

**Guilford County
Planning Board
JULY 11, 2018**

The Guilford County Planning Board met in regular session on Wednesday, July 11, 2018 at 6:00 p.m. in the Blue Room, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Jones, Chair; Mr. Leonard, Vice-Chair; Ms. Hayworth; Mr. Alexander; Mr. Geter; and Mr. Mann.

Members Absent: Ms. Burnett, Mr. Collins, and Mr. Apple.

Staff Present: Les Eger, Tonya Hodgins and Oliver Bass, Planning Department; Stephen Thomas, Guilford County Fire Marshal's Office; and Leslie Bell, Guilford County Planning Director.

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

AGENDA AMENDMENTS:

None.

CONTINUANCE REQUESTS:

None.

APPROVAL OF MINUTES:

- **May 9, 2018 Regular Meeting Minutes:**

Mr. Geter moved approval of the May 9, 2018 regular meeting minutes as written, seconded by Mr. Alexander. The Board voted 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

OLD BUSINESS:

None.

NEW BUSINESS:

Public Hearing Items:

REZONING CASE #18-05-GCPL-02959: RS-40 to AG

Located on the north side of Bales Chapel Road, approximately 1,500 feet east from its intersection of Dillon Road in Jamestown Township. Being Guilford County Tax Parcel #0160153. Approximately 18.5 Acres owned by Small, Brian Timothy; Small, Karen S.; Batchelor, William David Neuffer; Batchelor, Emily Small.

(APPROVED)

Mr. Bass read the case into the record. This is a request to rezone approximately 18.5 acres from RS-40 (Residential Single-Family) to AG (Agricultural). The RS-40 district is primarily intended to accommodate single-family detached dwellings with lots of 40,000 square feet or more. The AG district is primarily intended to accommodate agricultural and large lot residential uses. The property is located on the north side of Bales Chapel Road approximately 1,500 feet east from its intersection of Dillon Road in Jamestown Township. This request is in an area of primarily low-density residential and vacant tracts of land. The existing land use on the property is residential and the surrounding uses are primarily low-density residential. The request is in the Southwest Area Plan 2016 Update and is recommended for residential single-family development. The Plan designates the area as Residential Single-Family which is consistent with this request. The Agricultural zoning district is primarily intended to accommodate uses of an agricultural nature, including farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. It is reasonable and in the public interest as the request will limit future residential and agricultural uses. Staff recommends approval of this request. This request is consistent with the plan for the area and compatible with the surrounding development patterns. No area plan amendment is necessary should this request be approved.

Speaking in favor of the request was Tim Small, 1103 Bales Chapel Road, who is one of the owners of this property. His family recently purchased this parcel of land and would like it changed from RS-40 to AG zoning to allow them to run a working farm with various outbuildings for farm use. There is an old house on the property that they would like to restore and possibly use as a bed and breakfast. His daughter and son-in-law are co-owners of the property and they would like to build a new house on the property as well. These things are allowed in AG zoning but not necessarily in RS-40 zoning. Mr. Small grew up on the adjoining 16-acre property that was originally zoned for AG use and was a strawberry farm. He was unsure when or how the parcel was changed to Residential Single-Family zoning. Most of the land surrounding the subject property is used for farm use and it is his wish to keep the area as it has always been. He would like to keep this property in his family for future generations. He distributed a map to Board members showing the surrounding land and said that the request is in keeping with what has been in the area.

Also speaking in favor of the request was Emily Small Batchelor, 2003 Smith Ridge Lane, who is the daughter of Tim Small. She and her husband own the subject parcel with her parents, Tim and Karen Small. She and her husband always wanted to own land and live close to her family. This parcel provides the flexibility for them to grow crops and to have animals on the land. They would like to build a new house on the land but there is not much frontage on this property and there would be issues with getting a right-of-way in. Despite this being a perfect location, the current zoning does not meet their needs.

Carla Padron, 923 Bales Chapel Road, owns nearby property. She asked about the effect rezoning would have on her property. In addition, she had a question about the right-of-way should this request be granted. Chair Jones informed her that the Board cannot answer questions about property values. The Board receives information and determines whether or not the applicant's request can be granted. Regarding the question about access, Mr. Eger said that it is a private matter between the property owners. It was noted that the road in question is not maintained by the Department of Transportation.

Tim Small referred to a map and said that neighbors have been using these roads for years and he cannot deny usage of the road by them, nor does he intend to.

There was no one wishing to speak in opposition to this request.

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

Mr. Alexander moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0160153, from **RS-40** to **AG** because:

1. The amendment is consistent with applicable plans because:

The Plan designates the area as Residential-Single Family which is consistent with this request.

The Agricultural District is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions.

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 Mr. Leonard. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

CONDITIONAL ZONING CASE #18-05-GCPL-03204: CU-SC to CZ-LI

Located on the north side of Burlington Road, approximately 300 feet east from its intersection of Maxfield Road in Jefferson Township. Being Guilford Tax Parcel #0115017, a portion of #0115055, and a portion of #0115016. Approximately 14.678 Acres owned by Bryant Properties.

(APPROVED)

Mr. Eger said that this is a conditional use application and the applicants have requested to add conditions into the request. Members are in receipt of a copy of the letter from Sean Dowell requesting the added conditions. If approved, the added conditions will be applied to the request.

Chair Jones moved approval to allow the addition of the following development conditions to the present conditions on Case #18-05-GCPL-03204: (1) Evergreen landscaping will be installed along Elsielee Road. The Elsielee Road gate from Bryant Hardware's yard will be opaqued (where there is not evergreen landscaping); and (2) There will be no heavy equipment operated on or noise nuisances from site between 9 PM and 5 AM. The motion was seconded by Mr. Alexander. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

Mr. Eger stated that is a request to go from CU-SC to CZ-LI. It is approximately 14.6 acres. The Shopping Center district (SC) is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, coordinated signage and high-quality landscaping.

The Conditional Zoning (CZ) district is established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Board as part of the rezoning process, also apply.

The Light Industrial (LI) district is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The conditions applied, in addition to those read into the record earlier, will be all uses permitted in the Light Industrial district excluding Landfills and Water Treatment Plants. Proposed development conditions include the following: All semi and large scale industrial truck traffic to use the US Highway 70 entrance to the property only. Mr. Eger commented that a list of uses allowed in the LI district can be found in the Planning Board packet given to members. The LI district allows uses that can be compatible with the surrounding area. The request is conditioned so that it is opened up for light industrial uses that exclude landfills and water treatment plants.

The property is located on the north side of Burlington Road, approximately 300 feet east from the intersection with Maxfield Road in Jefferson Township. The request is in a portion of the County that continues to see improvements to older non-residential uses with the remaining residential uses becoming commercial and light industrial uses. The existing land use on the property is commercial, vacant and nonconforming brick storage and sales. The surrounding uses to the north are vacant and one residential, shopping center to the south, residential and vacant to the east, and distribution center to the west. There is not an inventoried historic structure on the property but there is a structure across Elsielee Road to the north that was at one time examined as being of potential historic value. However, a study has yet to be done to determine if that is true.

The land use plan for this area is the Northeast Area Plan 2016 Update which calls for US 70 Mixed-Use Corridor. That mixed-use corridor has industrial, commercial and other business uses within it. This CZ-LI request is consistent with the land use plan, compatible with the surrounding zoning and land uses and is in the public interest through the provision potential of employment opportunities and the services and goods it will supply to the area.

The Plan designates the area as a mixed-use corridor which is consistent with the request. The Light-Industrial district is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse impact upon adjoining properties. If approved, the use will continue to provide goods and services for the area. Staff recommends approval of this request. It gives the opportunity to expand and improve on current uses. If approved, no area plan amendment update would be necessary.

Speaking in support of the request was Sean Dowell, 223 Burlington Avenue, Gibsonville, North Carolina, who is a commercial broker. He is working with Phil Bryant who is the property owner. Mr. Dowell distributed additional maps to Board members for their review. The reason for this request is that Bryant Hardware would like to expand their business. This area of Guilford County has no access to utilities and Bryant Hardware would like to expand into commercial sales which would require additional land use for outside storage. This rezoning is driven by an expansion of his business with intentional purpose. They have spent three months talking to neighbors and staff to make sure all of their concerns are satisfied and everyone is happy. Bryant Hardware has been at its current location since 1983 and they have been a staple in eastern Guilford County. They had this rezoned years ago because this was one of the projected routes for I-40. It is no longer a projected route and to that end, this zoning works better with what they are trying to do. He noted there are no utilities to this and if they wanted to build another building or do something else, they would have to change the zoning and/or come into Greensboro and get annexed for access to utilities. In an attempt to be a good neighbor, they included a conditional use rather than a straight rezoning because they wanted to exclude very negative uses likes landfills and water treatment plants. They contacted NCDOT (North Carolina Department of Transportation) to confirm that their curb cuts will be satisfactory for delivery of materials and won't impact neighbors. Mr. Bryant has a retail business, Bryant Hardware, and Mr.

Dowell assured members that the fencing and landscaping requirements will be done very attractively so that it will not negatively impact Mr. Bryant's business.

Mr. Dowell said that they have spoken with neighbors and additional development conditions have been added to satisfy their concerns. Around 50 percent of the properties are non-residential and there is vacant land to the rear and side of the site. Therefore, they are in harmony with the scope and feel of the area. He noted that the Greensboro Comprehensive Plan supports commercial mixed use in this area and the Guilford County Comprehensive Plan supports light industrial use. They are compliant with what Guilford County and Greensboro have indicated they want.

Ms. Hayworth asked what prompted the addition of the condition that there be no heavy equipment operated on site or noise nuisances on site between 9 PM and 5 AM. Mr. Dowell said that the additional conditions were a result of concerns held by the neighbor behind the subject site who has a residential property. Although Bryant Hardware has traditional hours, the neighbor was concerned about protecting their interest should the property ever be conveyed to someone else. It was noted that enforcement of these development conditions would be complaint driven.

There was no one wishing to speak in opposition to this request.

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

Mr. Alexander moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0115057, a portion of #0115055, and a portion of #0115016, from **CU-SC** to **CZ-LI** because:

1. The amendment is consistent with applicable plans because:

The Plan designates the area as a mixed-use corridor which is consistent with this request.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

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

It is reasonable and in the public interest as it is located in the US 70 Mixed-Use Corridor that contains many businesses, commercial and industrial uses.

If approved, the use will continue to provide goods and services for the area.

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

CONDITIONAL ZONING CASE #18-05-GCPL-03026: RS-40 to CZ-HI

Located on the north side of Bishop Road, approximately 2,034 feet west from its intersection of South Holden Road in Sumner Township. Being Guilford County Tax Parcel #0141963. Approximately 5.33 Acres owned by Donnell, Ervin A., Jr.; Donnell, Loren; Donnell, Wilton; Donnell, Lorenzo; Donnell, Ulysses; Donnell, Mary Kimber; Donnell, Brinda Donnell; and Clapp, Lonnie L. 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)

Mr. Eger said that this request is to rezone approximately 5.33 acres from RS-40 (Residential Single-Family) to CZ-HI (Conditional Zoning-Heavy Industrial). The RS-40 district is intended to accommodate low-density residential lots fewer than 40,000 square feet. The CZ district is a companion district that would be applied to the HI zoning district adding conditions into it. The HI zoning district is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. With the conditions applied, the applicant has conditioned out the heavy industrial part of it because the use they want to put on the property would require the zoning to be heavy industrial for large trucks, etc. Mr. Eger referred to the lengthy list of uses being pulled out of the proposed use conditions, as found in packets distributed to Board members.

Mr. Eger said that the property is located on the north side of Bishop Road, approximately 2,034 feet west from its intersection of South Holden Road in Sumner Township. The existing land use on the property is vacant. Surrounding land uses are vacant and one residential to the north; residential to the south; and vacant/residential to the east and west. The land use plan for this area is the Southern Area Plan 2016 Update.

Mr. Eger said that the applicant has conditioned out the heavy industrial uses to accommodate the use they would like to see on the property. The HI request is inconsistent with the land use plan; however, the conditions proposed reduce a number of heavy industrial, often offensive uses, which help to make the request compatible with surrounding uses. If approved, this request would be in the public interest through the provision of future employment opportunities. The plan designates the area 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. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. 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 and it will provide services and employment opportunities for the area. Staff recommends approval of this request which will enable the applicant to develop the site with industrial uses in an area that continues to experience industrial expansion. 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.

Speaking in support of this request was Amanda Hodierna, Attorney, with offices at 804 Green Valley Road. She distributed informational materials to Board members to aid her presentation. She was present on behalf of the current property owners, the Donnell family; and the contract purchaser, Matt Tedder, Tedder Properties. Mr. Tedder precipitated this request so that he could site his existing business on this property. His enterprise is a heavy equipment repair and rental business. Mr. Tedder has outgrown his current space.

This request is for heavy industrial use but with significant conditions added it. She referred to the conditions listed in the distributed packet of information. The request would effectively get this site back down to an LI type of use by taking out the real heavy industrial uses. Ms. Hodierna reviewed contents of the informational packet. She noted that the building and outdoor work areas are significantly off of Bishop Road and are nestled in existing vegetation on the site. She said this area is

suitied for transition to the industrial mode of the County. She believes this is a reasonable request, is in harmony with the area, and the condition that was offered makes the request compatible with the area.

Ms. Hodierna noted that several letters of support signed by surrounding property owners can be found in the packet. Those owners also happen to be the same as the current property owner of the subject property. This property is part of a larger family land that has been in their family for quite some time. They subdivided off the land over the years and now they have all decided to sell off the land and begin transition.

Matthew Tedder, 1411 Highway 68 North, Oak Ridge, North Carolina, operates a business one mile down the road for hydraulic repair and maintenance. He has had an issue finding a location to rent for his business because everything he has is on large heavy steel tracks. This property is good for his needs because it is off the road.

Ulysses Donnell, 2056 Bishop Road, said this property has been in the family since 1903. The area used to be farm land but over the past several years, it has gone from residential to commercial properties. Some of the land has already been sold off but currently, eight of his brothers and sisters own the subject land. He described negative uses that were put on the land that was sold off. Mr. Tedder is a neighbor and his business would be conducive to the area. The whole family is in complete agreement with this request for Mr. Tedder to proceed with his business.

There was no one wishing to speak in opposition to this request.

Chair Jones pointed out that with the exception of one corner, 95 percent of this property is abutted residential property and he asked why this is not considered spot zoning. Mr. Tedder said that a lot of what appears as residential on the map is actually older homes being kept up as rental properties. These properties are placeholders. This area is in transition and similar requests will come before the Board. Ms. Hodierna said that timing is the issue and the Comprehensive Plan sets the path for the area to fill in. The market dictates that and she said the area is already filling in with a pattern that is not dominant. The spirit of the use is in keeping with the Comprehensive Plan.

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

Mr. Geter moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0141963, from **RS-40** 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 changes in conditions in the **Southern Area Plan 2016 Update**:

The HI request is inconsistent with the land use plan; however, the conditions proposed reduce a number of heavy industrial, often offensive uses, which help to make the request compatible with surrounding uses. If approved, this request would be in the public interest through the provision of future employment opportunities.

The Plan designates the area as Light Industrial which is inconsistent with this request.

The Heavy Industrial district is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impact or require special measures to ensure compatibility with adjoining properties.

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

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; and it will provide services and employment opportunities for the area.

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

Chair Jones called for a brief recess at 6:53 PM. The meeting resumed at 7:03 PM.

REZONING CASE #18-05-GCPL-03027: AG and RS-30 to CZ-HB

Located on the south side of US Highway 158, approximately 1,240 feet east from its intersection of US Highway 220 in Bruce Township. Being Guilford County Tax Parcel #0147521 and a portion of Tax Parcel #0147579. Approximately 19.1 Acres owned by Kim N. Danaho, James, Debra C., James, Robert L.; Moore, Tammy J.; Stewart, Lori J. T/C. If this case is approved, the recommended uses specified for the subject properties in the Northwest Area Plan 2016 Update will be updated from Rural Residential to Moderate Commercial.

(APPROVED)

Mr. Eger said that this is a request to rezone approximately 19 acres from AG (Agricultural) to CZ-HB (Conditional-Highway Business). The AG district is intended to accommodate low-density residential uses. The RS-30 district is also intended for low-density residential at typically 1.3 units per acre. The HB district, which is the district being requested along with the companion district of Conditional zoning, is intended to accommodate those retail service and distributive uses which are established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Proposed use conditions include all uses permitted in the HB zoning district except railroad terminal or yard, heliport, fortune teller/astrologer, and shelter for homeless. In addition, no billboards are to be allowed. All other aspects of the site would have to be developed in accordance with the ordinance requiring buffering, landscaping, and access.

The property is located on the south side of US 158, approximately 1,200 feet east of Highway 220, in Bruce Township. This is in an area that was primarily low-density residential with changes occurring due to the realignment to US 220 North. Uses on the property today are residential and vacant. Surrounding uses to the north are residential across US 158, vacant and recently residentially zone property to the south, vacant to the east and Spotswood Road and US 220 are to the west.

The land use plan is the Northwest Area Plan 2016 Update that recommends for AG and Rural Residential. The land use plan was updated in 2016 to show the major changes in the area. Although this request is inconsistent with the intent of the Northwest Area Plan 2016 Update, the realignment of US 220 North has opened up the opportunity for additional uses in the area other than strictly residential. If approved, required use separations and buffering and lighting requirements, of the County Development Ordinance, will reduce impacts onto surrounding properties while still providing the flexibility for quality development with the potential for future employment opportunities. The Plan recommends for residential and agricultural uses. The Highway Business district is for uses along thoroughfares, which this is along, and with high visibility. The request is reasonable and in the public

interest due to the changes in the area. The area will be impacted by the highway and it will no longer be strictly residential. It will also provide opportunities for employment and quality of development. Staff recommends approval of this request. It will permit the applicant to develop the site with future commercial uses to serve the surrounding area and passing motorists. If approved, there would have to be a land use plan amendment from Residential to the Moderate Commercial district.

Ms. Hayworth noted that construction along Highway 220 has been going on for at least eight years. She asked why this matter was not taken into consideration two years ago during the plan update. Mr. Eger said that when doing the update, staff looked at annexations, large rezoning and road alignment changes. They left most of the land uses consistent with what was already out there. They did not start a land use plan in the same detail as they would have done from the very beginning. She asked why staff did not conduct the process to the same detail. Mr. Bell explained that this area is somewhat in transition. Some [potential uses] there could end up needing both water and sewer services and none of that right now would come from anywhere in Guilford County. It could possibly come from Rockingham County. The County actually has embarked on a water feasibility study for this area. The area was/is somewhat infrastructurally constrained at the time of the update process.

Speaking in support was Craig Fleming, 8518 Triad Drive, Colfax, North Carolina. He was representing the property owners. He said that the introduction of Highway 220 and the traffic it brings to the area does significantly change the way this area will be going in the future. Highway Business zoning by definition in the ordinance is meant to provide opportunities to serve the traveling public and this seems to be an ideal situation for that. This property has high visibility from Highway 158 and Highway 220 North. In addition, he pointed out on a map where tracts are beginning to be zoned HB moving south along Highway 220 North. In fact, one of the adjoining parcels is zoned HB at this point. At staff's request, they offered up a request prohibiting billboards.

Responding to questions, Mr. Fleming said there is currently not an intended use for this property. They are requesting HB zoning to be able to explore options that would be allowed in that zoning district.

Mr. Leonard disclosed that the applicant's firm does work for several of the companies he works with. He has no financial interest in this matter and he offered to recuse himself from this case if staff felt it was appropriate. Staff did not indicate Mr. Leonard should recuse himself from this case.

There was no one wishing to speak in opposition to this request.

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

Mr. Alexander moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0147521 and a portion of Tax Parcel #0147579, from **AG** and **RS-30** to **CZ-HB** because:

1. This approval also amends the **Northwest Area Plan 2016 Update**.
2. The zoning map amendment and associated **Northwest Area Plan 2016 Update** amendment are based on the following changes in conditions in the **Northwest Area Plan 2016 Update**:

The Plan designates the area as AG/Rural Residential which is inconsistent with this request.

The HB, Highway Business district, is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to

provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

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

It is reasonable and in the public interest as the site is located in an area that has experienced changes since the realignment of US 220 which has opened up opportunities for additional uses in the area other than strictly residential. It will provide services and employment opportunities for the area.

Chair Jones offered friendly amendments to the motion as follows: (1) That the Northwest Area Plan 2016 Update will be updated from Rural Residential to Moderate Commercial; and (2) The recent realignments of US 220 North have opened opportunity for additional uses other than strictly residential.

Mr. Alexander accepted the friendly amendments. The motion was seconded by Mr. Leonard to approve this request. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

CONDITIONAL ZONING CASE #19-05-GCPL-03028: AG to CZ-LI

Located at the southwest intersection of NC Highway 62 West and Downfield Road, in Sumner Township. Being Guilford County Tax Parcel #0144555. Approximately 14.97 Acres owned by DWS Properties, LLC. If this case is approved, the recommended uses specified for the subject properties in the Southern Area Plan 2016 Update will be updated from Rural Residential to Light Industrial.

(CONTINUED UNTIL AUGUST 8, 2018 MEETING)

Present to speak on this case were Norris Clayton, 1306 West Wendover Avenue; Ryan Davis, 1099 Steed Road, Randleman, North Carolina; and Patrick Haywood, 235 North Edgeworth Street.

Mr. Haywood said that both sides would like an opportunity to try and work out this matter and he requested a continuance of this case until the next meeting.

Mr. Leonard moved to continue Case Number #18-05-GCPL-03028 until the August hearing, seconded by Mr. Alexander.

For purposes of advertising this case, Chair Jones tabled the motion by Mr. Leonard. Mr. Haywood stated his preference that the matter not have to be re-advertised.

Chair Jones opened the public hearing and Mr. Eger presented the case.

Mr. Eger said this case is a request to rezone from AG (Agricultural) to CZ-LI (Conditional Zoning-Light Industrial) on approximately 14.97 acres. There was some opposition when the applicant made this request. There has been a request to continue this meeting until the August Planning Board meeting.

Mr. Leonard moved to continue Case Number #18-05-GCPL-03028 until the August 8, 2018 Planning Board meeting, seconded by Mr. Alexander. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

REZONING CASE #18-06-GCPL-03650: RS-30 to AG

Located within the northern intersection of Cecilside Lane and McKnight Mill Road, in Monroe Township. Being Guilford County Tax Parcels #0126583 and #0126608. Approximately 11.85 Acres owned by Beatrice C. Mills Heirs and Charles and Sylvia W. Harris.

(APPROVED)

Mr. Leonard asked to be recused from this matter due to a conflict of interest. The applicant works with his company.

Chair Jones moved to accept Mr. Leonard's recusal from this matter, seconded by Mr. Mann. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Geter, Mann. Nays: None.)

Mr. Leonard left the dais for the remainder of the case.

Due to the recusal of Mr. Leonard, Chair Jones noted that a vote for approval would require unanimous approval by the Board. The Board provides the option to request a continuance when the number of members is down to a point where unanimous approval is required. He offered the applicant the opportunity to continue this matter. Otherwise, the meeting will proceed as usual. Brenda Overman, 3911 Presbyterian Road, declined the opportunity for a continuance.

Mr. Bass presented the case to the Board. This is a request to rezone approximately 11.85 acres of land from RS-30 (Residential Single-Family) to AG (Agricultural). The RS-30 district is primarily intended to accommodate low-density residential detached dwellings on large lots of 30,000 square feet or more. The AG district is primarily intended to accommodate uses of an agricultural nature, including farm homes and large lot residential non-conforming uses. The property is located within the northern intersection of Cecilside Lane and McKnight Mill Road in Monroe Township, being tax parcels #0126583 and #0126608. The request is in an area of primarily low-density residential and vacant tracts of land. The existing land use on the property is residential. Surrounding land uses include low-density residential and vacant to the north and low-density residential to the south, east, and west. The land use plan is the Northeast Area Plan 2016 Update that recommends the area for residential single-family use. This request is consistent with the Northeast Area Plan 2016 Update and is compatible with the surrounding uses. The Plan designates the area as Residential Single-Family which is consistent with this request. The AG district is primarily intended to accommodate uses of an agricultural nature and large lot residential uses. It is reasonable and in the public interest as the request will limit future residential and agricultural uses. Staff recommends approval of this request. It is consistent with the plan for the area and it is compatible with the surrounding development patterns. No area plan amendment will be necessary should this request be approved.

Brenda Overman, 3911 Presbyterian Road, said that the ASPCA has been at their current location for 17 years and they need to have their own land. They are requesting that this land be rezoned to Agricultural. The adjacent land is considered to be agricultural as well. The ASPCA rescues animals and provides education, low-cost food banks, low-cost rabies and micro-chipping, they partner with Paws for Hope for disadvantaged children, and they also do community service. All of their animals are vetted and they are all spayed or neutered before they are adopted out. No animal is left outside at night. There is a necessary barrier between the community and the animals while maintaining a good relationship with the neighbors.

Also speaking in favor of the request was Susan Allen, 8501 Birchdale Drive, whose family has owned the subject land for generations. She described her family's strong support for animals and expressed her whole family's support for this request.

John Marks, 2302 McKnight Mill Road, wished to make a statement regarding this request. He would like to see this land remain agricultural because McKnight Mill Road is the only road going in and out of this area. He described the configuration of roads in the area and said that Cone Boulevard is a dead-end road that should have been connected to Hines Chapel Road and even better, it should have connected to the Loop. Adding more population in the area would be problematic in terms of traffic.

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

Ms. Hayworth expressed her appreciation for the efforts of the ASPCA locally as well as all over the United States. She was supportive of this request.

Chair Jones also expressed his appreciation for the ASPCA and commented that changing this zoning to AG will reduce traffic on McKnight Mill Road.

Mr. Alexander moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0126583 and #0126608, from **RS-30** to **AG** because:

1. The amendment is consistent with the applicable plans because:
The request is consistent with the Northwest Area Plan 2016 Update and is compatible with surrounding uses. The Plan designates the area as Residential Single-Family which is consistent with the request.

The AG district is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions.

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 unanimously 5-1-0 in favor of the motion. (Ayes: Jones, Hayworth, Alexander, Geter, Mann. Abstain: Leonard. Nays: None.)

Mr. Leonard returned to the dais for the remainder of the meeting.

CONDITIONAL ZONING CASE #18-060GCPL-03654: RS-40 and AG to CZ-RS-30

Located on the west side of Northwest School Road, approximately 250 feet south of the intersection of Stoneykirk Drive and Northwest School Road, in Oak Ridge Township. Being Guilford County Tax Parcel #0167292. Approximately 21.55 Acres owned by Gregory L. Gorham.

(APPROVED)

Mr. Bass said that this request is to rezone approximately 21.55 acres from RS-40 (Residential Single-Family) and AG (Agricultural) to CZ-RS-30 (Conditional Zoning-Residential Single-Family). The RS-40 district is primarily intended to accommodate single-family detached dwellings on large lots of 40,000 acres or more. The AG district is primarily intended to accommodate agricultural uses, farm residences, farm tenant houses, and scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The applicant is proposing to rezone to RS-30 which is primarily intended to accommodate low-density single-family detached dwellings on lots of 30,000 square feet or

more. The overall density for the RS-30 area is typically 1.3 units per acre or less. They are requesting a companion Conditional Zoning district which would allow them additional conditions that would apply in addition to the zoning regulations that are generally applicable to the RS-30 district. The proposed use condition is as follows: (1) Uses shall be limited to single-family residential dwelling units. This would exclude selected recreational uses, institutional uses, educational uses, and some utility uses. A development condition is also being proposed as follows: (1) There shall be a maximum of 21 residential lots.

The property is located on the west side of Northwest School Road, approximately 250 feet south of the intersection of Stoneykirk Drive and Northwest School Road, in Oak Ridge Township, being Guilford County Tax Parcel #0167292. This request is in an area that is developing primarily with single-family residential subdivisions and public/institutional uses. The property that is the subject of this rezoning is currently undeveloped. Surrounding uses include single-family subdivision to the north; vacant and Oak Ridge Fire Station to the south; Northwest High School to the east; and I-73 Right-of-Way and CZ-RS-30 development to the west.

The land is located in the Airport Area Plan that was last updated in 2008. The plan recommends for low-density residential use. This request is consistent with the area plan recommendation. The RS-30 is intended for low-density residential uses with an overall density of 1.3 units per acre or less. The proposed conditions will limit the overall density of the site to less than one (1) dwelling unit per acre.

The Plan designates the site for Low-density Residential which is consistent with this request. The request is compatible with residential growth patterns established for the area. The RS-30 district is primarily intended to accommodate low-density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre of land. The request is reasonable and in the public interest through the provision of future housing for citizens of Guilford County. Staff recommends approval of this request. The proposed amendment is consistent with the Airport Area Plan updated in 2008 that recommends for low-density residential. It is also compatible with the development patterns established for the area. The amendment is reasonable and in the public interest because it will provide housing opportunities and is in keeping with development on adjacent parcels. No area plan amendment is necessary should this request be approved.

Amanda Hodiern, Attorney, 804 Green Valley Road, distributed informational material to Board members for their review. She was present to represent the property owner, Gregory Gorham, as well as the contract purchaser and the would-be developer, Blue Ridge Companies. Blue Ridge Companies is a well-established single-family developer in the Triad. They plan to bring a quality neighborhood to this part of the County.

Ann Shoemaker, 5826 Samet Drive, High Point, North Carolina is a member of the development team with Blue Ridge Companies. Their goal is to rezone this parcel to RS-30. They believe the RS-30 zoning district will allow them to bring a superior single-family residence lot layout to this parcel.

Ms. Hodiern said that the subject 20 acres were previously tied up by the School Board for a potential expansion of Northwest High School. When the expansion did not come to fruition, Blue Ridge Companies put the parcel under contract and began to pursue the possibility of a single-family development plan. The Comprehensive Plan does call for this use and density in this location and therefore, it is in harmony and is consistent with surrounding land uses. She reviewed the distributed informational materials and said that the key condition limits the number of units and effectively keeps the density to that of an RS-40 zoning district. The stub road is connecting the existing stub road on Stoneykirk Drive, per the County's connectivity requirements. That connection point is not a requirement of the development and if the neighbors do not want it and staff does not require it, the

developer is happy not to make that connection. A letter was sent to surrounding neighbors and only one neighboring property owner called with questions. They asked about the road connection and buffering. The developer explained to the caller that they were focused on the rezoning at this point and moving forward they would work with staff to follow the Development Ordinance.

In Opposition:

Judd Wyatt, 5686 Falkirk Drive, is president of the Stirlingshire Homeowner's Association. He asked if the connection was made to his subdivision, will it become part of the subdivision. In addition, he asked about the water table. There are already 52 homes and there does not appear to be a plan to sink an additional well which means they will hook up to the existing well. He expressed concern about how the new subdivision may look in comparison with the integrity of Stirlingshire. He pointed out the heavy burden on the school system with the existing homes. The 85 proposed homes will also impact the northwest schools with even more students. He does not necessarily disagree with the request but these matters should be considered to make sure that the integrity of the existing subdivision is kept intact moving forward. Mr. Wyatt pointed out that traffic across from the school is problematic and if the connection is made, additional traffic will come through the neighborhood. He asked that the developer consider adding speed bumps to help control traffic. The only way in and out of the neighborhood is basically in front of the school.

Rebuttal in Support:

Ms. Hodiernne said the ultimate impact needs to be considered when considering a rezoning; however, those issues will specifically be handled in the site plan process. The traffic and connectivity will be studied and discussed with staff.

John Gurdich, 4826 Samet Drive, High Point, North Carolina, was representing Blue Ridge Companies. He indicated that there will be a well. There is no intent to tie in with the present subdivision because the well they have is appropriate for their size. He agreed that traffic around the school is heavy but he was unsure if circulation away from the school would be helpful.

Rebuttal in Opposition:

None.

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

Mr. Leonard encouraged Mr. Wyatt to continue to work with staff and the Department of Transportation to express concerns about connectivity.

Mr. Mann moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0167292, from **RS-40** and **AG** to **RS-30** because:

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

The request is consistent with the area plan recommendation. The RS-30 district is intended for low-density residential uses with an overall gross density of 1.3 units per acre of land or less. The proposed conditions will limit the overall density of the site to less than one dwelling unit per acre.

The Plan designates the site for Low-Density Residential which is consistent with the request.

The request is compatible with residential growth patterns established for the area.

The RS-30 district is primarily intended to accommodate low density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre.

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

The request is reasonable and in the public interest through the provision of future housing for citizens of Guilford County.

The motion was seconded by Mr. Geter. The Board voted unanimously 5-1 in favor of the motion. (Ayes: Jones, Leonard, Alexander, Geter, Mann. Nays: Hayworth.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Frankie Jones, Chairman

Leslie P. Eger, Secretary to the Board

FJ:sm/jd