

**Guilford County
Planning Board
OCTOBER 10, 2018**

The Guilford County Planning Board met in regular session on Wednesday, October 10, 2018 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: None.

Staff Present: Matt Talbott and Tonya Hodgin -- 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.

The Planning Board's newest member, Danny Thompson, was sworn into office by Tonya Hodgin. Members welcomed Mr. Thompson to the Planning Board.

AGENDA AMENDMENTS:

Leslie Bell said that there is a request to withdraw Rezoning Case #18-08-GCPL-05090.

Mr. Leonard moved to withdraw Rezoning Case #18-08-GCPL-05090, seconded by Ms. Burnett. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

Mr. Bell requested that the minutes of September 12, 2018 be considered for approval after the Old Business item.

Ms. Burnett moved to adopt the amended agenda, seconded by Ms. Hayworth. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

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

CONTINUANCE REQUESTS:

None.

OLD BUSINESS:

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

Clarification of Finding of Facts for granting of Special Use Permit.

Ms. Hayworth stated that this is information to clarify a motion that she made on this case at the September 12, 2018 meeting. These findings of fact should be added to the minutes and following

the addition and clarification of these findings of fact, there can be consideration to approve the September, 2018 minutes.

1. A written application was submitted and is complete in all respects for this Special Use Permit.
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.

Ms. Hayworth stated that she made the motion for this case at the September 12, 2018 meeting and the motion was seconded by Mr. Alexander. Chair Jones also offered a friendly amendment which was adopted.

APPROVAL OF MINUTES:

Ms. Hayworth moved that the aforementioned clarifications be added to the September 12, 2018 minutes and that the minutes be approved. The motion was seconded by Mr. Alexander. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

NEW BUSINESS:***Non-Public Hearing Item:*****RESOLUTION OF INTENT ROAD CLOSING CASE #18-09-GCPL-05529:**

BEING that portion of Security Mills Road from the intersection of NC Highway 62 East following the property line of Hardin II, LLC properties approximately 502.59 feet south, in Clay Township. **(APPROVED)**

Mr. Talbott stated that this is a resolution of intent for a road closing, being that portion of Security Mills Road from the intersection of NC Highway 62 East following the property line of Hardin II, LLC properties approximately 502.59 feet south, in Clay Township.

Ms. Burnett moved to adopt the following Resolution of Intent:

WHEREAS, a petition has been filed, pursuant to G.S. 153A-241, requesting the Board to close and remove from dedication the following described roadway(s):

BEING, that portion of Security Mills Road from the intersection of NC Highway 62 E following the property line of Hardin II, LLC properties approximately 502.59 feet south, in Clay Township.

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Board to close said road to the public use, and that a public hearing on this request will be held on the **14th day of November, 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, NC, 27401, at which time the Board will hear all interested citizens and make a final determination as to whether the road shall be closed and removed from dedication.

The motion to adopt the Resolution of Intent was seconded by Mr. Mann. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

Public Hearing Items:**EASEMENT CLOSING CASE #18-08-GCPL-05036:**

BEING that portion of a 15-foot utility easement located along the northern property line of Lot #1 as shown on Plat Book 129 Page 106, and located in Sumner Township.
(APPROVED)

Mr. Talbott said that this is a request to close a utility easement, being a portion of a 15-foot utility easement located along the northern property line of Lot #1 as shown on Plat Book 129 Page 106, and located in Sumner Township. The Resolution of Intent was adopted on September 12, 2018.

Mr. Talbott read the following STAFF COMMENT into the record:

Pursuant to NCGS 153A-241 concerning closing easements, the Planning Board must hold a public hearing before the easement can be closed. Based upon the information presented at the hearing, the Board must find that:

The closing of said easement is not contrary to public interest.

Staff submits the following findings for consideration by the Board:

- (1) The Planning Department has received a request to close a portion of a 15-foot utility easement located along the northern property line of Lot #1 as shown on Plat Book 129 Page 1906, located in Sumner Township; and
- (2) All utility companies servicing this area have signed utility easement releases for the property.

Chair Jones moved to close said easement because it is not contrary to public interest based upon the following findings of fact: (1) The Planning Department has received a request to close a portion of a 15-foot utility easement located along the northern property line of Lot #1 as shown on Plat Book 129 Page 1906, and located in Sumner Township; and (2) All utility companies servicing this area have signed utility easement releases for the property. The motion was seconded by Mr. Leonard. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

REZONING CASE #18-08-GCPL-05090: AG to LB

Located approximately 625 feet northeast from the intersection of Church Street and NC Highway 150 East, in Center Grove Township. Being Guilford County Tax Parcel #0138940, approximately 10.12 Acres owned by Buster C. Glosson.

(WITHDRAWN)

REZONING CASE #18-08-GCPL-05420: RS-40-SP to AG-SP

Located at the eastern intersection of Groometown Road and Wadena Drive, in Sumner Township. Being Guilford County Tax Parcel #0141564, approximately 3.21 Acres owned by The Groome Inn, LLC.

(APPROVED)

Mr. Talbott said that this is a request to rezone approximately 3.21 acres from RS-40-SP to AG-SP. The RS-40, Residential Single-Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The AG, 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. He clarified that there is currently a tourist home on this property that was granted a Special Use Permit in 1999 by the Planning Board. This Special Use Permit will not change. Essentially half the property right now is AG-SP and half is RS-40 and the applicant would like to rezone the entire property to AG-SP. The Special Use Permit will be in continuance on the whole property.

The applicant/property owner is The Groome Inn, LLC, located at the eastern intersection of Groometown Road and Wadena Drive in Sumner Township, being Guilford County Tax Parcel #0141564. There are no denied zoning cases on this property. The request is in an area that is primarily low-density Residential and Agricultural. The existing land use on the property is Tourist Home (Bed and Breakfast). Surrounding uses to the north are Vacant/Low-Density Residential, Low-Density Residential to the south; and the property is Vacant to the east. Pictures of the subject property were provided to members for their review.

There are no inventoried historic properties on or near the property. The Land Use Plan for this property is the Southern Area Plan 2016 Update. The Plan recommendation is for Rural-Residential. This request is consistent with the adopted Plan. It is compatible with the surrounding uses and is being proposed in the public interest through the provision of necessary services. The Plan designates the area as Low-Density Single-Family Residential which is consistent with this request. The AG request will continue to limit future uses to Agricultural and Residential. The request is reasonable and in the public interest as the request will limit future Residential and Agricultural uses.

Staff recommends approval of this request. No update to the Land Use Plan is necessary.

In Support:

Wes Atkinson, 4033 Sedgehill Court, said that they bought the property two months ago from some relatives. They would like to rezone the property for future parking and perhaps another event venue at a later point in time. He has received no feedback from neighbors relative to the request.

In Opposition:

None.

There being no other speakers, Ms. Hayworth moved to close the public hearing, seconded by Ms. Burnett. The Board voted unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

Discussion:

None.

Chair Jones moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #0141564, from **RS-40-AP** to **AG-SP** because:

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

It is compatible with surrounding uses and it is being proposed in the public interest through the provision of necessary services.

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

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

2. The request **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 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

SPECIAL USE PERMIT CASE #18-09-GCPL-05545: Tourist Home (Bed and Breakfast)

Located approximately 460 feet north from the terminus of Simpson Calhoun Road, in Center Grove Township. Being Guilford County Tax Parcel #0139532, approximately 4.15 Acres owned by Geniro and Madeline Fillman. The petitioners are seeking a Special Use Permit to operate a Bed and Breakfast.

(APPROVED)

Swearing-in of Speakers:

Mr. Talbott, Planning Department, was sworn as to his testimony in the following matters.

Also sworn as to their testimony in the following matters were Geniro and Madeline Fillman, who were speaking in favor of the request.

Mr. Talbott said that this request is to consider granting a Special Use Permit for a Tourist Home (Bed and Breakfast). The applicant/property owners are Geniro and Madeline Fillman. The property is located approximately 460 feet north from the terminus of Simpson Calhoun Road, in Center Grove Township, being Guilford County Tax Parcel #0139532. The property is approximately 4.15 acres. The request is in an area that is primarily Low-Density Residential with Public and Institutional (Northern Guilford High School) to the north. Existing land use on the property is Low-Density Residential. Northern Guilford High School is located to the north and Low-Density Residential is located to the south, east, and west. Pictures of the property were shown to Board members. There are no inventoried historic properties located on or near the property. The Land Use Plan for this property is the Northern Lakes Area Plan 2016 Update. The Plan recommends for AG Rural Residential. This request is consistent with the adopted Plan and is compatible with surrounding uses. It is being proposed in the public interest through the provision of necessary services.

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. A written application was submitted and is complete in all respects;
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
3. The use, a **Tourist Home (Bed and Breakfast)**, 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;
4. 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.
5. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity

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

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 be again permitted.

In Support:

Geniro Fillman, 640 Simpson-Calhoun Road, said that the application was completed and submitted on September 7, 2018. The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan because they reside in the main house which is located on 4.15 acres surrounded by privacy trees. The structure already exists on the property. The use is in conformance with all special requirements acceptable to the use. The use meets all required conditions and specifications. He said they are in conformance with the Additional Use Standards. They are aware of Guilford County Tourist Home Additional Use Standards, Section 30-8-19, and they will comply with these standards. The guest house meets Guilford County zoning as an accessory dwelling unit. The unit was built in 2017. 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 conformity with the plan of development of the Jurisdiction and its environs because their property is located in an AG zone and Northern Middle School is located to the north. The Richardson Taylor Preserve is located to the south of the property. Behind their property is a parcel owned by TWY Investments. The Colonial Pipeline runs through this property and it is also an active walking trail. Mr. Fillman stated that four families currently reside on Simpson-Calhoun Road. He was in possession of a petition in favor of the request signed by residents of the street. In addition, he had copies of all the homes in the neighborhood to show that their property will not decrease the value of other properties in the area.

Chair Jones stated for the record that the Board has received a number of pictures of the subject property as well as adjacent properties located on the same street.

Also speaking in support of this request was Madeline Fillman, 640 Simpson-Calhoun Road. She clarified that the petition was signed by three of their neighbors. They did not get the signature of one of the neighbors who has a residence on the street.

In Opposition:

None.

Discussion:

At the request of Chair Jones, Mr. Talbott reviewed the following findings of fact for the Board's consideration:

1. A written application was submitted and is complete in all respects.

2. The applicant resides in the main home on 4.15 acres surrounded by trees. The structure already exists on the property.
3. The request will comply with all the requirements from the Ordinance.
4. The property is in an AG zone and located to the south is the Richardson Taylor Preserve. Four families reside on Calhoun Road.
5. The request will not decrease the value of surrounding homes. There is a petition from neighbors in support of the request.

Chair Jones moved that the Guilford County Planning Board, having held a hearing on October 10, 2018 to consider a request for a Special Use Permit for a Tourist Home (Bed and Breakfast), submitted by Geniro and Madeline Fillman, for the property located on Guilford County Tax Parcel #0139532, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

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

The applicant lives in the main house adjacent to the Bed and Breakfast facility and the property is surrounded by privacy trees.

3. The use, a **Tourist Home (Bed and Breakfast)**, 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:

If the Special Use Permit is granted, the property will comply with all requirements of the 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 evidence submitted during the hearing which shows the following:

The property is located in a residential area and uses will continue to be limited to Agricultural and Residential.

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 building already exists.

The applicants testified that the Special Use Permit will not decrease the value of adjoining properties.

The applicants submitted a petition from adjacent property owners in support of the request.

THEREFORE, on the basis of all of the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for a **Tourist Home (Bed and Breakfast)** 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 unanimously 9-0 in favor of the motion. (Ayes: Jones, Leonard, Hayworth, Alexander, Burnett, Apple, Mann, Geter, Thompson. Nays: None.)

UDO PROJECT UPDATE:

- **Board of County Commissioners Presentation and Draft UDO Assessment**

Members were provided a copy of the Unified Development Ordinance (UDO) Update presentation on the assessment of the existing Ordinance that was recently given at the Board of Commissioners Work Session. Also provided to members was a draft copy of the UDO Assessment. A final draft, which will go into how the new Ordinance will be drafted, should be ready shortly.

Mr. Bell stated that the Public Workshop has been scheduled for October 29, 2018. The event will be held at 3309 Burlington Road, which is the Cooperative Extension Building, from 5:00 p.m. or 5:30 p.m. until 7:30 p.m. The workshop will be a walk-in/open house format with various stations located around the room. There will be an opportunity for the public to complete a very brief survey.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:39 p.m.

Respectfully submitted,

Frankie Jones, Chairman

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

FJ:sm/jd