

**Guilford County
Planning Board
SEPTEMBER 12, 2018**

The Guilford County Planning Board met in regular session on Wednesday, September 12, 2018 at 6:00 p.m. in the Commissioners' Meeting Room, Second Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: Mr. Collins, Mr. Geter, and Mr. Leonard.

Staff Present: Les Eger, Tonya Hodgin, and Matt Talbott -- Planning Department; and Leslie Bell, Guilford County Planning Director.

Chair Jones called the meeting to order and welcomed everyone in attendance.

AGENDA AMENDMENTS:

Leslie Bell requested that the minutes for the September 4, 2018 meeting be added to the agenda. These minutes were sent out to Board members earlier today so that they could be included for adoption at tonight's meeting.

Mr. Bell asked the Board to add an item to the agenda. The item involves scheduling a meeting with the Board of Commissioners relative to the UDO (Unified Development Ordinance) project. Chair Jones requested that the item be heard at the end of the agenda.

CONTINUANCE REQUESTS: None.

APPROVAL OF MINUTES:

- **August 8, 2018 Regular Meeting Minutes:**

Ms. Burnett moved approval of the August 8, 2018 regular meeting minutes as written, seconded by Ms. Hayworth. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

- **September 4, 2018 Special Meeting Minutes:**

Ms. Hayworth moved approval of the September 4, 2018 special meeting minutes as written, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

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

OLD BUSINESS: None.

NEW BUSINESS:***Non-Public Hearing Item:*****RESOLUTION OF INTENT EASEMENT CLOSING CASE #18-08-GCPL-05036:**

Being all of a 15-foot utility easement located on Lot #1 as shown on Plat Book 129-106, in Sumner Township. **(APPROVED)**

Les Eger said that this is a request to close a utility easement, as shown on Plat Book 129-106. He asked the Board to consider setting the public hearing for this item for the October 10, 2018 Guilford County Planning Board meeting.

Mr. Eger read the Resolution of Intent to Close an Easement into the record as follows:

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Board to close said easement to the public use, and that a public hearing on this request will be held on the 10th day of October, 2018, at 6:00 P.M. in the Blue Room on the first floor of the Old Guilford County Courthouse located at 301 West Market Street, Greensboro, North Carolina 27401, at which time the Board will hear all interested citizens and make a final determination as to whether the easement shall be closed and removed from dedication.

In the matter of Case #18-08-GCPL-05036, Ms. Haywood moved approval of the Resolution of Intent, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Public Hearing Items:**CONDITIONAL ZONING CASE #18-07-GCPL-04634: CU-LI to CZ-HB**

Located northeast of the intersection of Business Loop 85 South and Kivett Drive, at the terminus of Hayworth Springs Road in Jamestown Township. Being Guilford County Tax Parcel #0224352 and #0161307. Approximately 2.38 Acres owned by Richard Arthur Harris. If this case is approved, the recommended uses specified for the subject properties in the Southern Area Plan 2016 Update will be updated from Light Industrial to Moderate Commercial.

(APPROVED)

Mr. Eger stated that this is a request to rezone approximately 2.38 acres from Conditional Use-Light Industrial (CU-LI) to Conditional Zoning-Highway Business (CZ-HB). The CU-LI district is intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial and service activities. The HB district is intended to accommodate retail service and distributive uses which are located along thoroughfares. The district is established to provide locations for establishments which require visibility, good road access, or which cater primarily to passing motorists. It supplies very open commercial uses.

The conditions applied to this request will limit uses to recreational uses, museums, art galleries, hotels or motels, motion pictures, indoor and outdoor theater, restaurants without a drive-through, retreat centers, tourist homes, caretaker dwellings, antique stores, art and craft sales, gift or card shops, jewelry stores and customary accessory uses. The development standard applied to this request would include no access from Hayworth Springs Road to the property unless for emergency services. This property is part of Castle McCulloch and the applicant wants to bring the uses up to uses similar to what is in the area that is in the remainder of Guilford County and those that are in the City limits of High Point that are parts of Castle McCulloch.

The property is located northeast of the intersection of the Business Loop 85 South and Kivett Drive, at the terminus of Hayworth Springs Road in Jamestown Township, approximately 2.38 acres. The

property is on Guilford County Tax Map Parcel #0224352 and #0161307. The property is located in an area that is a mix of vacant industrial, Castle McCulloch, vacant and cell tower, and low-density residential. There is a historic structure south of the property which is the locally designated Castle McCulloch located on part of the property. Hayworth Springs Road will not see any traffic activity from this request if it is approved. The Land Use Plan for this area is the Southern Area Plan that was updated in 2016. The Plan recommends for light industrial uses in the area. Although not consistent with the Area Plan, the request is compatible with the surrounding land uses and zoning that is being proposed in the public interest through the provision of future employment and entertainment opportunities. The Plan designates the area as Light Industrial which is inconsistent with the request. The HB district is primarily intended to for retail establishments and use conditions limit it to uses similar to Castle McCulloch. It is reasonable and in the public interest as the request will limit future uses similar to those on the adjacent Castle McCulloch while at the same time providing entertainment and employment opportunities.

Staff recommends in favor of approval. Approval of this request will enable the applicant to use the property for future entertainment venues and ancillary uses applied to those entertainment venues. If this case is approved, the recommended uses specified for the subject properties in the Southern Area Plan 2016 Update will be updated from Light Industrial to Moderate Commercial.

In Support:

Speaking in favor of the request was John Raines, General Manager at Castle McCulloch. He explained that the reason for this rezoning is due to the fact that the acquisition of the land on the back side of the property does not match the zoning of the rest of the property.

Responding to questions, Mr. Eger stated that this is not spot zoning. The purpose of this request is to make the zoning on the property the same.

In Opposition:

Speaking in opposition to the request was Randy Hughes, 6510 Hayworth Springs Road, who distributed photographs to Board members. He described traffic and noise concerns related to events that are held at Castle McCulloch. He said that the noise ordinance is in effect but noise from events at the venue does not subside by 11:00 p.m. as it should. He has called the Sheriff on many occasions and has also contacted the owner, but nothing has been resolved. There are 50-75 cars that park at the end of Hayworth Springs Road in the parking lot at every event. He said that neighbors are basically dealing with a nightclub that was put in a residential neighborhood. He expressed concerns about drunk driving in the neighborhood, traffic, and loud noise late at night when events are held at Castle McCulloch.

Chair Jones explained to Mr. Hughes that the review of the Planning Board is limited. Everything that Mr. Hughes described occurred with the existing zoning. The Board's review is limited to whether or not they approve bringing the zoning for a small portion of the property in line with the rest of the property. He pointed out that one of the conditions for this approval is that access to Hayworth Springs Road is only for service and emergency.

Also speaking in opposition was Andrea O'Neal who lives at 6125 Hayworth Springs Road. She was concerned that the venue would only get bigger and bigger if this request is approved. She has lived in her home for 51 years and remembers when the property was restored by the owner. She stated her opinion that Castle McCulloch is nothing more than a nightclub. The property has gotten bigger and louder. She related instances of unruly, loud noise late at night that can be heard from her deck.

Barbara Howell, 6509 Hayworth Springs Road, was in opposition to the request. She concurred with comments made by the two previous speakers. Noting the proposed development standard that

access from Hayworth Springs Road shall be for service and emergency only, she pointed out there are two entrances off of Kivett Drive, which is a two-lane road. The one and a half-lane road she lives on is a dead-end road with one way in and one way out. Tractor trailers and water tankers making deliveries have used her yard in the past as a turn around. If the owner is having the parcel rezoned and there will be access off of Kivett Drive, Ms. Howell asked why Hayworth Springs Road would have to be a service road. She had no problems with her road being used for emergency vehicles. She commented that the neighbors have not heard anything from the owner about the request.

Ms. Hayworth asked staff who would enforce the condition that Hayworth Springs Road be used only for service and emergency vehicles. Mr. Eger said that the Sheriff could go out at night to try and enforce it, as they have many times before. However, they cannot stop people from driving where they will drive. It is not an enforceable condition by the Planning Department. The applicant offered the condition and they can change the condition to make it stricter if they would like to.

Rebuttal in Support:

John Range, General Manager at Castle McCulloch, said that lots adjacent to the subject area are used for parking for employees and entertainers and not for the general public. They have festivals only three days during the year. They are at a maximum capacity and he did not feel that that getting bigger would be an issue. They are only looking to improve their current service and tighten up what they have. He addressed the noise concern and said they have made moves over the years to replace tent buildings with hard surfaces. They have spent hundreds of thousands of dollars putting in tops on the Crystal Garden items to address complaints. They are continuously trying to improve the venue. Mr. Range did not feel that the zoning request would increase traffic. He asked to directly hear complaints from the neighbors in the future.

Responding to Ms. Hayworth's question, Mr. Range estimated that 25 passes are made by vehicles each day on the property.

Mr. Alexander asked why tractor trailers cannot use the two-lane highway to access the property. Mr. Range said that the asphalt and the long, winding road through the woods is not conducive for tractor trailers.

Mr. Range responded to questions from the Board and confirmed that the lot was large enough for trucks to turn around in. In addition, he said that during a festival only people on a monitored list are allowed to come through the back gate. He did not think it was possible for attendees to enter through the back gate. In addition, there is a several-acre lot located past the front gate off to the right where cars can park. Parking for attendees is actually on the furthest part of the lot from Hayworth Springs Road.

Rebuttal in Opposition:

Randy Hughes, 6510 Hayworth Springs Road, confirmed that there is now a place for trucks to turn around. This just happened within the last six or eight months. He described problems that occurred during the last festival and pointed out that Haywood Springs Road is a small one-way road and he does not want to continue picking up trash following the events.

Barbara Howell, 6509 Hayworth Springs Road, stated that the castle was not what it is now when they moved into their house 31 years ago. When she moved in the neighborhood, dinner events for Furniture Market would be held twice a year. The owner did grade the parking lot so that cars would not park in the yards of neighbors and she assumed the lot was large enough for big trucks to turn around. She felt there should be a time limit to the noise that is generated from the festivals.

There being no other speakers Ms. Burnett moved to close the public hearing, seconded by Ms. Hayworth. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Discussion:

Chair Jones stated that the Board appreciates it when people take the time to come to the meeting to voice their experiences. However, his struggle with this case is that there are no restrictions on the current zoning that prohibit any sort of traffic on Hayworth Springs Road. The applicant is offering some relief to what the neighbors are experiencing and Castle McCulloch is still going to be there regardless of the action taken by the Board tonight. The development condition would afford the neighborhood an additional body to complain to if they start seeing problems. The condition would limit the road to emergency and service vehicles only, which would offer some relief.

Ms. Hayworth commented that she would agree if it was an enforceable condition. The condition will do no good if there is no one there to enforce it. The Board's hands are tied as to what they can do and most of what has been heard is out of the Board's jurisdiction.

Mr. Apple felt that rezoning the property would help the neighbors and will give them somebody else to complain to.

Mr. Alexander said that rezoning the property would allow for civil action to enforce the condition. If the conditions are violated, staff would be notified and the process to assess penalties could occur.

Mr. Mann moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0224352 and #0161307, from **CU-LI** to **CZ-HB** because:

1. This approval also amends the **Southern Area Plan 2016 Update**.
2. The zoning map amendment and associated **Southern Area Plan 2016 Update** amendment are based on the following change(s) in condition(s) in the **Southern Area Plan 2016 Update**:

The Plan needs to be updated from Light Industrial to Moderate Commercial.

3. The amendment **is** reasonable and in the public interest because:

The request will limit future uses similar to those on the adjacent Castle McCulloch while at the same time provide entertainment and employment opportunities.

The request will limit the traffic onto Hayworth Springs Road to emergency and service only.

The motion was seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

REZONING CASE #18-07-GCPL-04709: AG to RS-40

Located on the northern side of Clinard Farms Road, approximately 300 feet east of Barrow Road in Deep River Township. Being a portion of Guilford County Tax Parcel #00169981 and 0169963. Approximately 17.39 Acres owned by Brandon H. and Amber Turner. If this case is approved, the recommended uses specified for the subject properties in the Airport Area Plan Update 2008 will be updated from Non-Residential to Residential. **(APPROVED)**

Ms. Burnett asked to be recused from this case due to a conflict of interest. Chair Jones moved to recuse Ms. Burnett from this case, seconded by Ms. Hayworth. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Ms. Burnett left the dais for the remainder of the case.

Mr. Eger stated that this request is being made by Brandon and Amber Turner and the property is located on the northern side of Clinard Farms Road, approximately 300 feet east of Barrow Road in Deep River Township. The property is shown on Guilford County Tax Parcel #00169981 and 0169963. The property is in an area that is a mixture of heavy residential and low-density residential due to the extension of water and sewer into the area by the City of High Point. There has been a lot of change in this area over the years due to bringing residential uses into the area. The Land Use Plan for this property is the Airport Area Plan Update 2008. The Plan recommends for Non-Residential use for this area. This request is inconsistent with the Plan for the area; however, it is in an area that continues to see residential growth. The Plan designates the area as Non-Residential which is inconsistent with this request. They are proposing low-density Residential units on 40,000 square foot lots. The request is reasonable and in the public interest as the site chosen for this request is large enough to accommodate low-density residential on the edge of an area that is projected for non-residential growth. This request is in the public interest through the provision of future residential structures for the area. Staff recommends approval of this request. This request is set on the edge of an area that has residential uses. That area has continued to experience residential growth due to the expansion of the City of High Point. Should this request be approved, staff feels that it is important that the development of residential structures should take into consideration noise mitigation practices to minimize future noise impacts from existing and future air traffic associated with the Piedmont Triad International Airport. If this case is approved, the recommended uses specified for the subject properties in the Airport Area Plan 2002-Update 2008 will be updated from Non-Residential to Residential.

In Support:

Brian Craven, Craven Real Estate, 1942 Spring Garden Street, was representing Brandon Turner for the rezoning of these two parcels of land. Due to the surrounding area right at the intersection of Barrow Road and Clinard Farm Road, there has been a substantial amount of residential growth. They feel the highest and best use of the land would be to rezone the two properties. They will be mirroring the Samuel's Field subdivision to the east which is a 15-home subdivision with single family dwellings on one-acre lots. They plan to build low-density, single-family dwellings on one-acre lots. They will not pull utilities to the site because it is on county well and septic system. The homes will be semi-custom to custom homes at a \$350,000 to \$450,000 price point. They have taken a lot of time to talk to neighbors and over 30 letters have been sent out. Meetings and talks have been held with adjoining neighbors to make sure everyone is comfortable with what they plan to do.

In Opposition:

Michael Murphree, 7804 Lichen Court, High Point, North Carolina, lives on property that is adjacent to the subject site. He moved into his home approximately three weeks ago. One of the key reasons they chose to build where they did was because it was grandfathered in as part of Samuel's Field. He expressed concern about the impact of 17 to 20 new wells and septic systems on the water table and water quality in the area. The entrance to the property is in a blind curve where there is an established history of wrecks. He did not receive a letter but he did get a phone call from Brandon Turner and they had a brief discussion. The neighbors adjoining that property in Samuel's Field are not satisfied with conversations that have occurred. He asked the Board to consider postponing any action on this matter so that legal counsel can be retained.

Ernest Knick, 1246 Blackberry Ridge Road, lives just east of the subject property. His main concern is the water table. The proposed project will double the size of his subdivision. He questioned the effect

30 homes with wells and sewer systems would have on the water table and on water quality. He was also concerned about increased traffic and accidents at the entrance to Clinard Farms Road, and doubling the size of his subdivision from 15 to 30 homes in such a small area.

Rebuttal in Support:

Brian Craven, Craven Real Estate, provided a list showing that Mr. Murphree and Mr. Knick were among those who were sent a letter about the rezoning. Brandon Turner had a conversation with Mr. Murphree on August 20, 2018 concerning plans for the rezoning. Mr. Murphree was asked to get back with him by August 24, 2018 with any specific questions concerning the rezoning but did not return the call. Mr. Craven reached out again to Mr. Murphree and did not hear back from him once again.

Mr. Craven addressed concerns about erosion control. An erosion control plan will be included in the site plan that must be approved. The plan will address any potential issues for water runoff and stormwater control devices for the entire site.

Mr. Craven clarified that there is a total of 17 acres but there are only 13 useable, buildable acres with potentially 13 home sites which will have 13 wells and 13 septic systems.

Mr. Craven said that a site layout study was done for NCDOT (North Carolina Department of Transportation) about the blind curve because they wanted to make sure there was a good radius for an entrance to the proposed site. The entryway was approved by NCDOT for the site.

Ms. Hayworth asked Mr. Craven when the letter to neighbors was sent out. He said the letter was sent around August 10, 2018.

Rebuttal in Opposition:

Michael Murphree, 7804 Lichen Court, confirmed that Brandon Turner did call him, but he did not receive the letter. He moved into his home on August 31, 2018 and was not living there on August 10, 2018 when the letter was sent. He commented that Mr. Craven has been working with planning staff for months but neighbors have only known about the project for several weeks. He asked the Board to postpone action on this matter until additional meetings with the applicant can take place.

There being no other speakers Mr. Mann moved to close the public hearing, seconded by Mr. Alexander. The Board voted 5-0-1 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann. Nays: None. Abstain: Burnett)

Discussion:

Responding to questions, Mr. Eger stated that no one came to him prior to the meeting to request a postponement.

Chair Jones clarified that in terms of the Planning Board's review, the Board is not reviewing hydrology; rather, they are looking at the use of the property. The Board's review is limited and does not include determining how many lots will go on the site. The site plan approval process will be done entirely at the staff level and will review issues relating to hydrology, etc.

Mr. Mann moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0169981 and #0169963 from **AG** to **RS-40** because:

1. This approval also amends the **Airport Area Plan Update 2008**.
2. The zoning map amendment and associated **Airport Area Plan Update 2008** amendment are based on the following change(s) in condition(s) in the **Airport Area Plan Update 2008**:

The Plan designates the area as Non-Residential which is inconsistent with this request.

Therefore, the Plan needs to be changed from Non-Residential to Residential.

3. The amendment **is** reasonable and in the public interest because:

The site chosen for this request is large enough to accommodate low-density residential on the edge of an area that is projected for non-residential growth.

This request is in the public interest through the provision of future residential structures for the area.

The motion was seconded by Mr. Alexander. The Board voted 5-0-1 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann. Nays: None. Abstain: Burnett.)

Ms. Burnett returned to the dais for the remainder of the meeting.

CONDITIONAL ZONING CASE #18-08-GCPL-04979: RS-40 and HI to CZ-HI

Located on the south side of the Bishop Road and Viewmont Drive intersection in Sumner Township. Being Guilford County Tax Parcel #0141333, #0141345, #0141344, #0141328 and #0141339. Approximately 2.38 Acres owned by Betty B. and Ronald Eugene Petty, Sr. and A-1 Sandrock, Inc. If this case is approved, the recommended uses specified for the subject properties in the Southern Area Plan 2016 Update will be updated from Light Industrial to Heavy Industrial.

(APPROVED)

Matt Talbott said that this request is to rezone approximately 2.3 acres from RS-40 (Residential Single-Family) and HI (Heavy Industrial) to CZ-HI (Conditional Zoning-Heavy Industrial). The RS-40 zoning district is intended to accommodate single-family detached dwellings on large lots. The HI zoning district is intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The development condition on this request is as follows: (1) There shall be no landfill activities on this property for the adjacent LCID and C&D landfills.

The applicant/property owners are Betty and Ronald Eugene Petty. The property is located on the south side of the Bishop Road and Viewmont Drive intersection in Sumner Township. The request is in an area surrounded by heavy industrial uses. The existing land use on the property is residential, vacant, and heavy industrial. There are no historic properties on this property. The Land Use Plan is the Southern Area Plan 2016 Update. The Plan recommends for Heavy Industrial and Light Industrial zoning. Although not entirely consistent with the Plan, the request is compatible with the surrounding zoning and land uses and is being proposed in the public interest through the provision of uses that will serve the growing community. The Plan designates a portion of this request as Light Industrial which is inconsistent with this request. The HI district is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. It is reasonable and in the public interest as the site is located on Bishop Road in an area that is a mixture of industrial and several transitional low-density residential uses. It will provide services and employment opportunities for the area. Staff recommends in favor of approval. If this case is approved, the recommended uses specified for the subject properties in the Southern Area Plan 2016 Update will be updated from Light Industrial to Heavy Industrial.

In Support:

Tom Terrell, Attorney, 300 North Greene Street, was representing A-1 Sandrock. He said this is an area that is nothing but heavy industry with a few small exceptions of some RS-40 lots right along Bishop Road. A-1 Sandrock would like to make these lots consistent with the surrounding HI area. They do not have plans for the land but at some point, they would like to be able to expand their operations for heavy industrial use. The condition that is offered is that they cannot do the LCID or the C&D landfill activity on these lots.

In Opposition:

None.

There being no other speakers, Ms. Burnett moved to close the public hearing, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Discussion: None.

Ms. Burnett moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0141333, #0141345, #0141344, #0141328 & #0141339, from **RS-40 & HI** to **CZ-HI** because:

1. This approval also amends the **Southern Area Plan 2016 Update**.
2. The zoning map amendment and associated **Southern Area Plan 2016 Update** amendment are based on the following change(s) in condition(s) in the **Southern Area Plan 2016 Update**:

Although not entirely consistent with the Plan, the request is compatible with the surrounding zoning and land uses and is being proposed in the public interest through the provision of uses that will serve the growing community.

The Plan designates a portion of this request as Light Industrial which is inconsistent with this request.

3. The amendment **is** reasonable and in the public interest because:

The site is located on Bishop Road in an area that is a mixture of industrial and several transitional low-density residential uses.

It will provide services and employment opportunities for the area.

The motion was seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

SPECIAL USE PERMIT CASE #18-08-GCPL-04985: Amend Height of Landfill

Located on the south side of Bishop Road, just at its intersection with Viewmont Drive in Sumner Township. Being Guilford County Tax Parcel #0141438 and #0141332. Approximately 2.38 71.26 Acres owned by Betty B. and Ronald Eugene Petty, Sr. and A-1 Sandrock, Inc. The petitioners are seeking to amend the height of an existing Landfill.

(APPROVED)

Swearing-in of Speakers:

Mr. Eger and Mr. Talbott, Planning Department, were sworn as to their testimony in the following matters.

Also sworn as to their testimony in the following matters were Tom Terrell and Molly Chisholm, who were speaking in favor of the request.

Mr. Talbot said that this request is to consider granting a Special Use Permit to amend the height of an existing landfill. He noted a correction in the number of acres in the request. Instead of 2.38 acres, there are 71.26 acres as it is the adjacent tract of land where the landfill is located.

The request is to extend the original height of 150 feet to 185 feet. The applicants are Betty and Ronald Eugene Petty. The property is located at the south side of Bishop Road at its intersection with Viewmont Drive. The property is located on Guilford County Tax Parcel #0141438 and #0141332. The request is in an area that is surrounded by heavy industrial uses. The Land Use Plan is the Southern Area Plan 2016 Update. The Plan recommends for Heavy Industrial and Light Industrial uses. Although not entirely consistent with the plan, the request is compatible with the surrounding zoning and land uses and is being proposed in the public interest through the provision of uses that will serve the growing community.

During the consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. The proposed use requires a Special Use Permit under the Development Ordinance;
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance;
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - (b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (c) That the location and character of the use, if developed according the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan or development of the Jurisdiction and its environs.

After reviewing the proposed development plan for this request, staff offers the following facts that the Planning Board considers the following issues:

1. The updated Major LCID, Major Construction and Demolition Debris Landfill, and Sandrock Mining Operation are represented by an "S" in the Guilford County Development Ordinance table of permitted uses;
2. The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved;

3. The proposed uses are intended uses in the Heavy Industrial district with approval of a Special Use Permit.

In Support:

Tom Terrell, Attorney, 300 North Greene Street, was representing A-1 Sandrock. He distributed copies of an evidence booklet to Board members for their review. He introduced Ronald Petty, A-1 Sandrock, and David Garrett, Wood Engineering, who were seated in the audience.

Mr. Terrell said that this request is a continuation of an existing landfill that has already been developed and is an important part of our economy. Although a Special Use Permit is required because the applicant would like for the landfill to go up in height, there will be no expansion of the footprint. The proposed increase in height is a reasonable amount and is a little bit more than what was previously approved in another Special Use Permit. Mr. Terrell reviewed contents of the evidence booklet that was distributed to members. He explained that a C&D (Construction and Demolition Debris) landfill contains byproducts of construction such as leftover two by fours, concrete, or bricks. These landfills serve a vital function as part of the growing economy and a major part of the byproducts are recycled. The debris is inert and is not hazardous. Also located in the evidence booklet is a statement by David Garrett, Wood Engineering, that the landfill is not a danger to the public health or safety.

Mr. Terrell stated that the Planning Board previously decided that a C&D and LCID landfill were consistent with the Land Use Plan and harmonious with the area and therefore, this finding of fact has already been made. All of the surrounding uses are industrial.

Molly Chisholm, Hylton-Crowder and Associates, High Point, North Carolina, performed a Market Impact Study on the site. Her study determined that the data shows that a C&D landfill would not negatively impact market values of adjacent properties.

In Opposition: None.

Discussion: None.

GUILFORD COUNTY PLANNING BOARD ORDER GRANTING A SPECIAL USE PERMIT

Chair Jones moved that the Guilford County Planning Board, having held a hearing on September 12, 2018 to consider granting a Special Use Permit to amend the height of an existing Landfill, submitted by Betty B. and Ronald Eugene Petty, Sr., being Guilford County Tax Parcel #0141333, #0141345, #0141344, #0141328 and #0141339, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS;

1. A written application was submitted and **is** complete in all respects.
2. The use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan. This conclusion is based on sworn testimony and evidence submitted during the hearing which shows the following:

There was a previous Special Use Permit issued for this use on this site.

There is an existing Landfill and there is no evidence that increasing the height will have any additional impact on public health.

3. The use, to amend the height of an existing Landfill, for which the Special Use Permit is sought, **is** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

The updated Major LCID, Major Construction and Demolition Debris Landfill, and Sandrock Mining Operation are represented by an "S" in the Guilford County Development Ordinance table of permitted uses;

The site plan provides the general location and how the use will be arranged on the property;

The formal site plan approval process will be followed if the Special Use Permit is approved;

This finding was addressed in the existing Special Use Permit issued for the use on this site.

4. That the location and character of the use, if developed according to the plan submitted, **will** be in harmony with the area in which it is to be located and **is** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

Sanitary landfills are allowed in HI (Heavy Industrial) subject to receipt of a Special Use Permit;

The area has a number of neighboring HI zoned properties;

This finding was addressed in the existing Special Use Permit issued for the use on this site.

5. The use **will not** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

The Market Impact Study states that there is no negative impact on the property from the increase in the height.

THEREFORE, on the basis of all of the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT to amend the height of an existing Landfill be **granted** subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.
4. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use again be permitted.

The motion was seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Chair Jones called for a recess at 7:42. The meeting resumed at 7:52 p.m.

CONDITIONAL ZONING CASE #18-08-GCPL-04991: AG to CZ-AG

Located at the southwest intersection of NC Highway 62 West and Downsfield Road, in Sumner Township. Being Guilford County Tax Parcel #014455. Approximately 14.87 Acres owned by DWS Properties, LLC.

(APPROVED)

Mr. Eger stated that this is a request to rezone approximately 14.87 acres from AG (Agriculture) to CZ-AG (Conditional Zoning-Agriculture). The proposed use condition is for uses to be restricted to those associated with a Clean Bulk Water Transport Facility. Proposed development conditions include landscape yards around the site to be increased to a rate associated with a "Type B Planting Yard" and no large transport trucks will be allowed to enter or exit the property on Downsfield Road. The property is in an area that is primarily low-density residential and agricultural uses. The existing land use on the property is vacant. Across NC 62 to the north there are low-density residential uses; there are low-density residential uses to the south and west and vacant uses to the east. The Land Use Plan for the area is the Southern Area Plan 2016 Update. The Plan recommends for Rural Residential. The CZ-AG zoning is consistent with the adopted plan and conditions applied to this request will work to minimize impacts onto the surrounding properties. Staff believes that this request will be compatible with the surrounding zoning and uses. It is being proposed in the public interest through the provision of necessary services to the community. The Plan designates the area as Rural Residential. The request is reasonable and in the public interest through the proposed site use and development conditions. It will provide necessary services and employment opportunities for the area. Staff recommends approval of the request. Approval of this request will permit the applicant to operate a bulk water supply business.

In Support:

Norris Clayton, 1306 West Wendover Avenue, is the engineer for the applicants. Mr. Clayton gave a brief overview of the request. He explained that initial discussions between the applicant and staff resulted in a request to rezone the property to Light Industrial. When the request was heard, neighbors expressed concern with the proposed LI zoning because the zoning could be conducive to further changes in the neighborhood. The Planning Board tabled the request until the following month. Meetings were then held with the attorney for the neighborhood residents, the owner, and Mr. Eger. It was determined at those meetings that the bulk water transport system would not fall in AG zoning. Mr. Clayton explained that there is a hydrant at the corner of Highway 62 and Downsfield Road which is where the water tanker trucks fill up. In the meantime, the subject property became available and the owner bought it to try to move the fill-up point for the water tanker trucks to a safer spot located off the road onto property.

Tricia Barfield, 235 North Edgeworth Street, is the Attorney for the neighborhood residents. They have worked collectively together to reach this result which is satisfactory to all the neighbors around the property. The neighbors have no objection to the use of this property. They were mostly concerned about the impact that LI zoning would have on the future use of this property. The neighborhood residents are in support of approving this request.

In Opposition: None.

There being no other speakers, Ms. Hayworth moved to close the public hearing, seconded by Ms. Burnett. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Discussion: None.

Mr. Mann moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0144555, from **AG** to **CZ-AG** because:

1. The amendment is consistent with applicable plans because:

The request is consistent with the adopted Plan and conditions applied to this request will work to minimize impacts onto the surrounding properties. Staff believes that this request will be compatible with the surrounding zoning and uses and is being proposed in the public interest through the provision of necessary services.

2. The amendment is reasonable and in the public interest because:

It is reasonable and in the public interest through proposed site use and development conditions limiting future uses to a Bulk Water Transport facility, with enhanced buffering and access from NC Highway 62 only, while providing necessary services.

It will provide necessary services and potential employment opportunities for the area.

The motion was seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

REZONING CASE #18-08-GCPL-05097: RS-40 to AG

Located approximately 1,635 feet northeast from the intersection of Alamance Road and High Point Road, in Jamestown Township. Being Guilford County Tax Parcel #0155280.

Approximately 1.89 Acres owned by Michael A. and Youlandra M. George.

(APPROVED)

Mr. Talbott stated this request is to rezone approximately 1.89 acres from RS-40 (Residential Single-Family district) to AG (Agricultural district). The RS-40 district is intended to accommodate single-family detached dwellings on large lots. The AG district is intended to accommodate uses of an agricultural nature, farm residences, and also single-family homes. The owners are Michael and Youlandra George. The property is located 1,600 feet northeast from the intersection of Alamance Road and High Point Road. The parcel number is #0155280. The request is in an area that is primarily low-density residential. The surrounding land uses are low-density residential, vacant, and the old Jefferson Pilot building. The Land Use Plan is the Southwest Area Plan 2016 Update. The Plan recommends for low-density single-family use. This request is consistent with the adopted plan and it is compatible with the surrounding uses. It is being proposed in the public interest through the provision of necessary services. The Plan designates the area as low-density, single-family which is consistent with this request. The AG request will continue to limit future uses to Agricultural and Residential. It is reasonable and in the public interest as the request will limit future residential and agricultural uses. Staff recommends approval of the request. No update to the land use plan is necessary.

In Support:

Michael George, 3010 Lark Drive, said that he would like to use a residence on the property as a wedding venue. He plans to add a 1,200 square foot banquet room onto the residence. The venue will be used on Friday, Saturday, and Sunday when people normally get married. The venue will close at 11:30 at night. The sole use of the property will be for a wedding venue.

Responding to questions, Mr. George said that he believes this area is conducive to a wedding venue. Other than the vacant Jefferson Pilot building, there is nothing but adjacent land nearby. The site has an open country setting with pretty outside scenery that is suitable for photographs.

In Opposition: None.

There being no other speakers, Ms. Hayworth moved to close the public hearing, seconded by Mr. Mann. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

Discussion: None.

Mr. Alexander moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0155280, from **RS-40** to **AG** because:

1. The amendment **is** consistent with applicable plans because:

The Plan designates the area as low-density, single-family which is consistent with this request.

The AG request will continue to limit future uses to Agricultural and Residential.

2. The amendment **is** reasonable and in the public interest because:

The request will limit future residential and agricultural uses.

The motion was seconded by Ms. Hayworth. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

SPECIAL USE PERMIT CASE #18-08-GCPL-05098: Event Center/Wedding Venue

Located approximately 1,635 feet northeast from the intersection of Alamance Road and High Point Road, in Jamestown Township. Being Guilford County Tax Parcel #0155280.

Approximately 1.89 Acres owned by Michael A. and Youlandra M. George. The petitioners are seeking a Special Use Permit to operate an Event Center/Wedding Venue.

(APPROVED)

Swearing-in of Speakers:

Mr. Eger and Mr. Talbott, Planning Department, were sworn as to their testimony in the following matter.

Also sworn as to his testimony in the following matter was the applicant, Michael George, who was speaking in favor of the request.

Mr. Talbot said this request is to consider granting a Special Use Permit for an Event Center/Wedding Venue. The owners are Michael and Youlandra George. The location is approximately 1,635 feet northeast from the intersection of Alamance Road and High Point Road. The tax parcel is #0155280. The character of the area is primarily low-density residential. The Land Use Plan is the Southwest Area Plan 2016 Update. The Plan recommendation is for residential single family, which includes low-density single-family homes. This includes Event Center/Wedding Venues allowed with Special Use Permit approval. The request is consistent with the adopted plan and it is compatible with the surrounding uses. It is being proposed in the public interest through the provision of necessary services. The Plan designates the area as residential single-family. The request will continue to limit future uses to Agricultural and Residential.

During the consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. The proposed use requires a Special Use Permit under the Development Ordinance;
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance;
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - (b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (c) That the location and character of the use, if developed according the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan or development of the Jurisdiction and its environs.

After reviewing the proposed development plan for this request, staff offers the following facts that the Planning Board considers the following issues:

1. The Event Center/Wedding Venue is represented by an "S" in the Guilford County Development Ordinance table of permitted uses;
2. The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved;
3. The proposed Event Center/Wedding Venue is an intended uses in the Agricultural district with approval of a Special Use Permit.

Ms. Haywood commented that the Event Center/Wedding Venue is not located in the Table of Uses. Mr. Talbott said that there is not an actual Wedding Venue listed in the table. They interpreted the Special Events category as the closest match to a Wedding Venue. Upon further inspection, Mr. Eger stated that staff has used the Private Club or Recreational Facility/Other listed in the ordinance in the past for this use and should be used to reference this designation as well.

In Support:

Michael George, 3010 Lark Drive, stated that the proposed facility will be used as a wedding venue.

Responding to questions from Chair Jones, Mr. George said that the proposed use would not endanger the public and if developed as planned, it would be in harmony with the surrounding area. He does not plan to change the look of the building at all with the exception of the landscaping. There are 20 parking spots on the property and they are the only structure on Lark Drive. He anticipated that

the gatherings should number no more than 100 guests. He did not have any evidence that the use would not negatively impact the values of surrounding properties.

In Opposition: None.

Discussion: None.

GUILFORD COUNTY PLANNING BOARD ORDER GRANTING A SPECIAL USE PERMIT

Chair Jones moved that the Guilford County Planning Board, having held a hearing on September 12, 2018 to consider granting a Special Use Permit for a Private Club or Recreational Facility/Other with the specific use of an Event Center/Wedding Venue, submitted by Michael A. and Youlandra M. George, being Guilford County Tax Parcel #0155280, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS;

1. A written application was submitted and **is** complete in all respects.
2. The use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan. This conclusion is based on sworn testimony and evidence submitted during the hearing which shows the following:

There is no evidence that public health would be endangered.

3. The use for which the Special Use Permit is sought **is** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

The Private Club or Recreational Facility/Other is represented by an "S" in the Guilford County Development Ordinance table of permitted uses;

The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved.

4. That the location and character of the use, if developed according to the plan submitted, **will** be in harmony with the area in which it is to be located and **is** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

The proposed use is an intended use in the Agricultural district with the approval of a Special Use Permit;

It is located across the street from a large non-residential use.

5. The use **will not** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

There is no evidence of any negative impact on adjoining properties.

THEREFORE, on the basis of all of the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT to allow the requested use be **granted** subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).
2. The development shall proceed in conformity with the plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.

The motion was seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

SPECIAL USE PERMIT CASE #18-08-GCPL-05100: Solar Facility

Located approximately 4,600 feet north from the intersection of Mt. Hope Church Road and McConnell Road, and located on both sides of Mt. Hope Church Road, in Jefferson Township. Being Guilford County Tax Parcel #0116899, #0116804, #0116805, and #0116807.

Approximately 225 Acres owned by the J. H. Stewart Family Limited Partnership and Richard and Margie Brinkley. The petitioners are seeking a Special Use Permit to operate a Solar Facility.

(APPROVED)

Swearing-in of Speakers:

Mr. Eger and Mr. Talbott, Planning Department, were sworn as to their testimony in the following matter.

Also sworn as to their testimony in the following matters were Mike Fox, Rich Kirkland, Chris Sanford, and Steve Evans, speaking in favor of the request.

Mr. Talbott said this request is to consider granting a Special Use Permit to operate a solar facility on approximately 225 acres. The applicant/property owner is the J. H. Stewart Family Limited Partnership and Richard and Margie Brinkley. The property is located approximately 4,600 feet north from the intersection of Mt. Hope Church Road and McConnell Road, and located on both sides of Mt. Hope Church Road in Jefferson Township.

Mr. Talbott noted that there is a list of five different parcels noted on the agenda. The parcel labeled #0120643 is not part of this application. On the map that would correspond to Section A-4. The correct parcel numbers associated with this request are as follows: #0116899, #0116804, #0116805, and #0116807.

Mr. Talbott said that this request is located in an area that is primarily low-density residential on acreage tracts and farm uses. The property is vacant and the surrounding properties are all large lot, residential, and farm uses. There are no historic properties on this site. The Land Use Plan is the Rock Creek Area Plan 2016 Update which recommends for Rural Residential zoning. This request is consistent with the adopted plan, is compatible with the surrounding uses and zoning, is being proposed in the public interest, and is permitted in the AG district with an approved Special Use Permit.

During the consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. The proposed use requires a Special Use Permit under the Development Ordinance;
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance;
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the district and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - (b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (c) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan or development of the Jurisdiction and its environs.

After reviewing the proposed development plan for this request, staff offers the following facts that the Planning Board considers the following issues:

1. The Solar Farm facilities are represented by an "S" in the Guilford County Development Ordinance table of permitted uses;
2. The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved;
3. The proposed Solar Facility is an intended uses in the Agricultural district with approval of a Special Use Permit.

In Support:

Mike Fox, Attorney, 100 North Greene Street, was representing the applicant. He introduced three witnesses, Steve Evans, Rich Kirkland, and Chris Sandifer, who were seated in the audience. Mr. Evans is with Cypress Creek Renewables and can address questions about solar farm development and the site plan. Mr. Kirkland is an appraiser with Kirkland Appraisals and Mr. Sandifer is an engineer who is an expert on solar energy. The three witnesses provided brief summaries in support of the request.

Mr. Fox distributed copies of Mr. Kirkland's appraisal to Board members.

Rich Kirkland, Kirkland Appraisals, is a certified general appraiser in the state of North Carolina. He has looked at over 400 solar farms in the last eight years, most of them in North Carolina. He identified ten different solar farms in North Carolina and looked at the sale of properties located next to the solar farms so he could do a paired sales analysis to see if there is any impact on property value. His analysis of the matched pairs showed no impact on adjoining property values. It is his professional opinion that this is a harmonious location for a solar farm and the proposed solar farm will have no impact on adjoining property values.

Chris Sandifer, 3118 Green Road, Spring Hope, North Carolina, is an engineer licensed in the southeast and is also an electrical contractor. He has experience with building codes and land use ordinances and regulations. His professional opinion is that the proposed project meets all the required conditions and specifications set forth in the Guilford County Zoning Ordinance. If the proposed project is developed according to the plans submitted and approved, it will be in harmony with the area in which it will be located and in general conformity with the Guilford County Land Use Plan. Based upon these facts, it is his opinion that the proposed project is essential and desirable to the public convenience and necessity. The proposed project will have adequate utilities, access roads, drainage, sanitation, and other facilities provided. The proposed project will not materially endanger public health or safety if located in accordance with the plan submitted and approved.

Mr. Fox stated that letters were mailed to neighbors on the County's mailing list and a neighborhood meeting was held. Nine individuals attended the meeting and many questions were answered. Their main concern was about buffering and they seemed satisfied when the type of buffer was described.

Ms. Hayworth asked about the average life span of a solar site and how a solar site is dismantled. Steve Evans, Cypress Creek Renewables, said that there are lease agreements with the landowners on this particular project. These agreements are for 20.5 years with four (4) five-year renewable options. The overall expectancy of a solar panel could be 40 years. If the applicants decide not to renew at the end of the lease option, the solar facility can easily be disassembled. The girders can be pulled up and the panels can be unscrewed from the racking systems. The panels are safe and can be disposed of in a landfill if necessary although they have more value in a recyclable capacity. The decommissioning of these sites is very simple and quick.

In Opposition: None.

Discussion: None.

GUILFORD COUNTY PLANNING BOARD ORDER GRANTING A SPECIAL USE PERMIT

Ms. Hayworth moved that the Guilford County Planning Board, having held a hearing on September 12, 2018 to consider granting a Special Use Permit to operate a **Solar Facility**, submitted by J. H. Stewart Family Limited Partnership and Richard and Margie Brinkley, being Guilford County Tax Parcel #0116799, #0116804, #0116805, and #0116807, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS;

1. A written application was submitted and **is** complete in all respects.
2. The use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan. This conclusion is based on sworn testimony and evidence submitted during the hearing which shows the following:

Testimony was provided by Chris Sandifer who is an engineer licensed in the southeast and is also an electrical contractor. He has experience with building codes and land use ordinances and regulations. His professional opinion is that the proposed project meets all the required conditions and specifications set forth in the Guilford County Zoning Ordinance.

3. The use of a Solar Facility for which the Special Use Permit is sought **is** in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

Testimony was provided by Chris Sandifer who is an engineer licensed in the southeast and is also an electrical contractor. He has experience with building codes and land use ordinances and regulations. His professional opinion is that the proposed project meets all the required conditions and specifications set forth in the Guilford County Zoning Ordinance.

4. That the location and character of the use, if developed according to the plan submitted, **will** be in harmony with the area in which it is to be located and **is** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

Chris Sandifer, who is an engineer licensed in the southeast and is also an electrical contractor, testified that if the proposed project is developed according to the plans submitted and approved, it will be in harmony with the area in which it will be located and in general conformity with the Guilford County Land Use Plan. Based upon these facts, it is his opinion that the proposed project is essential and desirable to the public convenience and necessity. The proposed project will have adequate utilities, access roads, drainage, sanitation, and other facilities provided.

5. The use **will not** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the hearing which shows the following:

Rich Kirkland, Kirkland Appraisals, testified that he is a certified general appraiser in the state of North Carolina. He has looked at over 400 solar farms in the last eight years, most of them in North Carolina. He identified ten different solar farms in North Carolina and looked at the sale of properties located next to the solar farms so he could do a paired sales analysis to see if there is any impact on property value. His analysis of the matched pairs showed no impact on adjoining property values. It is his professional opinion that this is a harmonious location for a solar farm and the proposed solar farm will have no impact on adjoining property values.

That the Solar Farm facilities are represented by an "S" in the Guilford County Development Ordinance table of permitted uses;

The site plan provides the general location and how the use will be arranged on the property. The formal site plan approval process will be followed if the Special Use Permit is approved;

The proposed Solar Facility is an intended use in the Agricultural district with approval of a Special use Permit.

The motion was seconded by Mr. Alexander.

Chair Jones made a friendly amendment to adopt as true the testimony provided by each one of the experts for the applicant as well as incorporated by reference the appraisal that was presented by Kirkland Appraisal, LLC.

Ms. Hayworth accepted the friendly amendment, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Apple, Mann, Burnett. Nays: None.)

UDO PROJECT UPDATE:

Mr. Bell said that a joint Planning Board/Board of Adjustment/Board of Commissioners Workshop for the UDO was tentatively scheduled for September, 2018. He reported that the Board of

Commissioners just announced a work session to be held on Thursday, September 20 at 2:00 p.m. and the UDO project is one of the items on that agenda.

A steering committee meeting was held on August 28, 2018 where a UDO presentation was given. Once it has been finalized, Mr. Bell offered to send members a copy of the steering committee summary because the presentation that will be given to the Board of Commissioners will largely be based on that presentation. The next meeting will be a public meeting where citizens will be able to come in and provide input, and the consultant will be there to make some recommendations based on things that were heard at the steering committee and stakeholder meetings.

Mr. Bell expressed his desire to make sure the Planning Board is aware of the comments that will be made at the meeting. If members cannot attend the meeting, then a copy of the summary and presentation itself will be provided so members can be aware of the subject matter when the public meeting occurs. Another option before the public meeting is held would be to try and schedule a joint meeting with the Planning Board, Board of Adjustment, and Board of Commissioners at some other date.

If members choose the option to attend the Thursday, September 20 meeting, the project will remain on schedule. The UDO presentation should not be over 20 to 30 minutes in length. He advised members to be present no later than 3:00 p.m. when the UDO portion will be presented. This meeting will constitute the joint meeting.

All of the Planning Board members present indicated they would be available to attend the work session. The Board voted unanimously by acclamation to attend the work session on Thursday, September 20, 2018.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Frankie Jones, Chairman

J. Leslie Bell, AICP
Guilford County Planning & Development Director

FJ:sm/jd