

**Guilford County
Planning Board
SEPTEMBER 4, 2018**

The Guilford County Planning Board met in special session on Tuesday, September 4, 2018 at 12:00 pm in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Jones, Chair; Mr. Apple; Mr. Mann; Mr. Collins; Mr. Geter; Mr. Alexander, and Ms. Hayworth.

Members Absent: Ms. Burnett; Mr. Leonard.

Staff Present: Les Eger, Tonya Hodgins, Deborah Sandlin, Leslie Bell, Director – Planning and Development Department; Mark Payne, Guilford County Attorney.

AGENDA AMENDMENTS

None.

OLD BUSINESS

None.

APPROVAL OF MINUTES

August 22, 2018 Special Session Meeting Minutes:

Mr. Geter moved approval of the August 22, 2018 special session minutes as written, seconded by Ms. Hayworth. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Jones, Apple, Mann, Collins, Geter, Alexander, Hayworth. Nays: None.)

Chair Jones explained the rules and procedures of the Guilford County Planning Board.

CONTINUANCE REQUESTS

None.

NEW BUSINESS

Public Hearing Items:

ROAD CLOSING CASE #18-08-GCPL-05162

Being that portion of SR 3175 Birch Creek Road running south approximately 0.48 miles from its intersection of Burlington Road, in Jefferson Township.

(APPROVED)

Mr. Eger stated that the road closing resolution was adopted on August 22, 2018. Pursuant to NCGS 153A-241 concerning closing public roads, the Planning Board must hold a public hearing before the road can be closed. Based upon the information presented at the hearing, the Board must find that (1) The closing of these roads are not contrary to public interest; and (2) That no individual owning property in the vicinity of the road or in the subdivision in which it is located would be deprived of reasonable means of ingress

and egress to his property. Staff submits the following findings for consideration by the Board: (1) The Planning Department has received the request to close a portion of SR 3175 Birch Creek Road running south approximately 0.48 miles from its intersection of Burlington Road in Jefferson Township. (2) Staff has determined that the closing of said road is not contrary to the public interest and that no individual in the vicinity would be deprived of reasonable access to their property. Members are in receipt of comments from Department of Transportation (DOT).

Mark Payne, County Attorney, commented that road closings can be done one of two ways: DOT can take action that closes a road, or Guilford County can take action that closes a road. This case was unusual in that DOT took action that is required of them to close the road and the road is, in fact, closed. What is being done today is an administrative layer that reflects the clarification of record to make sure that the plats are accurate. There is very limited impact on the actual closing of this road because the action has already taken place. Our ordinance says that we must take an action in any road closing, and it doesn't distinguish between DOT road closings and ones that the County has a lot more authority to impact. That is something that is being discussed with staff to clarify in the ordinance and make it more streamlined and effective in the future.

The applicant, Roy Carroll, President of Carroll Companies, 201 N. Elm St., Greensboro, North Carolina stated that he was here to answer questions. Some concerns he has heard from the residents are: (1) Is there going to be a cul-de-sac at the end of the road closure as you head north on Birch Creek? There is a planned cul-de-sac so that people can turn around safely. (2) Will Publix truck traffic have access through the cul-de-sac? That answer is No. (3) Will Publix employees be able to access the Publix site via the cul-de-sac? That answer is also No. Publix has been very direct in that their employee traffic and truck traffic access will be via Hwy. 70 – to be approved by DOT - 4 to 5 lanes. Ms. Hayworth queried if emergency vehicles will have a problem getting down to this cul-de-sac or to where residents may be. Mr. Carroll stated that there should be no through connectivity to the cul-de-sac as you are traveling south through the Publix facility.

Speaking in opposition were:

Judy Beane, 416 Birch Creek Road, wanted to go on record that she is very unhappy with the decision to close the road. She has been a resident 42 years. She is concerned that there was no proper notice, and that it may take emergency vehicles longer to get to the neighborhood.

Alma Isley, 351 Birch Creek Road, expressed that she can't understand why the road would be closed without notifying the residents. Also, why close the road now when nothing is going to happen until 2020? She doesn't mind progress, but it seems like the older people didn't really have a say so. Also, why close the road now when no logging to remove the trees has started? She just doesn't understand and is very unhappy about the situation.

There being no other speakers, Mr. Collins moved to close the public hearing, seconded by Ms. Hayworth. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Apple, Mann, Collins, Geter, Alexander, Hayworth, Jones. Nays: None.)

The chair asked if there were any questions for staff. Mr. Collins asked about Guilford County's notice process. Mr. Eger explained that a notice did go out and there was a public hearing that is today. Attorney Payne further clarified that the notice being referred to is hearing from DOT before DOT's action. Everything that the residents had gotten from County was adequate notice. Chair Jones stated that at this point this is an administrative review in terms of the Planning Board's function today.

Chair Jones read the **Resolution for Road Closing Case # 18-08-GCPL-05162** into the record as follows:

WHEREAS, a petition was filed, pursuant to G.S. 153A-241, Chapter 282 of the 1979 Session Laws, and Chapter 59 of the 1981 Session Laws, requesting that the Board close and remove from dedication a portion of Birch Creek Road.

WHEREAS, pursuant to a resolution of intent to close said road adopted by this Board on August 22, 2018, an electronic notice was published on the Guilford County website that a hearing would be held concerning said petition on September 4, 2018 at 12:00 PM in the Commissioners' Meeting Room, second floor, Old Guilford County Courthouse, 301 W. Market St., Greensboro, North Carolina 27401; and

WHEREAS, it appears that all owners of property adjoining said road have signed the petition or have been notified of the closing thereof; and

WHEREAS, after inquiry by the Chairman, all interested persons were provided an opportunity to be heard on the request contained in the petition; and

WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Board that the removal of said road from dedication is not contrary to the public interest and that no individual owning property in the vicinity of said road will be deprived of any reasonable means of ingress or egress to his property;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following described road is hereby closed and removed from dedication to the public use:
Being that portion of SR 3175 Birch Creek Road running south approximately 0.48 miles from its intersection of Burlington Road, in Jefferson Township.
2. A certified copy of this resolution, together with a copy of the published notice of this hearing, is hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina.

Mr. Jones moved approval of the road closing, seconded by Ms. Hayworth. The Board voted 7-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Hayworth, Jones. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 12:16 p.m.

Respectfully submitted,

Frankie Jones, Chairman

Leslie P. Eger, Secretary to the Board

FJ:ds