

Guilford County Planning Board

April 11, 2012

The Guilford County Planning Board met on Wednesday, April 11, 2012 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, Acting Chair, Mr. Wood, .Mr. Nelson, Alt., Ms. Terri Gibson, Alt., Mr. Westcott, Alt., Mr. Leonard, Alt, Mr. McKinney, Ms. Donna Bailey, Alt.

In addition, Present Les Eger and Tonya Hodgin, Planning Staff.

Approval of minutes:

Mr. Wood moved to approve the minutes of the February 8, 2012 meeting as written, seconded by Mr. McKinney. The Board voted unanimously in favor of the motion.

Acting Chair Derrickson 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.

NON-PUBLIC HEARING ITEM

RESOLUTION-OF-INTENT ROAD CLOSING CASE # 12-03-GCPL -01073: BEING that portion of Oldway Road from south of NC Highway 150 East, Southwest approximately 800', Madison Township, Guilford County. Requested action to set date for public hearing on May 9, 2012. (APPROVED)

Les Eger stated that this is a request to set the public hearing for the Planning Board meeting on May 9, 2012. Packets include a picture of the map and shows what is being closed, which is actually currently closed. This is a formality through DOT and the County.

Mr. McKinney moved that a public hearing for this case be held on May 9, 2012, seconded by Mr. Wood. The Board voted unanimously, 7-0, in favor of the motion and the rezoning request was approved. (Ayes: Westcott, Wood, Nelson, Leonard, Derrickson, McKinney, Gibson. Nays: None.)

PUBLIC HEARING ITEMS

- A. SPECIAL USE PERMIT CASE # 12-03-GCPL-01054:** AG to AG-SP, (Landscape and Horticultural Services) Located on the east side of Liberty Road, approximately 300' south of Bus I-85 N, in Fentress Township, Being Guilford County Tax Parcels 0130881, Approximately 2.02 acres owned by Todd and Terri Barfield, located in the Lake Mackintosh Watershed. **(APPROVED)**

Les Eger stated that this is a request for approval of a Special Use Permit for a landscape horticultural service facility, which requires a Special Use Permit when located in the Agricultural Zoning District. The property owners are Terri and Todd Barfield, located on the east side of Liberty Road approximately 300' south of business I-85. The property is a portion of Parcel 0130881 in Fentress Township and is approximately 2.2 acres. The surrounding uses to the property are the I-85 by-pass to the north, and it is vacant and a quarry. To the south is residential, to the east is vacant land and across Liberty Road the I-85 exit ramp and residential uses are in place. Staff feels that during the consideration of the Special Use Permit the Planning Board must determine the following findings of fact and have been satisfied based on relevant and credible evidence presented during the hearing. The proposed use requires a Special Use Permit under the Development Ordinance, which it does; the proposed conditions meet or exceed the standards of the Development Ordinance, which it does; that the use, as proposed subject to additional conditions which the owner may propose or the Planning Board may propose, is consistent with the purpose of the district and compatible with the surrounding uses, which it is. The Special Use Permit shall be granted when each of the following findings of fact have been made by the Planning Board: that the use will not materially endanger public health and safety if located where proposed and is in accordance with the Plan; that the use will not substantially injure the value of adjoining or abutting properties or that the use is a public necessity; and that the location and character of the use, if developed according to the Plan, will be in harmony with the area in which it is to be located and with the general conformity of the plan for development of the jurisdiction. After reviewing this case, staff offers the following items for consideration: Landscape Horticultural services are represented by the Guilford County Development Ordinance; the proposed site plan conditions of the request meet the Development standards for landscape horticultural services; that the landscape horticultural service meets the intent of the Agricultural District of the Alamance Creek Area Plan and that the Guilford County Department of Public Health has submitted that the proposed landscape horticultural serves will not materially endanger public health and safety if developed as planned.

Mr. Wood moved that when anyone who is going to speak on this subject tonight, is sworn in and that includes Mr. Eger, so that the summary statement from the Guilford County Board of Health, as one of the findings of fact, related to not being a danger to the public safety, health and welfare of the area, and that Mr. Eger read that statement into the record for the Board's consideration, seconded by Mr. McKinney.

The Board voted 7-0 in favor of the motion. (Ayes: Gibson, Westcott, Nelson, Leonard, Wood, McKinney, Derrickson. Nays: None.)

Acting Chair Derrickson asked if there was anyone wishing to speak in favor of this matter and asked they everyone be sworn in.

Todd Barfield, the property owner, stated that he has owned this business for over 17 years. They service a lot in Greensboro. He owns the farm and the land that is on the backside of the property in question. They want to build a building to house the equipment and supplies Employees vehicles will be parked on the property. He has spoken with the neighborhood residents and no one has voiced any objections for the use of this property. There will be a metal building with a green roof constructed on the property with very nice landscaping around it. The lighting will be such that it will not disrupt the neighboring properties. All equipment will be stored inside the building.

Mr. Wood stated that he is concerned about run-off from hazardous and dangerous chemicals getting into the soil and going to other properties.

Mr. Barfield stated that they do not use herbicides in this service. Seeds and fertilizer will be stored inside the building. In response to a question by Mr. McKinney, Mr. Barfield stated that the building will be 100' x 150" and will be storage for the equipment, a small office and bathroom area.

Les Eger pointed out that the Board just recently adopted a text amendment several months ago for lighting and the applicant would have to adhere to those requirements.

There was no one wishing to speak in opposition to this matter and the Public Hearing was closed.

Les Eger stated that the Agricultural Districts permit this type of use but only with a Special Use Permit being granted. He read the letter from the Guilford County Health Department that stated that, "The proposed lawn care business at 3989 Liberty Road will not materially endanger the public health or safety, if developed as planned. The environmental concerns are sewage disposal, the water well and chemicals not to be disposed of on the property."

Mr. McKinney moved approval of the Special Use Permit for Case # 12-03-GCPL-01054, from AG to AG-SP, (Landscape and Horticultural Services) located on the east side of Liberty Road, approximately 300' south of Bus I-85 N, in Fentress Township, Being Guilford County Tax Parcels 0130881, Approximately 2.02 acres owned by Todd and Teri Barfield, located in the Lake Mackintosh Watershed.. After considering, the evidence presented in regard to the application for a Special Use Permit subject to the site plan and all applicable conditions in support of this decision. The Board makes the following findings of fact; the proposed use requiring a Special Use Permit of the Development Ordinance, the proposed condition meets or exceeds Development Standards of the Development Ordinance, the use, as proposed or agreed to and/or as the Planning Board relies, is consistent with the purpose of the district and compatible with the surrounding uses; the use will not materially endanger the public health or safety if located where proposed and developed according to the plan; the use meets all required conditions and specifications; the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity; the location and the character of the use, if developed according to the plans submitted, will be in harmony with the area in which it is to be located in general conformity with the plan of development of this jurisdiction and its environments. Therefore, he moved that this request for a Special Use Permit with all applicable conditions and subject to the site plan and applicable law, be approved, and seconded by Mr. Wood. The Board voted unanimously, 7-0, in favor of the motion and the rezoning request was approved. (Ayes: Westcott, Wood, Leonard, Nelson, Derrickson, McKinney, and Gibson.)

B. REZONING CASE # 12-03-GCPL-01080: RS-40 to HI, Located on the west side of Viewmont Drive, approximately 300' north of Bishop Road, in Sumner Township, Being part of Guilford County Tax Parcel # 014152, Approximately 0.52 acre, owned by Ronald Eugene and Betty Petty, located in the Lower Randleman Lake Watershed. (APPROVED)

Les Eger stated that this is a request to rezone approximately 22,651 square feet from RS-40 to HI, a half acre. The character of the area with this request is primarily industrial uses and there are some scattered residential uses that a number of them are currently vacant. The land use for the property is vacant, however, there is some equipment sitting on the property at this time. The

surrounding land use to the north is Industrial and vacant, to the south is Industrial, across Viewmont is vacant and Residential and to the west is Industrial. The land use plan for this area is the updated Southern Guilford Area Plan and that plan recommends for Industrial uses. This request is consistent with the intent of that plan and is in the public interest. Staff recommends approval of the request, which will permit the applicant to develop the property in conjunction with the adjacent property for Planned Industrial uses.

Acting Chair Derrickson asked if there was anyone wishing to speak on this matter.

Max Summey, Summey Engineering, 1299 Summeytown Road, Trinity, NC, stated that the property owner is requesting to rezone the property. They own three lots and two lots are in front of this particular lot. They plan to construct a garage-type building for maintenance. They also own the property across the road and a lot of the surrounding area.

No one spoke in opposition and the public hearing was closed.

Mr. Wood moved in the matter of Rezoning Case # 12-03-GCPL-01080: RS-40 to HI, the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Parcel # 014152 from RS-40 to HI to be consistent with the adopted Southern Guilford Area Plan and considers the action reasonable and in the public interest for the following reasons: it is generally consistent with the land use categories for the property on the Southern Guilford Area Plan’s Future Land Use Map, and it has been determined that zoning the property to HI is compatible with the surrounding area uses, seconded by Mr. McKinney. The Board voted unanimously, 7-0, in favor of the motion and the rezoning request was approved. (Ayes: Westcott, Wood, Leonard, Nelson, Derrickson, McKinney, and Gibson.)

OTHER BUSINESS:

None.

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ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Jeffery Deal, Chairman

Les Eger, Secretary to the Board

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