

Guilford County Planning Board

November 14, 2012

The Guilford County Planning Board met on Wednesday, November 14, 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. Deal, Chair; Ms. Gibson, Alternate; Ms. Bailey, Alternate; Mr. Leonard; Mr. Derrickson; Mr. Wood; Mr. Nelson, Alternate; Mr. Westcott, Alternate.

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

Chair Deal stated that draft minutes of the October 10, 2012 meeting were included in the Board members' package. He asked for any corrections or motions.

APPROVAL OF MINUTES:

Mr. Wood moved to approve the minutes of the October 10, 2012 meeting, as submitted, seconded by Mr. Westcott. The Board voted 7-0 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.

Mr. Wood moved to recuse Mr. Leonard from Case #12-10-GCPL-04334 and Case #12-10-GCPL-04335, as indicated in the business meeting, seconded by Mr. Westcott. The Board voted 7-0 in favor of the motion.

Mr. Wood noted that Mr. Westcott has indicated he needs to be recused from Case #12-10-GCPL-04341. Mr. Wood moved to recuse Mr. Westcott from Case #12-10-GCPL-04341, seconded by Chair Deal. The Board voted 7-0 in favor of the motion.

PUBLIC HEARING ITEMS:

A. Case #12-10-GCPL-04334: CU-PDR to CU-AG

Located on the south side of McConnell Road approximately 900 feet west of Rock Creek Dairy Road in Rock Creek Township, Approximately 30.418 Ac
(APPROVED)

Les Eger stated that Case #12-10-GPL-04334 and Case #12-10-GPL-0435 can be heard as companion cases; however, two separate votes must occur.

The cases involve the development of The Reserve at Rock Creek. A portion of that property has been sold off to adjoining property owners to the north side of McConnell Road and they would like to have the land rezoned back to Agricultural Use with Conditions. The property consists of approximately 30 acres of undeveloped area at The Reserve at Rock Creek. The

request is to go from CU-PDR to CU-AG with the use that it be left an open space for solar facilities. The condition is that any approval for the solar facility would require a special use permit which would require a quasi-judicial public hearing. Uses on the property are vacant. Surrounding uses are residential and to the north are industrial. The plan for this area calls for residential. Although this is not consistent with the Rock Creek Area Plan, it is definitely compatible with surrounding residential and industrial uses and the conditions would make it blend into the area as seen today. Staff recommends approval of this request.

The second request, which is part of the Reserve at Rock Creek, is the remaining portion of approximately 162 acres minus the 30 acres for the CU-AG. The condition is that the property stays at the same density of 2.7 units per acre and that it is for residential and multifamily development. Within the area Phase 7 of the Reserve at Rock Creek was approved initially for multi-family development. The developer would like to set up the area for multifamily or single family in Phase 7. This is consistent with the plan for the area and is compatible for all uses in the area. Staff recommends approval of this request.

Mr. Eger explained that these cases must be voted on separately. They are considered companion cases because one case could not occur without the other case.

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

Mr. Henry Issacson, 101 West Friendly Avenue, is an attorney representing the American Express Travel Related Services Company, located on McConnell Road in Whitsett, North Carolina. He introduced Mr. Gene Mustin who works for Borum and Wade Company. Mr. Mustin is present on behalf of Regent Homes and Carrolland Corporation. Regent Homes and Carrolland Corporation are requesting a zoning change from CU-PDR to CU-PDR and American Express is requesting a zoning change from CU-PDR to CU-AG.

Mr. Issacson stated that when American Express decided to build its first data center on McConnell Road, it purchased this 30-acre tract from BB&T across from the data center to be held as a buffer and to remain as open space. It not only purchased this tract but other tracts as well for the same purpose. Regent Homes and Carrolland Corporation have purchased other lands from BB&T and they want to modify the existing PDR zoning so that they can more efficiently develop their properties for the sale of new homes. American Express, however, has chosen to opt out of that modification and to ask for its 30-acre tract to be rezoned to AG so it can be kept as open space and as a buffer. In the American Express rezoning an addition has been made on other use for solar array. In the unlikely event that Duke Energy cannot supply sufficient electrical power to the data center; the company would apply for a special use permit for solar panels to augment the power supply. The Chief Executive Officer at American Express has said that there is less than a one percent chance of that happening but if it does they will have to apply for a special use permit before any solar panels can be erected. This would involve notice to neighbors and another public hearing. This event is unlikely because Duke Power has erected two electrical substations near the data center which can supply all the power that will be required to maintain operations at the facility.

Mr. Issacson referred to an informational booklet distributed to members and reviewed the site plan and photographs of the area. Included in the booklet was a letter sent to all individuals who were notified by the County about the rezoning. He indicated that approximately 40 neighbors attended a successful meeting with company representatives held on November 7, 2012.

Mr. Wood inquired if any objections were raised at the neighborhood meeting. Mr. Issacson said that there were no objections but questions were raised concerning future plans for building on the 30-acre tract and other tracts buffering the data center. They were told that there would not be anything built there. Mr. Issacson felt comfortable that the neighbors had their questions answered.

Mr. Issacson stated that Mr. Mustin was present to answer any questions relating to the PDR rezoning. There are two cases at hand, the American Express property requested to be rezoned to CU-AG and the other properties requesting rezoning from CU-PDR to CU-PDR. The rezoning makes the properties more efficient to the two developers for housing development.

Mr. Gene Mustin, 621 Eugene Court, was present to speak in favor of the rezoning and offered to answer any questions. Board members had no additional questions.

Mr. Issacson informed members that a representative from American Express, Mr. Scott Baker, was present in the audience to answer any questions.

There being no one speaking in opposition, the public hearing was closed.

Mr. Wood moved that in regard to Rezoning Case #12-10-GCPL-04334, from CU-PDR to CU-AG, the Guilford County Planning Board believes that its action to approve this zoning amendment, located on Guilford County Tax Parcel # 0108753, from CU-PDR to CU-AG, to be inconsistent with the adopted Rock Creek Area Plan but considers the action reasonable and in the public interest for the following reasons: Although the request is inconsistent with the adopted Rock Creek Area Plan it has been determined that zoning the property CU-AG is compatible with the surrounding area and uses, seconded by Ms. Bailey. The Board voted 6-0-1 in favor of the motion. (Ayes: Deal, Gibson, Westcott, Nelson, Bailey, Wood. Nays: None. Abstained: Leonard.)

B. Case #12-10-GCPL-04335: CU-PDR to Amended CU-PDR

Located on the west side of Rock Creek Dairy Road approximately 400 feet south of McConnell Road in Rock Creek Township, Approximately 162.56 Ac
(APPROVED)

Mr. Wood moved that in regard to Rezoning Case #12-10-GCPL-04335, from CU-PDR to Amended CU-PDR, the Guilford County Planning Board believes that its action to approve this zoning amendment located on Guilford County Tax Parcels # 0108738, 0108751, 0108763, 0108766, 0108767, 0108770, 0108820-0108912, 0108914-0108943 and 0217539-0217559 for CU-PDR to Amended CU-PDR to be inconsistent with the adopted Rock Creek Area Plan but considers the action reasonable and in the public interest for the following reasons: Although the request is inconsistent with the adopted Rock Creek Area Plan it has been determined that

zoning the property to Amended CU-PDR is compatible with the surrounding area and uses, seconded by Mr. Nelson. Ms. Bailey noted that the action is consistent with the Plan. Mr. Wood amended his motion to say that the amendment is consistent with the Rock Creek Area Plan. Mr. Nelson approved of Mr. Wood's amendment to the motion. The Board voted 6-0-1 in favor of the motion. (Ayes: Deal, Gibson, Westcott, Nelson, Bailey, Wood. Nays: None. Abstained: Leonard.)

C. Case #12-10-GCPL-04341: AG to CU-LI

Located on the south side of Inman Road approximately 340 feet west of Fleming Road in Friendship Township, approximately 1.61 Ac
(APPROVED)

Mr. Eger stated that rezoning Case #12-10-GCPL-04341 is a request from AG to CU-LI. The property is approximately 1.6 acres and the condition indicates it is for self-storage warehousing only. This request is in a portion of the county that has been impacted from the airport overlay district that has prohibited future residential uses. There are a lot of nonresidential uses in the area. The property is currently vacant and an old Christmas tree stand is on the site. To the north is self storage and to the south are Bell South offices. There are also Bell South offices to the east and to the west is low-density residential. There are still two residential structures directly across the street and a church to the south and to the north an auto repair garage. The Land Use Plan for this area is the Airport Area Plan. The Land Use Plan recommends for non-residential uses because of the noise impact from the airport. Based on this, the request is consistent with the intent of the Airport Area Plan, compatible with surrounding uses, and in the public interest. Staff recommends approval of this request.

Chair Deal asked if anyone was present wishing to speak in favor of this application.

Mr. Barry Siegal, 3411-D West Wendover Avenue, was present on behalf of Mr. Willard Tucker, owner of the property, and American Flag Self Storage. The request is to rezone this property to self storage uses so that two buildings can be built on the property. The buildings will be climate controlled; they will each be one story; they will have brick veneer facing the street; and will be part of the American Flag Self Storage operation on the adjacent property. There is no need for water or sewer on this piece of property. They have worked with staff to submit site plans that have addressed the technical issues.

Mr. Derrickson joined the meeting at 6:58 p.m.

There being no one speaking in opposition, the public hearing was closed.

Mr. Wood moved that in matter of rezoning Case #12-10-GCPL-04341, from AG to CU-LI, the Guilford County Planning Board believes that its action to approve this zoning amendment, located on Guilford County Tax Parcel # 0151250, from AG to CU-LI to be consistent with the adopted Airport Area Plan and considers the action reasonable and in the public interest for the following reasons: That it is generally consistent with the land use category indicated for the property on the Airport Area Plan Future Land Use Map, seconded by Ms. Bailey. The Board

voted 7-0-1 in favor of the motion. (Ayes: Deal, Gibson, Leonard, Derrickson, Nelson, Bailey, Wood. Nays: None. Abstained: Westcott.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:04 p.m.

Respectfully submitted,

Jeffrey Deal, Chairman

Les Eger, Secretary to the Board

LE/sm:jd