

**Guilford County
Planning Board
July 10, 2019**

The Guilford County Planning Board met in regular session on Wednesday, July 10, 2019 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Thompson; Mr. Geter; Mr. Apple; Mr. Alexander; and Ms. Hayworth.

Members Absent: Mr. Mann; Ms. McKinley; Mr. Leonard; and Mr. Jones

Staff Present: Matt Talbott; Paul Lowe; Oliver Bass; and Tonya Hodgins -- Planning Department; Leslie Bell, Guilford County Planning Director; and Kaye Graybeal, Guilford County Deputy Director

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

AGENDA AMENDMENTS:

None.

Ms. Hayworth explained the rules and procedures of the Guilford County Planning Board.

APPROVAL OF MINUTES: JUNE 12, 2019

Mr. Thompson moved approval of the June 12, 2019 meeting minutes, seconded by Mr. Apple. The Board voted 5-0 in favor of the motion. (Ayes: Hayworth, Apple, Alexander, Geter, and Thompson. Nays: None).

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Public Hearing Items:

EASEMENT CLOSING CASE #19-04-GCPL-03328:

Being all of a 10-foot utility easement located on Lot #4 as shown on Plat Book 39 page 31, located on Guilford County Tax Parcel #156212 in Jamestown Township. **(APPROVED)**

Paul Lowe stated that the resolution of intent was adopted on June 12, 2019. 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 interests. Staff submits the following findings for consideration by the Board:

1. The Planning Department has received a request to close all of a 10-foot utility easement located on Lot #4 as shown on Plat Book 39 page 31, located on Guilford County Tax Parcel #156212 in Jamestown Township; and
2. All utility companies servicing this area have signed utility easement releases for the property.

IN SUPPORT:

None

IN OPPOSITION:

None

Seeing no other speakers, the public hearing was closed.

DISCUSSION:

None

MOTION:

Mr. Alexander moved to approve, whereas a petition was filed, pursuant to G.S. 153A-241, Chapter 59 of the 1981 Session Laws, requesting that the Board close all of a 10-foot utility easement located on Lot #4 as shown on Plat Book 39 page 31, located on Guilford County Tax Parcel #156212 in Jamestown Township.

Whereas, pursuant to a resolution to close said easement adopted by this Board on June 12, 2019, and Electronic Notice was published on the Guilford County Website that a hearing would be held concerning said petition on July 10, 2019 at 6:00 p.m. in the Blue Room 2nd Floor, Old Guilford County Courthouse, 301 W. Market Street Greensboro, North Carolina 27401; and

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

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

Whereas, after all interested persons were heard, it appears to the satisfaction of this Board that the removal of said easement from dedication is not contrary to the public interest;

Now, therefore, BE IT RESOLVED THAT:

1. The following described easement is hereby closed and removed from dedication to the public use; being all of a 10-foot utility easement located on Lot #4 as shown on Plat Book 39 page 31, located on Guilford County Tax Parcel #156212 in Jamestown Township.
2. A certified copy of this resolution, together with a copy of the published notice of this hearing, is hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina.

Seconded by Mr. Thompson. The Board voted 5-0 in favor of the motion. (Ayes: Hayworth, Apple, Alexander, Geter, and Thompson. Nays: None).

CONDITIONAL REZONING CASE #19-06-GCPL-04844: AG to CZ-RS-30

Proposed conditional zoning from AG to CZ-RS-30 limited to the following Development Conditions: Overall site density shall be limited to a maximum of one dwelling unit per acre.

Located approximately 590 feet northwest of the intersection of Bantam Road and Whitt Hunt Road in Fentress Township. Being Guilford County Tax Parcel #13762 and portions of Guilford County Tax Parcel #132645 & #132656, approximately 70.44 acres owned by Rogers Friendly Farms.

The Southern Area Plan land use classification of Rural Land Area is consistent with the proposed zoning, thus no plan amendment is requested. **(APPROVED)**

Oliver Bass stated that this request is to Conditionally Zone property from AG to CZ-RS-30 limited to the following Development Conditions: Overall site density shall be limited to a maximum of one dwelling unit per acre.

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.

The RS-30, Residential Single-Family 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 or less.

The CZ, Conditional Zoning District, is hereby 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 Jurisdiction as part of the rezoning process, also apply.

The property is located approximately 590 feet northwest of the intersection of Bantam Road and Whitt Hunt Road in Fentress Township. Being Guilford County Tax Parcel #132762 and portions of #132645 & 132656, approximately 70.44 acres owned by Rogers Friendly Farms.

The subject parcels are in an area that is primarily rural residential development. Home sites are typically on parcels of more than one acre lots. A small residential subdivision is developed on lots adjacent to the subject parcels.

The surrounding uses to the north are single-family residential. To the south are the Randolph County line and rural residential. To the east are RS-40 subdivision and scattered housing. To the west are vacant, large lot residential.

SPEAKING IN SUPPORT:

Dan Rogers, 4802 Archwood Dr., stated that he was one of the Co-Owners of Rogers Friendly Farm. His brother Ray and he is the owners. They have a 150-acre farm. This property is located south of Pleasant Garden. They are asking for rezoning request on 70 acres facing Hunt Road. The 70 acres will have 70 home sites. They are partnering with experienced home builders.

David Michaels, 5603 New Garden Village Dr., stated that he was speaking on behalf of the Rogers Family. They have been working with them for several months now to formulate a proposal for this property. They have looked at a number of different scenarios on this property and he thinks they have come up with a good proposal. Mr. Michaels are representing Winter Homes and Redwolfe Development Company. They feel like this area is somewhat underserved because of poor soil and Greensboro's restrictions on the water and sewer policy in this area. There will be 70 lots on this property with no more than one dwelling per acre. They have had the area looked at by a soil scientist and the scientist found that the soil was good on these 70 lots. They will be about 30,000 square foot lots. They are proposing to develop this in a number of phases. They have submitted to the DOT for a driveway permit and have not been approved yet. There are some larger lots that back up to the creek and they will all have individual wells and septic system. There will be connection points for future development. They feel like this is compatible with surrounding uses. There are other developments nearby. The property to the west will maintain the AG zoning at this time. A letter was sent to the neighbors on June 28th explaining the proposal, sketch plan, and numbers to reach out to the Rogers family. They have met individually with a number of folks. Ms. Hayworth asked Mr. Michaels how big the sites would be? Mr. Michaels stated that they would be somewhere around 33,000 to 34,000 square feet. Mr. Geter asked how many neighbors they talked to out of the 20 letters that was sent out? Mr. Rogers stated that he had talked to about half of the neighbors.

Carla Strickland, 100 Osbourne Ct., stated that she was the Mayor of Pleasant Garden and that they support this proposal.

SPEAKING IN OPPOSITION:

Lynn Haywood, 509 Hunt Forest Ct., stated that he was worried about the traffic impact and wants something done with the intersection at 62 or create more exits. If they are not going to use the existing property to 62 everything will funnel out to one intersection and that will be a major problem. There are wrecks there every day. Leslie Bell stated that the final design would have to be approved by TRC but one of the things they do have potential for stub streets and they will make sure that it is feasible to extend those streets to provide for future connectivity. Ms. Hayworth stated that will be part of the review with DOT also.

Ron Osborne, 2585 Gildwell Avenue, Graham NC, stated that he was there representing his father Ronald Osborne who owns land on both sides. Ron's father has lived there for 60 years and one of his concerns are that his well may go dry. Worried about the traffic and the light pollution.

Lynn Shoffner, 512 hunt Forest Ct., stated that his property adjoins the property and he is concerned about the impact this will have on his well. He has questions about blasting; will this be a package deal; and are there any plans to leave any trees? Ms. Hayworth asked Mr. Shoffner if he had a conversation with Mr. Rogers prior to this meeting? Mr. Shoffner stated that he did not. Ms. Hayworth asked if there was any way to restrict the blasting? Leslie Bell stated that he did not know, but he could ask.

SUPPORT REBUTTAL:

David Michaels, 5603 New Garden Village Dr., stated that DOT assesses Hwy 62 and Hunt Road. Mr. Rogers stated that the intersection has been redone to cut down grade and improve sight, but it has always been a concern. Mr. Michaels stated that a four-bedroom house would use 65 gallons of water a day. So, it would take half an acre to recharge 65 gallons under normal situations. They have not had any soil borings yet. Blasting will be minimal, and the lots would be sold with the house on it. Mr. Geter asked about the creek on the northern portion of the property? Mr. Michaels stated that

there is a creek on the west side of the property and they will be backing lots up to that creek to take advantage of the better soil.

OPPOSITION REBUTTAL:

Susan Gamwell, 6727 Hunt Road, asked if that 70 homes were written in stone? Oliver Bass stated that they could go less, but they couldn't go any higher.

There being no other speakers the Public Hearing was Closed.

DISCUSSION:

None

MOTION:

Mr. Thompson moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #132762 and portions of #132645 & #132656, from **AG to CZ-RS-30** because:

1. The amendment **is** consistent with applicable plans because: The subject parcels are in an area that is primarily rural residential development. Home sites are typically on parcels of more than one acre lots. A small residential subdivision is developed on lots adjacent to the subject parcels.
2. The amendment **is** reasonable and in the public interest because: The Southern Area Plan land use classification of Rural Land Area is consistent with the proposed RS-30 zoning combined with the proposed condition; thus, no plan amendment is requested. A residential subdivision with an RS-40 zoning has developed adjacent to the subject parcels.

Mr. Alexander seconded the motion. The Board voted 5-0 in favor of the rezoning request. (Ayes: Hayworth, Apple, Alexander, Geter, and Thompson. Nays: None).

REZONING CASE #19-06-GCPL-04842

Proposed rezoning from CU-PD-M to RS-30. Located approximately 0.58 miles northwest of the intersection of Murphy Road and US Hwy 158 in Bruce Township. Being Guilford County Tax Parcel #150649, #147493, #150650 and portions of Guilford County Tax Parcel #147512 & #150647, approximately 40.26 acres owned by Hawks Landing Property Co LLC, Reed Boardman & 220 Property Company LLC.

The Northwest Area Plan land use classification of AG Rural Residential is consistent with the proposed zoning including the proposed conditions, thus no plan amendment is requested.
(APPROVED)

Matt Talbott stated that this request is to rezone Guilford County Tax Parcel #150649, #147493, #150650 and portions of #147512 & #150647, approximately 40.26 acres from CU-PDM to RS-30.

The PD-M, Planned Unit Development-Mixed District, is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

The RS-30, Residential Single-Family 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 or less.

The property is located 0.58 miles northwest of the intersection of Murphy Road and US Hwy 158 in Bruce Township, being Guilford County Tax Parcels #150649, #147493, #150650 and portions of #147512 & #150647, approximately 40.26 acres owned by Hawks Landing Property Co LLC, Reed Boardman & 220 Property Company LLC.

This request is in an area that is primarily moderate to low-density residential and agricultural uses on varying acreage tracts. There is a single-family home, accessory structures, flying field, and airplane hangar. The airplane hangar is on the Rockingham County side. In 2000 the property was rezoned to CU-PDM to allow a mixed-use development of residential lots of 40,000 square feet minimum and with community airport and flying field. This development was never built. The air strip will be abandoned by the developer if this request is approved. Airports and flying fields are not permitted in the RS-30 zoning districts.

The surrounding uses to the north are vacant. To the south are single-family residential. To the east and west are vacant. The land use plan is the Northwest Area Plan. The plan recommendation is the AG Rural Residential. The AG Rural Residential plan recommendation is designated to recognize land currently zoned or recommended for future agricultural and residential. Anticipated land uses are those permitted in the AG, RS-40 Residential Single-family, RS-30 Residential Single-Family, Planned Unit Development-Residential, and Rural Preservation zoning districts. The request of RS-30 zoning is consistent with this plan.

Staff recommends approval. The Northwest Area Plan land use classification of AG Rural Residential is consistent with the proposed zoning.

IN SUPPORT:

Laurie Ford, 7 Corporate Center Ct., stated that she was with Lamanaco Investments and they are representing the applicant tonight. They are a family owned business and they reside in Summerfield. They have been doing these kinds of projects for over 15 years. The location of this project is at the intersection of the new I-73 and Hwy 158 intersection. The site is near of the Piedmont Triad airfield. There is an actual air strip on this site and there is an access easement that takes you from Murphy Road and supplies access to a property that lies directly to the north. It is primarily surrounded by single-family uses and some agricultural uses in the area. They want to down zone, they want to take the property from the CU-PD-M to RS-30. They are going to remove the FAA designation and remove the airstrip on the property. They are going to demolish the dilapidated homes and sub structures on the property. Their plan is to have 34-40 single-family homes. The average lot size will be +/- 1 Acre. They will install a community entrance and establish HOA's. They sent a letter on July 11th, which contained information about this request and to invite the neighbors to meet with them. Six of the ten neighbors they were able to meet and talk with. The biggest concern was about preserving the property values in the area. Ms. Ford explained to the neighbors that this will not impact their property values and may would help the property value go up a little.

Hollis Boardman, 8065 Glengarriff Clemmons, NC, stated that he represented Boardman property holdings, which holds some of the property in question. They have owned that property about 18 years. Water and sewer have been an issue and is still an issue. For purposes of the people who live out there this is a great addition.

Dean Meylor, 2237 Scalesville Road Summerfield, NC, stated that he owns the tract of land to the east of this request and it compliments his property and agrees with the proposal.

IN OPPOSITION:

None

Seeing no other speakers, the public hearing was closed.

DISCUSSION:

None

MOTION:

Mr. Thompson moved to approve this zoning amendment located on Guilford County Tax Parcel **#150649, #147493, #150650** and portions of **#147512 & #150647** from **CU-PDM to RS-30** because:

1. The amendment **is** consistent with the applicable plans because the Northwest Area Plan land use classification of AG Rural Residential is consistent with the proposed zoning including the proposed conditions, thus no plan amendment is requested.
2. The amendment **is** reasonable and in the public interest because this request is in an area that is primarily moderate to low density residential and agricultural uses on varying acreage tracts.

Seconded by Mr. Apple. The Board voted 5-0 in favor of the motion (Ayes: Thompson, Geter, Apple, Hayworth, and Alexander. Nays: None).

Non-Public Hearing Items:

RESOLUTION OF INTENT FOR ROAD CLOSING CASE #19-06-GCPL-04949: Being that 1.41-mile portion of Bryan Blvd. SR #4464/2085 that runs from the Corporate limits of the City of Greensboro to the right-of-way of I-73 in Friendship Township. **(APPROVED)**

Paul Lowe stated that on June 3, 2017 the North Carolina Department of Transportation removed the state roadway system at 1.49-mile portion of Bryan Blvd. that ran from Regional Road to Interstate 73. On that occasion, it re-assigned as SR 4464 a 0.97-mile section of the road. The resulting closure was 0.52 miles in length.

The 0.97-mile section that was retained from Regional Road to a cul-de-sac constructed at the end of the 0.9-mile section. On August 2, 2018 the NCDOT removed from the state system the northernmost 0.96-mile portion of Bryan Blvd. Prior to the removal, the Board of Commissioners adopted a resolution at its meeting on January 29, 2018.

A copy of the two letters from the Geographic Information Systems Unit to the Division 7 Engineer showing the actions taken on those occasions are attached as Exhibits A and B. Also attached are the project drawings prepared for NCDOT showing the portions of Bryan Blvd that the Piedmont Trial Airport Authority now desires for Guilford County to close. The 0.52-mile section that was closed on June 3, 2017 is shown on the drawings in green on Exhibit C. The 0.96-mile section closed on August 2, 2018, is shown in red on Exhibit D. However, a 0.07-mile section of the 0.96-mile section is located within the corporate limits of the City of Greensboro. The city limits shown on the drawings as a dotted green line. The section of the 0.96-mile tract that is located within the County is a 0.89-mile section.

The Piedmont Triad Airport Authority hereby requests that the County close and remove from dedication the 1.41-mile section of Bryan Blvd that runs from the corporate limits of the City of Greensboro to the right-of-way of I-73.

MOTION:

Mr. Thompson made a motion to approve the request.

Whereas, a petition has been filed, pursuant to G.S. 153A-241, requesting the Board to close and remove from dedication the following described roadways: Resolution of Intent Road Closing Case #19-06-GCPL-04949: Being that 1.41-mile portion of Bryan Blvd SR #4464/2085 that runs from the corporate limits of the City of Greensboro to the right-of-way of I-73 in Friendship Township.

Now, THEREFORE, BE IT RESOLVED, that 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 August, 2019 at 6:00 p.m. in the Blue Room on the First Floor of the old Guilford County Courthouse located at 301 W. 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.

Seconded by Mr. Apple. The Board voted 5-0 in favor of the request. (Ayes: Thompson, Geter, Apple, Hayworth and Alexander. Nays: None).

OTHER BUSINESS:

Leslie Bell gave an update on the UDO Project. He stated that earlier this week Article 5 has been posted to the website. He will make sure Staff sends out the link to the website to the Board members. The next meeting will be on August 6th or the 27th.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:12 p.m.