

**Guilford County
Planning Board
September 18, 2019**

The Guilford County Planning Board met in regular session on Wednesday, September 18, 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; Ms. Hayworth; Ms. McKinley; and Mr. Jones.

Members Absent: Mr. Mann and Mr. Leonard

Staff Present: Matt Talbott; Oliver Bass; and Tonya Hodgin -- Planning Department; Leslie Bell, Guilford County Planning Director; and Kaye Graybeal, Guilford County Deputy Director; and Bobby Carmon Fire Department

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

AGENDA AMENDMENTS:

None.

APPROVAL OF MINUTES: August 14, 2019

Ms. McKinley moved approval of the August 14, 2019 meeting minutes, seconded by Mr. Apple. The Board voted unanimously in favor of the motion. (Ayes: Jones, Thompson, Geter, Apple, Alexander, Hayworth and McKinley. Nays: None.)

CONTINUANCE REQUESTS:

Conditional Zoning Case #19-08-GCPL-05606 Located on the north side of Alamance Church Road at its intersection on Cathcart Road, being Guilford County Tax Parcel #110903, approximately 43.51 Acres owned by Catherine Kirkpatrick, Carson Davison and Park R. Divisions. Proposed conditional zoning from AG to CZ-RS-40 limited to the following development conditions: The property will be subdivided into a maximum of 37 lots for construction of single-family detached residences. The Alamance Area Plan land use classification of Agricultural-Rural Residential is consistent with the proposed zoning, thus no plan amendment is recommended.

IN SUPPORT OF:

Charlie Melvin 300 N. Green St. stated that they have met with the owners. They did send notifications stating that they were going to request this continuance. They are working on a draft to send to the neighbors to address the issues that was brought up last month. Mr. Melvin stated that they would follow that with any questions or desires to meet. They are requesting this be continued until the October meeting. Ms. Hayworth asked if Mr. Melvin had gotten any responses from the neighbors. Mr. Melvin stated that there was a couple of people who called and stated that they would be interested in meeting with the owners. Ms. Hayworth asked if the owners had planned any kind of meeting. Mr. Melvin stated that in the letter to the neighbors they would be willing to meet with them.

IN OPPOSITION:

NONE

Seeing no other speakers, the public hearing was closed.

DISCUSSION

None

MOTION:

Ms. McKinley made a motion to approve the continuance until the next meeting, seconded by Mr. Apple. The board voted 7-0 in favor of the motion (Ayes: Thompson, Geter, Apple, Jones, Hayworth, Alexander, and McKinley Nays: None).

OLD BUSINESS:

None

NEW BUSINESS:

Public Hearing Items:

Conditional Zoning Case #19-08-GCPL-06700:

Located on the north side of McKnight Mill Road, approximately 350 feet northeast from its Intersection of Hollywood Drive, being Guilford County Tax Parcel #126251, approximately 0.46 Acres owned by Danny & Carolyn Mack.

Proposed conditional zoning from RS-30 to CZ-LO limited to the following use conditions:

- 1) Day Care Center, Adult
 - 2) Single-Family Detached Dwelling and Development Conditions:
- 1) No more that 12 adults. 2) Operating hours Monday-Friday 6:00 a.m. – 6:30 p.m., Saturday – Sunday 6:00 a.m. to 5:00 p.m.

Oliver Bass stated that the property was located on the northwest side of McKnight Mill Road, approximately 350 feet northeast from its intersection of Hollywood Drive, being Guilford County Tax Parcel #126251, approximately 0.46 Acres owned by Danny & Carolyn Mack. Rezoning Case 19-01-GCPL-00242 request to rezone from RS-30 to AG was denied on February 13, 2019. A second request to rezone different zoning district is permitted within in one year of final action. This request is to conditionally rezone a parcel from RS-30 to CZ-LO to allow an Adult Daycare Center for up to 12 adults.

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 LO, Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative and government office uses on small to mid-sized sites near residential areas. Single-family residential and adult daycare centers for 15 or less are permitted uses in the LO district.

Proposed Conditional Zoning from RS-30 to CZ-LO limited to the following proposed Use Conditions: 1) Day Care Center, Adult, and 2) Single-Family Detached Dwelling; and Development Conditions: 1) No more than 12 adults, 2) Operating hours Monday – Friday 6:00 a.m. to 6:30 p.m., Saturday and Sunday 6:00 a.m. to 5:00 p.m. and 3) Minimum number of three parking spaces per the Guilford County Development Ordinance (to be added).

This request is in a single-family residential area. The existing land use is adult daycare center (5 or less). The surrounding uses to the north, south, east, and west are all single-family. There are no inventoried Historic properties located on or near the property. The site does have water from the city of Greensboro and a private septic system. It is located on a minor thoroughfare and 4,600 vehicles per day is the average traffic. There are three parking spaces in front of the property.

Oliver Bass stated that within a five-mile radius of the property there will be five adult daycare centers County wide. Per ordinance adult daycare centers require one parking space per each employee and one parking space per 10 clients. The state requires one employee per six clients. The applicant submitted a site plan and Staff thinks they can only get three parking spaces based on the site plan. There is a provision for change of use, that does not require them to add additional parking spaces. Per ordinance based on two employees for each shift, the minimum space required is three for up to 12 adult clients. Mr. Jones stated that this was what staff recommended. Oliver Bass stated that was correct.

The land use plan is the Northeast Area Plan. The plan recommendation is residential single-family. The proposed zoning is inconsistent with the land use plan recommendation for the area. The Residential Single-Family designation is intended to accommodate low to moderate-density major Residential Single-Family subdivisions, with higher-density developments served by public water and sewer utilities. LO is not an anticipated zoning district under the plan recommendations.

Staff recommends approval. Although inconsistent with the land use plan, the proposed zoning and conditions would serve a public interest. The use will help County Health and Human services meet demand for adult social services in Guilford County. The proposed conditions will limit uses to daycare center for up to 12 adults and a single-family dwelling. Should the center cease operation the dwelling would be permitted to return to a single-family residential use. The Northeast Area Plan land use classification of Residential Single-Family is inconsistent with the proposed zoning, thus an area plan amendment to Office would be recommended.

Mr. Thompson stated that the State requests four parking spaces. Oliver Bass stated that it was not the State, it was the Guilford County Development Ordinance for new development. This is a change of use from adult daycare center of up to five to an adult daycare center for 12 clients. Leslie Bell stated that if they looked at the site plan, they have the three spaces up front then over on the side near the rear they have added the two parking spaces, but there is no room to meet the dimensional requirement per the ordinance. So, Staff can't recommend those two spaces because there is not enough room for those two spaces to be there. Mr. Jones asked if there was enough room to make that one space instead of two? Leslie Bell stated that there was not. Mr. Thompson asked if the County require enough space access for emergency vehicles? Leslie Bell stated that there is not enough room between the ramp and the parking space doesn't meet the requirement, but Staff can't recommend approval because it doesn't meet the requirement of the Ordinance.

IN SUPPORT:

Regina Nevels 2507 McKnight Mill Rd. stated that she works very closely with the Department of Social Services. The request for the rezoning is based upon a previous inspection that stated they would be able to have up to 13 adult clients but based on the septic tank they can only have 12 adult clients. Ms. Nevels stated that the clients do not come every day and they use slots such as one client may arrive at 6 in the morning and leave at 12 in the afternoon. That leaves a slot from 12 p.m. until 6:30 p.m. for another client to come in. One of the reasons they need this is because Well-Springs closed down their Adult Daycare Center. When Well-Springs closed down 30 people were displaced [NOTE: Well Springs did not close, it changed service criteria for adults with dementia that caused some clients to be relocated]. So, that is why there is a great need for this service. DSS is working very close with Ms. Nevels. Ms. Nevels stated that there is space behind the ramps to park. Mr. Jones asked if this facility could accommodate 12 clients at one time? Ms. Nevels stated that based upon the state it is 40 square feet per adult and based upon the size the State told them they could have up to 13 based on the measurements but based upon Environmental Health they can only have 12 because of the septic tank. Ms. Nevels stated that there would only be 12 clients at a time, and it is based on scheduling. Mr. Alexander asked if the clients would be spending the night at the facility? Ms. Nevels stated that they would not be spending the night. Ms. Nevels stated that these clients are very highly functional. Mr. Jones asked Ms. Nevels to explain the single-family residence? Oliver Bass stated that when it is rezoned, they can't use it for a single-family dwelling and the Staff thought it would be a good idea to use that as a single-family dwelling if the daycare center was to cease operation. They did it this way so that nobody would have to come back and ask for rezoning. Mr. Jones asked if it would be a daycare center until 6:30 p.m. everyday and then it turns into a single-family dwelling. Oliver Bass stated that it would be an adult daycare center 24 hours a day. Oliver Bass stated that one individual would be able to spend the night as an adult daycare center. Mr. Jones asked if a condition could be that the property would not be used simultaneously for both uses? Leslie Bell stated that if the daycare center ceases then it would be able to go back to a single-family use. Mr. Thompson asked what the square footage of the house is? Ms. Nevels stated that it was 2,150 square feet. Ms. Nevels stated that it sounds small, but based upon the State's measurements they are allowed up to 13. Ms. McKinley asked how often does the State inspect? Ms. Nevels stated that they inspect once a year. Mr. Thompson asked if she was the property owner? Ms. Nevels stated that they are in the process of buying the property right now. Mr. Thompson asked if Ms. Nevels had any intentions of living at the property? Ms. Nevels stated that she did not that it was strictly for business. Ms. Hayworth asked Ms. Nevels if she was associated with the people who were running Journey? Ms. Nevels stated that Journey had five different entities and there was a dissolution. So, Ms. Nevels wanted to keep the Cardinal and allow them to keep Journey and branch out on her own. Mr. Geter asked if they were doing away with the single-family dwelling condition? Ms. Nevels stated that that was what she thought they had been discussing. Ms. Hayworth asked if this was being run as a daycare right now? Ms. Nevels stated that it was not. Mr. Jones asked if it was run as a daycare before? Ms. Nevels stated that it was until September 6, 2019 for up to five people. Ms. Hayworth asked if it was in operation now? Ms. Nevels stated not after September 6, 2019. Mr. Thompson asked where the clients went? Ms. Nevels stated that she did not know? Mr. Thompson asked if she ran it for Journey? Ms. Nevels stated that she did. Ms. McKinley stated that there was a huge need for this.

Vanessa Durrett, 1203 Maple Street, stated that she works with the DSS and did not see any problems with Cardinal getting their license.

IN OPPOSITION:

None

Oliver Bass stated that he did receive a phone message from one neighbor, Stephen Stanley, in opposition of the rezoning request. This neighbor's lot was adjacent to the north of the property.

Seeing no other speakers, the public hearing was closed.

DISCUSSION:

Mr. Jones asked if anybody felt strongly about keeping the single-family dwelling condition? Ms. McKinley stated that she doesn't see a problem with it because Ms. Nevels had stated that it would be for a business only and has no intentions of living there. Ms. McKinley stated that the wording should be changed from 'and' to 'or' single-family dwelling. Mr. Jones stated that he had concerns that it could be used as a single-family dwelling at the same time as a business and would like to remove the single-family dwelling condition. Mr. Thompson stated that he agreed with Mr. Jones and would like the condition removed. Ms. Hayworth stated that when it is being used as an adult daycare it can't be used as a single-family dwelling. Mr. Jones stated that he could support that it would not be used as a single-family dwelling while licensed as an adult daycare center.

Mr. Jones made a motion to add a use condition number three (3) stating that it can not be used as a single-family dwelling while it is licensed as an adult daycare center, seconded by Mr. Geter. The Board voted unanimously. (Ayes: Jones, Thompson, Geter, Apple, Alexander, Hayworth and McKinley. Nays: None.)

Mr. Jones moved to accept staff proposed development condition of a minimum of three (3) parking spaces, seconded by Mr. Alexander. The Board voted unanimously.

MOTION:

Mr. Thompson moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #126251, from **RS-30 to CZ-LO**.

1. The approval also amends the Northeast Area Plan.
2. The zoning map amendment and associated Northeast Area Plan amendment are based on the following change(s) in conditions in the Northeast Area Plan: The proposes zoning is inconsistent with the land use plan recommendation for the area. The residential single-family designation is intended to accommodate low to moderate-density major residential single-family subdivisions, with higher-density developments served by public water and sewer utilities. LO is not an anticipated zoning district under the plan recommendations.
3. The amendment is reasonable and in the public interest because: although inconsistent with the land use plan, the proposed zoning and conditions would serve a public interest. The use will help County Health and Human Services meet demand for adult social services in Guilford County. The proposed conditions will limit uses to adult daycare center for up to 12 adults and a single-family dwelling. Should the center cease operations the dwelling would be permitted to return to single-family residential use.

Seconded by Mr. Alexander. The Board voted 6-1 in favor of the motion (Ayes: Thompson, Geter, Apple, Alexander, McKinley, and Leonard. Nays: Hayworth).

OTHER BUISNESS:

Leslie Bell gave an update on the UDO Project. Leslie Bell stated that the Board should have received an email with the website link in it. If you go on the website it has all the minutes and the final draft of the articles.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:40 p.m.