

# Guilford County Planning Board

## February 8, 2012

The Guilford County Planning Board met on Wednesday, February 8, 2012 at 6:37 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. Jeffrey Deal, Chair, Mr. Joe Wood, Ms. Donna Bailey, Alt.  
Mr. Nelson, Alt. Mr. Westcott, Mr. Leonard, Alt,  
Mr. Derrickson, Mr. Davis, Ms. Munden

Also Present: Les Eger and Tonya Hodgin, Planning Staff.

### **Approval of minutes:**

Mr. Derrickson moved to approve the minutes of the January 11, 2012 meeting as written, seconded by Mr. Wood. The Board voted unanimously in favor of the motion.

Chair Deal explained the policy and procedures to be followed by the Board for all cases coming before them. Appeal of any decision is due within fifteen (15) days to the County Commissioners. Speakers from both sides will be allowed twenty (20) minutes, regardless of the number of speakers and all speakers must be sworn in.

### **PUBLIC HEARING**

#### **A. ZONING CASE #12-01-GCPL-00147: RS-30 to CU-LI, Located at the southeast corner of NC 150 East and Friendship Church Road. (DENIED)**

Les Eger stated that this is a request to rezone approximately 2.56 acres from RS-30 to CU-LI. The property will be limited to Parking of company vehicles, other equipment and employee vehicles. The hours of operation are limited to 6:00 AM to 9:00 PM. The RS-30, Residential Single Family District is primarily intended to accommodate low-density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. This request is in a portion of the County that is primarily low density residential and farms. This request is not consistent with the adopted plan and is not compatible with the surrounding residential and public institutional uses. Therefore, staff recommends denial of the request. Approval of the request would permit the establishment of a use that is not compatible with surrounding residential and public institutional uses. Approximately 2000 feet to the west of this request, at the intersection of Jackson School Road and NC 150 E, non-residential uses have been established. Staff feels should this request be approved, the framework for future non-residential uses along NC 150 E from Friendship Church Road to Jackson School Road will be established. The applicant did condition the request, as it would only be used for parking of vehicles used in the operation of the hauling business and employee vehicles.

Chair Deal asked if there was anyone wishing to speak in favor of this matter.

Derrick Graves, the applicant, stated that he purchased this property to be able to park his business vehicles and allow his employees a place to park while at work. This land will not perk and he would be unable to build a residential structure and he wants to make use of it by using it for parking. He has installed one security light and placed privacy fence around it so it would not be an eyesore for the surrounding area. He has also planted shrubbery on the property to help with screening. He presented a list of people he had talked with, telling them his plans for the property. In response to questions by the Board members, Mr. Graves stated that he owns some other property in Caswell County and his office is operated out of his house. Currently, there are only about seven vehicles, which park on the property. He has not talked with anyone in the Guilford County Planning Department. He now realizes that he should have investigated the proper use of the property before purchasing it. Mr. Wood suggested that Mr. Graves should have had the previous property owner change the zoning of the property before he purchased it. Mr. Graves stated that he was aware of making several mistakes in this matter.

Chair Deal asked if there was anyone wishing to speak in opposition to this matter.

Gary Swing, 6520 McLeansville Road, stated that he has presented packets for the Board members' review. He is speaking in opposition to this request because there is a blind hill to the left as you exit the site going back toward Friendship Church Road. He feels this is a major safety hazard. He also pointed out photos of the fence surrounding the property and the inadequate condition of the fence. He stated that he was a member of the Northeast Area Plan Committee and it was not their intent to create zoning or ordinances that conflict with the existing zoning or set precedence for areas of zoning to be changed. There is also property within 2 miles of this property that is already zoned for this type of use. If the Board allows this rezoning, a precedent will be set that is out of character with the surrounding property and community. The character of the surrounding area will be changed from a rural residential and agricultural setting and safety will be affected due to the blind access to the roadways. The property owners have failed to demonstrate that they can be a good neighbor and rezoning would not be in harmony with the neighborhood. He asked those in the audience that are opposed to the rezoning request to raise their hand and approximately 40 people indicated their opposition to the request. Mr. Swing pointed out that even though the property did not perk previously, there is the possibility that it would perk now and could be used for residential or agricultural use.

John Joyce lives off Friendship Church Road and stated that there are a lot of homes and land in that area that does not perk, but the gray water is moved off to other sites where it does perk, so there is a way to use the property as residential. He feels that the vehicles parked on this property are an eyesore to the neighborhood. The fence is a rusty mess with pipes sticking out of it and posts in the ground and some of the dirt fill material is full of chunks of asphalt. The property owner also filled the ditch with these materials and ruined the swale at the drainage ditch.

Cretta Graves, 7454 Friendship Church Road, owns property that adjoins the applicant's property. Her house is approximately 15 feet from the property line. She now rents her home to someone else, but the condition of the adjoining property is very intrusive into her property. There are fumes from diesel fuel and some leakage from the vehicles onto her property. She

does not feel that the property owner has demonstrated that he cares about what kind of impact his business can have on this small community.

Marietta Somers Douglas, representing the heirs to the Henry Somers estate, located at 5321 Highway 150 East, stated that this tract was land was purchased in 1871. She was born in this community as well as many other descendants. They have a vested interest in the preservation of this property and community. The majority of farmers and property owners in this community have existed side-by-side for many years and shared in each other's efforts to sustain a living in the farm area that it is today in Guilford County. This type of business is not a fit for this community. It appears that the property owner has already instituted a business on this land without the proper permits, failed to clear the land properly and failed to evaluate drainage to surrounding properties. The other residents are not only concerned about the present state of the property but future problems, if rezoning is allowed to take place on this property. She and her neighbors are very opposed to the requested rezoning of this property.

Nina V. Marley stated that she is the granddaughter of John and Ina Somers. Her ancestors purchased and settled this land many years. Her objections are not a direct insult to the Graves', but they are trying to be good stewards of what has been entrusted to them by their ancestors. This is a quiet, residential neighborhood and they feel a business of this type would completely disrupt this peace and serenity. There are also concerns that a business of this type will damage the property values in the area. There are also concerns about the additional traffic generated by the large trucks on Hwy. 150, causing a dangerous situation for other travelers on this roadway.

Earl Somers, 5303 N.C. 150 East, stated that this property is directly across from the applicant's property and it is a pretty bad intersection without the large trucks entering the highway, but with the big trucks, it just makes it worse.

Sonya Patterson stated that she is also an heir to the surrounding property and her cousin's father is 94 years old and is the oldest living descendant of John Somers. She read a letter from her cousin who is a doctor and lives out of town, but wished to acknowledge his opposition to the use of the property by the current owners. She urged the Board to deny the request to rezone this property.

There was no one wishing to speak in rebuttal either in favor or in opposition, and the Public Hearing was closed.

Discussion by Board Members:

Mr. Derrickson stated that he is concerned that, if approved, this would set a precedent for other people wishing to rezone property in this area and feels that the use of the property is inappropriate for this particular area. Mr. Wood stated that he feels the same way and will vote to deny the request for rezoning in this case. He feels that if the applicant had done due diligence and explored some possibilities for the property before he purchased the land, he may have found out that his proposed use would not fit into this neighborhood.

After some discussion, Mr. Wood moved that in regard to zoning case 12-01-GCPL-00147, to rezone approximately 2.56 acres from RS-30 to CU-LI, the Guilford County Planning Board believes that its action to deny this zoning amendment, located on Guilford County Tax Parcel # 0112550, at the southeast corner of NC 150 East and Friendship Church Road, to be inconsistent with the land use category indicated for the property on the adopted Northeast Area Plan Future Land Use Map and considers the action to be reasonable and in the public interest for the following reasons: because it is generally inconsistent with the Land Use Category indicated for the property on the Northeast Area Plan Future Land Use Map, seconded by Mr. Derrickson. The Board voted unanimously, 7-0, in favor of the motion and the rezoning request was denied. (Ayes: Deal, Wood, Bailey, Munden, Derrickson, Nelson, Davis. Nays: None.)

**OTHER BUSINESS:**

None.

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**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 7:32 p.m.

Respectfully submitted,

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Jeffery Deal, Chairman

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Les Eger, Secretary to the Board

LE/jd