Marietta bring the entire acreage at one time to rezone, instead of every two years. Mr. Allen stated that they did not have all the pieces and that acquisition was unexpected by Martin Marietta. They have rezoned as those properties that have come along. He stated this should complete the project. Operating conditions will be put into the Special Use Permit. There are also built-in standards and development standards that govern. Quarries have set out in Section 6-4.60 of the development ordinance, dealing with setbacks and fencing, rehab, noise, dust and access, shown on the site plan.

Chair Bailey asked if had anyone was present to speak in opposition to the request and no one came forward. She then asked if there were questions or comments from the board. A motion was made by Mr. Wood regarding the rezoning.

Mr. Wood moved that in the matter of Case #13-07-GCPL-03060: **AG to CU-HI** Guilford County Planning Board believes that its action to approve rezoning being located on Guilford County Tax Parcels #0157391, #0157392 and #0157394, from AG to CU-HI to be inconsistent with the adopted Rock Creek Dairy Plan and considers the action reasonable in the public interest for the following reasons: Although if the request is inconsistent with the adopted site Southern Guilford Area plan, it has been determined that rezoning the property to CU-HI is compatible with the surrounding area and uses. Other factors raised at the public hearing are the conditions that have listed in the conditional use request and it is consistent with High Point's Future Land Use plans, seconded by Mr. Derrickson. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Collins, Westcott, Leonard, Wood, Munden, Derrickson, Bailey. Nays: None.) Decision is final unless appealed to the commissioners within 7 days.

### **SPECIAL USE PERMIT:**

**CASE #13-07-GCPL-03062:** Located on the north side of Kivett Drive approximately 2,000 feet east of Riverdale Road, in Jamestown Township,, being Guilford County Tax Parcel #0157391, #0157392. #0157394, approximately 16.72 Ac owned by Martin Marietta Materials, Inc. **(APPROVED)**

### **CONDITIONS:**

Special use permit request for a mining quarry facility. Martin Marietta has developed the property in accordance with the site plan in the packet. Martin Marietta will obtain and maintain mining permit covering the property and usage proposed at all times during the operation of the quarry and reclamation of the site. Once the mining permit is issued by the State, Martin Marietta shall be allowed to commence with site work and berm construction. A copy of the mine permit will be provided to the Guilford County Manager once it is issued by the State of North Carolina. Prior to commencement of sitework, the application will be obtained and require stormwater permits and the State of North Carolina will be complied with and requirements of said permits. Fencing will be posted around the site, berms and buffers will be in place. They will also have a

reclamation plan in place. This property is the same property that reviewed above for the rezoning case.

Chair Bailey asked for all those present testifying for or against Martin Marietta to come forward to be sworn in.

Mr. Allen reviewed the conditions and concerns. He stated there would be no increase in activity in relation to property values or the neighborhood concerns. This project is existing and nothing will change how the quarry operates. Development standards have all been met according to the TRC approval of the site plan, which also illustrates conditions agreed upon. Buffering and berming is significant, 20 feet high, 100 feet wide. From the base of the berm to the public right of way is another 25 feet. Also there is a 6-foot fence on the perimeter of the quarry. The consistency with the purpose of the H I district is compatible with surrounding use, which are a rock quarry, an asphalt plant and landfill. Materiality of danger, health and safety, they provide an updated air report, continued operations, no change to the traffic pattern or plan. Substantial injury to adjoining property—which is all owned by Martin Marietta. Noise impact reports have already been reviewed with no impacts.

Chair Bailey asked if there were any questions or anyone who wishes to speak in opposition to the request and no one came forward. She then asked if there were questions or comments from the board. A motion was made by Mr. Wood.

Mr. Wood moved that in the matter of **Case #13-07-GCPL-03062**, after considering the evidence presented in regard to this application for this Special Use Permit, that the Guilford County Planning Board find from the credible evidence that the Special Use Permit be approved, subject to the site plan and all applicable conditions and in support of this decision, the Board makes the following findings.

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 found in the Development Ordinance.
3. That the use is proposed and/or agreed to and/or as the Planning Board imposed is consistent with the purposes of the district and compatible with surrounding uses.
4. That the use will not materially endanger public healthy or safety if located where proposed and developed, according to the plan.
5. That the permit use meets all required conditions and specifications.
6. That the use will not substantially injure the value of the adjoining or abutting property, or the use is a public necessity.
7. That the location and character of the use if developed according to the plans submitted will be in harmony with the area in which is to be located and in general conformity with the planned development in this jurisdiction and its environment.

Mr. Wood then moved that the Special Use Permit, with all applicable conditions, be approved. seconded by Mr. Derrickson. The Board voted unanimously 8-0 in favor of the motion (Ayes: Collins, Westcott, Leonard, Wood, Munden, Derrickson, Bailey. Nays: None.) Decision is final unless appealed to the commissioners within 15 days.

**SPECIAL USE PERMIT:**

**CASE #13-07-GCPL-13-07-GCPL-03125:** Solar farm located on the west side of Bush Road approximately 100 feet north of Lees Chapel Road, in Monroe Township, being Guilford County Tax Parcel #0125571 approximately 9.29 Ac owned by Raymond J. Huger. **[APPROVED]**

Mr. Eger stated that the proposed site plan meets the intent of the Guilford County Development Ordinance.

Mr. Wood stated he is removing himself from this case due to knowing the applicant personally for many years.

Chair Bailey asked if anyone was present to speak for or against this case. Those present stepped forward to be sworn in.

Josh Crumpler, engineer for the site representing the applicant, explained the site plans and project. He stated that the plans were reviewed and approved by staff from TRC and meet or exceed the development standards and that the use is consistent with the district, in that, it is an agricultural use. There is no noise, odor or traffic, no glare, is buffered from surrounding property owners. He explained they have developed these sites across the nation and have seen very little negative impact. He then described the shrubs and landscaping surrounding the site.

Mr. Collins asked for clarification of the fence, nature of the materials, maintenance and monitoring of the site. Mr. Crumpler stated there would be someone on site once a month and he then described the solar panels.

Mr. Wood asked for clarification on the height of the fence. Mr. Eger stated the ordinance is 25 feet. Mr. Woods pointed out the fence is well within the standards of the ordinance.

Mr. Derrickson asked if the applicant did research on the surrounding neighborhood or spoke with any neighbors to entertain inquires. Mr. Crumpler stated that there is a residential property to the north and across the street. He states that they comply with the 100 foot ordinance. The applicant has met with the owners of the surrounding properties.

Ray Huger stated he has not approached property owners, only residents.

Chair Bailey asked for clarification on Mr. Huger's property. He described the location of his property as around the corner down Bush Road.

Chair Bailey asked a question regarding plantings. How long it will take for the solar farm to be up and operational? Mr. Crumpler stated 90 days or less. Chair Bailey asked Mr. Eger if that is typical to allow plantings to develop and grow for a number of years or do they need to bring them in at the optimum height? What is the minimum height? Mr. Eger stated the holly can be considered an understory, which can go in at 8 feet and a shrub that can go in at 18 inches. This type is considered a Type B, which is an understory, shrub and canopy.

Mr. Eger stated the requirement is to bring them in at the height that is per the ordinance.

Chair Bailey asked Mr. Crumpler for a reference in other solar farms with this volume of acreage.

Mr. Crumpler referenced Franklin County, downtown Raleigh near Crabtree Valley Mall.

Mr. Collins asked Mr. Crumpler to address the length of time solar panels stay in operation. Mr. Crumpler stated that the solar panels have a 30-year warranty to produce typically 75 to 80 percent of the value. Some panels installed in the seventies are still producing 80 percent of that value. Over a period of time, they do not create a hazard, only a reduction in performance.

Mr. Apple asked if there are transformers or pollutants that could leak out. Mr. Crumpler answered no. Clay Hartman, the Chief Operating Officer for Argand, builder/developer for solar farms, explained the design of the solar panels.

Chair Bailey asked if there is a decommissioning plan. Purchase agreement is good for 15 years and power reduction process is in place, followed by replacement. She also asked who maintains the facility. Clients have long term maintenance contracts.

Mr. Collins asked for clarification on the design of the solar panels. Mr. Hartman explained they are made of aluminum, silicone and glass that somewhat snap together. They are not dangerous to the touch and cannot be disassembled without specific tools. Limb overhang will not be an issue since the solar panels need sunlight.

Ms. Munden asked if it could be dangerous if anyone gets inside the site. Mr. Hartman answered no and explained the design of the modules.

Chair Bailey asked if anyone was present to speak for or against this case.

Georgiana Womack, a resident of the property on Lees Chapel Road, voiced concern on property values, noise, beneficiaries and responsibilities of the property.

Joe Wilson, a resident near the property, asked if there were any other building restrictions that will be in place due to the solar farm. Will there be limits as to what can be built?

Mr. Eger stated this does not place any restrictions on any property anywhere other than the property requested on the Special Use Permit.

Mike Crowley, Engineer, addressed and responded to the questions brought forth by Ms. Womack and Mr. Wilson. He explained the environmental benefits of a solar farm. There is no noise, very minimal traffic and power rates hopefully will be reduced when more solar farms are embraced.

Mr. Derrickson asked if the applicant had any literature or pamphlets to hand out for educational purposes. Mr. Crowley explained that they do and are eager to provide information to the community.

Chair Bailey asked for clarification again on the property location. Mr. Huger explained one of the properties is a group home owned by a contractor with Guilford County. The property owner is not present in the home, therefore he was not able to reach out to them.

Chair Bailey asked Mr. Crowley do describe the fixed panels once again.

Mr. Derrickson asked about a termination clause. Mr. Huger advised there is a 15-year contract with Duke Energy. The second contract would be with Argand Energy to maintain it. The contract would have to renewed as time went on.

Mr. Hartman explained that Argand Industries is committed to making sure that solar energy is a success in North Carolina and is happy to provide information and education to the community.

Chair Bailey asked if there were any further questions or comments. She then asked if there were questions or comments from the board. Mr. Collins commented on most of the concern being over safety. Mr. Collins made a motion to move forward.

A condition regarding landscaping minimum and maximum height is added to the motion.

Mr. Collins moved that the **CASE #13-07-GCPL-03125** Special Use Permit be approved the Guilford County Planning Board, subject to the site upon all applicable conditions and support of this decision, the Board makes the following: Condition to be added: plantings will go in at initial height of 4 feet; proposed use requires a Special Use Permit on the development ordinance, that those conditions meet or exceed development standards; use is proposed is consistent with the district, will not endanger public health; use will not injure surrounding property; subject to the site plan, seconded by Mr. Apple. The Board voted unanimously 7-0 in favor of the motion (Ayes: Apple, Collins, Westcott, Leonard, Munden, Derrickson, Bailey. Nays: None.) Decision is final unless appealed to the Commissioners within 15 days.

Mr. Wood made a recommendation that these types of cases be handled at staff level.

### **ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 7:57 p.m.

Respectfully submitted,

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Donna Bailey, Chairwoman

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Les Eger, Secretary to the Board

LE/sm:cw