



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Regular Meeting Agenda**

NC Cooperative Extension – Agricultural Center  
3309 Burlington Road, Greensboro NC 27405

**April 12, 2023**

**6:00 PM**

- A. Roll Call**
- B. Agenda Amendments**
- C. Approval of Minutes:** January 11, 2023 and February 8, 2023
- D. Rules and Procedures**
- E. Continuance Requests**
- F. Old Business**

None

- G. New Business**

**Legislative Hearing Item(s)**

**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL: 107 MARSHALL SMITH ROAD**

Located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township), the subject of this request is approximately 290 feet north of the intersection of Marshall Smith Road and W. Market Street and comprises approximately 7.37 acres.

This is a request to rezone the property from AG, Agricultural, to LI, Light Industrial.

The proposed rezoning is not consistent with the Guilford County Airport Area Plan recommendation of Mixed Use; therefore, if the request is approved, a plan amendment to Non-Residential will be required.

Information for **REZONING CASE #23-1-PLBD-00035** can be viewed by scrolling to the April 12, 2023, Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

**Evidentiary Hearing Item(s)**

**SPECIAL USE PERMIT CASE #23-03-PLBD-00039: ENERGY SUBSTATION (MAJOR UTILITY); 1872 ANDREWS FARM RD**

Located at 1872 Andrews Farm Road (Guilford County Tax Parcel #229086 in Jefferson Township) at the northwest intersection of McConnell Road and comprises approximately 12.53 acres. The subject parcel is zoned AG, Agricultural.

This is a request for approval of a Special Use Permit for an Energy Substation and the associated Sketch Site Plan. Energy substations are allowed as a Major Utility in the AG district pursuant to the Guilford County Unified Development Ordinance.

To view guidelines for Special Use Permit and quasi-judicial evidentiary proceedings please visit the following link: <https://www.guilfordcountync.gov/home/showpublisheddocument/11981/637588495341247655>

Information for **SPECIAL USE PERMIT CASE #23-03-PLBD-00039** can be viewed by scrolling to the April 12, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the Sketch Site Plan also is included under the **MEETING CASE INFORMATION** section at the link above.

**H. Other Business**

Rules and Procedures (to be presented at the meeting, no vote requested at this time)

Comprehensive Plan Update

**I. Adjourn**

(Insert Color Paper)

**GUILFORD COUNTY PLANNING AND DEVELOPMENT  
PLANNING BOARD MEETING MINUTES**

**NC Cooperative Extension – Agricultural Center  
3309 Burlington Road, Greensboro NC 27405**

**January 11, 2023, 6:00 PM**

**A. Roll Call**

The following Board members were in attendance in person for this meeting:

James Donnelly, Chair; Sam Stalder; Jason Little; Dr. Nho Bui; David Craft; Ryan Alston; and Cara Buchanan

The following Board member was not in attendance at this meeting:

Guy Gullick

The following staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Administrative Officer; Rachel Teague, Office Specialist; L. Clyde Harding, Community Environmental Services Program Manager; and Stephen Thomas, Fire Marshal

**B. Agenda Amendments**

None

**C. Approval of Minutes: December 14, 2022**

Mr. Alston moved to approve the 12/14/22 minutes, seconded by Ms. Buchanan. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Little, Bui and Alston. Nays: None.)

**D. Rules and Procedures**

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

At this time, Mr. Stalder arrived for the remainder of the meeting.

**E. Continuance Requests**

None

**F. Old Business****Legislative Hearing Item(s)**

**CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD (APPROVED)**

Aaron Calloway stated that this request is located at 2103 Bishop Road (Guilford County Tax Parcel #141333 in Sumner Township), south of the intersection of Bishop Road with Vermont Drive and comprising approximately 7.05 acres. The request is to conditionally zone the subject parcel from CZ-HI (ref. Case #20-09-GCPL-07186) to amend the current conditions. The current development condition of the property is: there shall be no landfill activities on the property for the adjacent LCID and C&D landfills. The applicant proposes to remove this current development condition and include the following use condition: All uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling facilities. The land is gently sloping, moderately sloping, and steeply sloping. The adjacent properties to the west and south are similarly zoned for heavy industrial uses. The property to the northwest is a recycling center, and the property to the south, which is the subject of the Special Use Permit Case #22-10-PLBD-00025, has been used as a quarry and landfill. Both are under the same property owner. The northern adjacent property is zoned RS-40, Single Family Residential, and is undeveloped. Between the access for Tax Parcel #141332 and Tax Parcel #141335, which is zoned HI and used for asphalt production, is a parcel also zoned RS-40. Tax Parcel #141349, 0.21 of an acre, is isolated inside of Tax Parcel #141333 (the subject parcel), and is zoned RS-40. The lot is vacant and designated as Heavy Industrial under the Southern Area Plan. The proposed rezoning is partially consistent with the Southern Area Plan recommendation of Heavy Industrial (HI) and Light Industrial (LI), thus, if approved, an Area Plan amendment for the LI portion to HI will be required.

Chair Donnelly asked if there was anyone in the audience who wished to speak in favor or in opposition to this request.

Tom Terrell, attorney representing the applicants, stated that he wished to introduce Ron and Betty Petty, the owners of A-1 Sandrock. He started representing A-1 Sandrock in 1989 through their Grandfather, Gene Petty. He pointed out that this the applicant is required by the rules of the NCDOT for Solid Waste Permits to transcribe the hearings related to this property. The transcript will go to Raleigh. All this land is on Bishop Road, and it goes back to the 1850s and was owned by the Bishop family, and a lot of it is still owned by the Bishop family. This is land that they have taken care of and used in different ways throughout these 175 years. This particular tract is one that they don't have a business plan for yet, but while they were going through rezoning of other tracts, they wanted to go ahead and do that. It is already zoned HI, and because of that, there are all the uses allowed in the Table of Permitted Uses. This request eliminates those uses except for two (2), one of which is a transfer station for Municipal Solid Waste (MSU), the other of which is recycling. There was a neighborhood meeting on January 4<sup>th</sup>, which was a four-hour meeting, drop-in – drop-out. The properties across the street are Martin-Marietta and Republic Industries, and there is an asphalt plant to the east and C&D landfill to the west. There is a rectangle in the middle that is not owned by A-1 Sandrock. It is owned by the Goins family and is now owned by 2<sup>nd</sup> and 3<sup>rd</sup> generation heirs. He is having a difficult time finding all the heirs, but they have initiated conversations with one of the family members, who has graciously agreed to become a petitioner in a Partition Proceeding so that that one acre can be purchased and the proceeds divided up according to their interest. He is here to answer any questions the Board members might have. He also mentioned Mr. David Garrett, Solid

Waste Engineer, who will be designing this property at such time as they go through for permitting, and he can answer questions as well.

Chair Donnelly clarified that Mr. Terrell has stated that there is no plan at this point for a future business or rezoning; this only creates the opportunity for that to be done in the future.

There being no other speakers either in favor or in opposition to the request, the public hearing was closed.

Mr. Little moved to close the public hearing, seconded by Dr. Bui.

The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Stalder, Little, Bui and Alston. Nays: None.)

### **Discussion/Motion**

Mr. Craft moved to approve this zoning map amendment for Guilford County Tax Parcel #141333 from CZ-HI to CZ-HI Amended because this approval also amends the Southern Area Plan. The zoning amendment and associated Southern Plan amendment are based on the following changes in the conditions of the Southern Area Plan: Changing the LI portion of the parcel to HI to allow a potential waste handling facility to operate here. This amendment is reasonable and in the public interest because the requested conditional HI zoning is reasonable because the property is already conditionally zoned Heavy Industrial, particularly the subject parcels associated with a large debris recycling complex, which includes various lots. Completion of said complex will ensure a necessary and orderly venue for various forms of solid waste for the public, and are not likely to disturb populated areas, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Little, Stalder, Bui and Alston. Nays: None.)

### **CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI, CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD (APPROVED)**

Chair Donnelly stated that he understands that there are some additional conditions that are going to be proposed.

Tom Terrell, attorney representing the applicants, stated that his clients (A-1 Sandrocks, Inc) have been working closely with the neighborhood, and there are some offers of conditions, and he would like to read them into the record:

- 1) There shall be no access to Concord Church Road. .
- 2) The height of the facility shall be limited to 185'. (This condition was approved by the County in 2018, under the current Special Use Permit..
- 3) Applicant shall use soil removed during construction of the CDLF cells to construct a berm along the southeastern border of tax parcel #234575. Upon completion, the berm shall be no less than 1,200 linear feet and at least 15' in height, with a variety of evergreens planted along the berm crest, approximately 8 to 10 feet apart. Evergreens shall be selected from varieties expected to reach at least 15' in height at maturity. The evergreens shall be maintained, and dead or diseased plants shall be replaced quarterly, depending upon seasonal conditions.

- 4) Hours of operations shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays and no work on Sundays.

At this time, all Board members (7-0) voiced their acceptance of the conditions, as read above.

Oliver Bass stated that this request is located at 2075 ZZ Bishop Road, Guilford County Tax Parcel #234575 in Sumner Township, approximately 100 feet from the terminus of Concord Church Road and comprises approximately 14.73 acres. This is a request to conditionally rezone property from AG to CZ-HI with the use conditions as read into the record and accepted by the Board. The AG district is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflict between residential and agricultural uses and preserve viability of agricultural operations. The HI district is intended to accommodate a broad range of heavy industrial uses including manufacturing, wholesale, fabrication, resource extraction and specialized industrial operations that may create adverse impacts on incompatible uses including residential or sensitive habitats. Development should have access to arterial streets and highways. The CZ district is intended to establish as a companion district for every district established in Section 4-2 of the UDO. 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 Planning Board as part of the rezoning process apply. The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential and Agricultural; thus, if approved, an Area Plan amendment to Heavy Industrial (HI) is required.

Slides were presented for the Board members' review showing that this is in a heavily industrialized area south of the subject parcel with uses that include the A-1 Sandrock landfill, an asphalt plant, and a truck terminal on Bishop Road. The area South of the property subject to the rezoning request consists of low-density, single-family residential subdivided lots along Concord Church Road. The existing land uses on the property are as follows: The subject property is currently undeveloped, and there is a Duke Energy easement located along the southern boundary of the property, which is "A" on the map shown. Surrounding uses are the Sandrock landfill operation. While the southern portion of the lots has a LCDR landfill, the portion that fronts on Concord Church Road is primarily undeveloped. The property to the west immediately adjacent to the property is primarily undeveloped. There are no inventoried historic properties on the site and no known cemeteries are located on the site.

Chair Donnelly asked if there was anyone in the audience who wished to speak in favor of this request.

Tom Terrell, attorney representing the applicant, stated that he hopes the Planning Board notices that the number of people in the room is much smaller than last month. That is because of the neighborhood meeting with people who lived as much as a ½ mile away from the site. This is a C&D landfill, which means Construction and Demolition and is not something that is talked about very often, but it is something that every growing community has to have. Anytime a house is built there is left-over construction materials that must be removed from the property. Therefore, these types of facilities are very important for our growing community. This 14-acre facility recycles these materials on a daily basis. The materials are contained, and this is a very clean facility with very little debris blowing around.

In response to a question posed, Mr. Terrell stated that with regard to the concrete and asphalt, it is crushed and used for different types of aggregate. All of the wood is ground up and used for mulch, which is sold to the public for its use. With regard to the proposed berm that would use the soil that

is removed from the site, Mr. Terrell stated that he would explain how a landfill is constructed. Landfills are built in cells. They dig out the soil, and if it is a lined landfill, the liner is installed, and one spot is filled, and then when that one is capped, they move on to the next cell. Each cell is very carefully, intricate and detailed engineered. There should be enough soil available to fill and cap each cell. Berms stop just about all the sound from the facility, and the evergreens that would grow on top of the berm would be an added visual buffer.

David Garrett, a registered engineer practicing Civil and Geotechnical Engineering for many decades was introduced. He's also a licensed geologist dealing with landfills most of his career, in excess of 30 years. Regarding the technical aspects of the facility, typical questions that they receive deal with the nature of the waste - what is it, is it putrescible, is it infectious, etc. It is not any of those things. As Mr. Terrell has described, it includes inert materials that are left over from construction, or if a building is taken down and some of the materials that cannot readily be recycled, they would come to this facility. There are no odors related to the facility that escape the boundaries, such as food and other waste. No one has commented that they have encountered an odor from this facility. There are no birds, rats, or other types of wildlife that are attracted to this waste. He knows this site very well and has been there since it opened and has had the pleasure of working with three generations of the Petty family, and they are genuine people. The landfill does, and will continue to, meet all of the local zoning conditions, requirements, as well as the State's permitting requirements. This facility is monitored and permitted by the NC Department of Environmental Quality located in Raleigh. There are agents in Winston-Salem and they make regular inspections of the facility to verify that they are in compliance. Another question that is sometimes raised, relates to the groundwater conditions of the facility. With groundwater being the resource that it is, the facility is designed and monitored in order to protect groundwater quality. There have been no violations in groundwater at this facility. Groundwater flows away from the community that brought these concerns on Concord Church Road. Several people have wells there, and groundwater from the facility flows away from those residences. There have also been no violations for operations, and the facility is very well run. This is one of the best facilities he has dealt with in the State, and he has worked on about 100 facilities.

Chair Donnelly asked if there was anyone wishing to speak in opposition.

Richard Coleman, who owns the property at 2372 Concord Church Road, stated that this started out as a recycling center, and they recycled everything. It looks like they've buried more than anything over there, and he just wants to know why. There is no fence containing the blowable trash that blows around everywhere. He brought pictures showing the debris and trash blowing around. There are plastics, vinyls, and other contaminants that go in there, and they do break down, and they are very contaminating. He would like to see an Environmental Impact Study on this facility before a decision is made on this. If this request is approved, he would like the berm to be built immediately and not two years from now. He also wanted to know why they need to expand the landfill if they're trying to put a transfer station in there?

Mr. Alston asked if Mr. Coleman was aware and attended the neighborhood meeting, and Mr. Coleman responded that he did attend that meeting and also another meeting the week before. Dr. Bui asked how much debris he was talking about that is blowing around? Mr. Coleman offered his cell phone for anyone wishing to see the video he had taken of the facility showing the blowing debris. In response to another question, Mr. Coleman stated that he owns the property, but he does not live there. He also pointed out that there are animals that come to the property, such as birds. There are lots of birds.

Ira Knight owns a parcel in the area marked "G" to the south on the map. He stated that he is neither for or against, he just wanted to make a comment. They (he) grow tobacco, sweet potatoes, and winter wheat. He learned about this hearing a few weeks ago, but he wasn't aware of a community meeting. He does not own a parcel that adjoins the parcel marked "A".

#### **Rebuttal in favor**

Tom Terrell responded to comments made and stated that with regard to Mr. Knight, he spoke with him on the phone today and had an opportunity to answer questions. Mr. Knight was outside of the notification area, and he did not sign up to receive any notifications. Regarding the trash, any time you have light materials, there is going to be some blowing. A-1 Sandrock has its employees out there on a regular basis picking up the trash, and they are required to do that by their permit. It is not a daily chore, but it is something that they do regularly. The berm that is offered as a condition, with the trees on top, should prevent any and all of the lightweight materials on windy days from leaving the site.

David Garrett stated that with regard to the blowing trash, it is an operational requirement that the blowing debris be managed, as Mr. Terrell mentioned. They also have an operations cover requirement, where swells apply to the working surface on a periodic basis in order to prevent that blowing material. The facility has not had any violations for blowing debris, and they do a good job of keeping it picked up because they don't have any violations. Regarding the birds, someone may see some birds out there, but they are not of the scavenging variety like sea gulls, vultures, and things that would be attracted to an MSW (household waste) landfill. In response to a question about soil cover is an application of 6" average depth of soil to completely cover the waste within an operating cell. The cells are usually at ½ acre or less or a 1-week period or less, the maximums for C&Ds.

#### **Rebuttal in opposition**

Richard Coleman returned and stated that they are proposing to build a 12' – 15' berm with the trees, which would be 185' high, and what good is that going to do? The City of Greensboro builds a fence to contain their blowable trash, this one has no containment at all. There are vultures out there on the power lines that hang out at the landfill.

Calvin Hanes, 2369 Concord Church Road, stated that his property is beside "D" on the map (of property owners). He stated that he is in favor of the request. Mr. Petty talked with him and assured him that he is going to build a berm across that property. As far as he is concerned, it is his land, and he can do whatever he wants to there.

With regard to the debris blowing around, he has not seen any debris on his property, and he is 300-400 feet away. He does not have a problem with it. He also talked to Doggett who owns the land beside him, and he is also going to put a 20' berm up and plant trees on it. He can sit on his deck and see the A-1 property and he thinks the proposed berm will be very helpful. He has lived there 68 years and he doesn't have any problem with it.

Dr. Bui moved to close the public hearing, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion.

**Discussion/Motion**

Mr. Alston stated that he attended the community meeting, and he expected a bigger turnout because of the crowd that attended last month. He feels it said a lot to how hard they worked on looking at adjacent properties in the community, so he would also approve the request because of how they extinguished the fire from the last meeting. He applauds their efforts.

Mr. Craft moved to approve the zoning amendment for property located at Guilford County Tax Parcel #234575 from AG to CZ-HI with the conditions that were previously accepted by the Board. This approval also amends the Southern Area Plan by changing the parcel from AG to CZ-HI. This amendment is reasonable in the public interest even though it is inconsistent with the Area Plan, because it is basically an extension of Conditional Zoning for C&D landfill immediately north. Both parcels are under the same ownership and the request proposes similar zoning conditions. The proposed uses are similar to other uses south of the subject parcel, and a minimum 50' Type-A buffer is required from the adjacent residentially-zoned properties. Pursuant to the Guilford County Unified Development Ordinance, access to the landfill site from Concord Church Road is restricted and C&D landfills provide a means to properly dispose of waste-related materials, seconded by Dr. Bui. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Stalder, Little, Bui and Alston. Nays: None.)

At this time a short break was taken from 7:05 until 7:15 p.m.

*For the following case, the attorney representing the applicant had provided his own stenographer who was to provide a verbatim transcript to the Planning Board. Therefore, the reporter retained by the County left the meeting at 7:20 p.m.*

**Evidentiary Hearing Item(s)****SPECIAL USE PERMIT CASE #22-10-PLBD-00025: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL, MAJOR AND ACCESSORY USES ON CONDITIONAL ZONING-HEAVY INDUSTRIAL (CZ-HI) ZONED PROPERTY: 2111 BISHOP ROAD**

Located at 2111 Bishop Road (Guilford County Tax Parcel #141332 and includes Tax Parcel #234575 located at 2075 ZZ Bishop Road in Sumner Township) and comprises approximately 86.7 acres. Tax Parcel #141332 is currently under a Special Use Permit (Ref Case #31-01 SP and amendment Case 18-08-GCPL-04985 SP) for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation.

This request is for a Special Use Permit for a Major Construction and Demolition Debris Landfill with the following conditions: (1) 30-foot buffer along parcels 141335 and 141336 shall remain as undisturbed vegetative buffer; and (2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked; Facility height (i.e. height of landfill) shall be limited to 185 feet. Subject properties are currently zoned CZ-HI (Ref Case #30-01) and pending zoning CZ-HI (Ref Case #22-10-PLBD-00023). The request would extend the C&D landfill operation to Parcel #234575. This request includes an associated Sketch Site Plan.

**[SEE ATTACHED TRANSCRIPT]**

**G. New Business**

None

**H. Other Business**

Comprehensive Plan Update

**I. Adjourn**

There being no further business before the Board, the meeting adjourned at 8:30 p.m.

***The next scheduled meeting is February 8, 2023.***

# TRANSCRIPT

## IN RE: A-1 SANDROCK Guilford County Planning Board Hearing on 01/11/2023

1 IN RE:  
2 A-1 Sandrock  
3 Conditional Zoning Case Number 22-10-PLBD-000023  
4 Special Use Permit Case Number 22-10-PLBD-000025

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8 GUILFORD COUNTY PLANNING BOARD HEARING

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11 DATE: Wednesday, January 11, 2023

12 TIME: 6:23 p.m.

13 LOCATION: NC Cooperative Extension -  
14 Guilford County Center  
15 3309 Burlington Road  
Greensboro, NC 27405

16 REPORTER: Lisa Taylor, RPR, Notary Public

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I N D E X

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5 Appearance Page .....3

6 Exhibit Page .....5

7 Certified Questions .....None

8 Reporter's Certificate Page .....120

9 Errata Sheet .....N/A

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For the Applicant:

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1 BOARD MEMBERS

2 JAMES DONNELLY, CHAIRMAN

3 AARON CALLOWAY

4 OLIVER BASS

5 J. LESLIE BELL

6 SAM STALDER

7 CARA BUCHANAN

8 RYAN ALSTON

9 DAVID CRAFT

10 DR. NHO THI BUI

11 JASON LITTLE

12 — — —

13 MS. TEAGUE - ROLL CALL

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E X H I B I T S

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EXHIBIT NO.

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(None Marked)

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1 (Hearing commences, 6:23 p.m.)

2 -- --

3 MR. TERRELL: Again, Tom Terrell, Fox  
4 Rothschild. We have on our own -- I say --  
5 well, our own, A-1 Sandrocks, made some  
6 additional offers of conditions, but  
7 Ms. Stone who lives in one of the homes off  
8 of Concord Church Road and her attorney have  
9 been working with us. We've been working  
10 with them. We've had quite a few  
11 communications.

12 And what I'm about to read into the  
13 record reflects the changes. There's  
14 actually more -- one -- a late breaking  
15 condition they asked us to add. We're glad  
16 to add it, and I will read that as well.

17 Now, but the first condition is the  
18 same condition, except we've tightened it up,  
19 and that is there shall be no access to  
20 Concord Church Road. We have deleted even  
21 emergency vehicles.

22 The height of the facility shall be  
23 limited to 185 feet is not new. That was  
24 approved by the county in 2018, when there  
25 was a special use permit at that time.

1           The third condition is that applicant  
2   shall use soil removed during construction of  
3   the CDLF, construction, demolition, and  
4   debris landfill, cells to construct the berm  
5   along the southeastern border of Tax Parcel  
6   234575.

7           Upon completion, the berm shall be no  
8   less than 1,200 linear feet and at least  
9   15 feet in height with a variety of  
10   evergreens planted along the berm crest  
11   approximately 8 to 10 feet apart.

12           Evergreens shall be selected from  
13   varieties expected to reach at least 15 feet  
14   in height at maturity.

15           The evergreens shall be maintained,  
16   and dead or diseased plants shall be replaced  
17   quarterly, depending upon seasonal  
18   conditions.

19           We also added a new set of conditions  
20   today. Hours of operations shall be limited  
21   to 7 a.m. to 6 p.m. Monday through Friday and  
22   8 a.m. to 1 p.m. on Saturdays and no work on  
23   Sundays.

24           MR. DONNELLY: All right. Is that the  
25   extent of the new conditions?

1           MR. TERRELL: That is correct.

2           MR. DONNELLY: Okay. What -- what I'd  
3 like to do -- again, when -- when this  
4 application came forward to the planning  
5 department and all of our information was  
6 prepared, we all received copies of the  
7 information as it was originally submitted.

8           With these additional conditions, we  
9 would like to consider the full set of  
10 conditions that have been offered here, and  
11 so we have to read these into the record.

12           And so for the changes, I want to go  
13 one by one and us as a board have the  
14 opportunity to accept this condition as a  
15 part of the application we'll then hear  
16 through our normal process.

17           So the first change that was made was  
18 to development condition number 1, it now  
19 reads: No access to Concord Church Road.  
20 The reference to emergency vehicles has been  
21 completely deleted from that. So the  
22 condition as it reads is no access to Concord  
23 Church Road.

24           Is there -- do we need to do a motion  
25 to second, or can we do this as a vote?

1 MR. BELL: We can have a vote.

2 MR. DONNELLY: Okay. So what I'd like  
3 to offer is all those in favor of accepting  
4 this condition -- we're not approving  
5 anything. We're simply accepting this  
6 condition as a part of the application for no  
7 access to Concord Church Road.

8 All those in favor, please indicate by  
9 saying aye.

10 BOARD MEMBERS: Aye.

11 MR. DONNELLY: Any opposed?

12 All right. Development condition  
13 number 1 has been adjusted.

14 We don't need to do anything with  
15 number 2. That's the same as it was around  
16 the height of this facility.

17 Condition number 3 was brought forth  
18 around the construction and maintenance of a  
19 berm and the planting of that.

20 Again, I'd like to offer all those in  
21 favor of accepting this condition as part of  
22 the application, please indicate by saying  
23 aye.

24 BOARD MEMBERS: Aye.

25 MR. DONNELLY: Any opposed?

1 All right. Again, unanimous vote.

2 We're accepting that condition into this  
3 application.

4 MR. BASS: May I add one thing? The  
5 phrase "subject to the seasonal conditions"  
6 does need to be added to the petition that we  
7 have written here.

8 MR. DONNELLY: Well, essentially, I  
9 think there's considerably more than that  
10 that needs to be added to that.

11 There was a question -- the whole  
12 piece around replanting ahead of that. So  
13 you're right, yeah.

14 MR. BASS: Yeah.

15 MR. DONNELLY: Yes, so this is not  
16 exactly -- as it was read by Mr. Terrell, not  
17 as we have in front of us.

18 Thank you for that clarification,  
19 Mr. Bass.

20 MR. BASS: Yes, sir.

21 MR. DONNELLY: The fourth condition is  
22 related to the hours of operation.

23 Again, all those in favor of accepting  
24 this condition as read into the application,  
25 please indicate by saying aye.

1 BOARD MEMBERS: Aye.

2 MR. DONNELLY: Any opposed?

3 All right. So these conditions have  
4 now been included as part of the application  
5 which we will now hear beginning with the  
6 staff report, and then we'll go through the  
7 process similar to what we did on the last  
8 case.

9 We'll have a public hearing where the  
10 folks who are in favor of this application  
11 and anyone who's opposed to it will have an  
12 opportunity to speak.

13 Mr. Bass?

14 MR. BASS: Thank you, Mr. Chair.

15 This is the Conditional Zoning Case  
16 22-10-PLBD-000023 to rezone it from AG,  
17 agriculture, to CZ-HI, conditional zoning  
18 heavy industrial.

19 The property is located at 27 -- 2075  
20 ZZ Bishop Road, Guilford County Tax Parcel  
21 234575, in Sumner Township, located  
22 approximately 100 feet from the terminus of  
23 Concord Church Road and comprising  
24 approximately 14.73 acres.

25 This is a request to conditionally

1 zone property from AG to HI with the -- with  
2 the conditions as amended by the board  
3 previously.

4 The AG zoning district is intended to  
5 provide locations for agricultural  
6 operations, farm residences, and tenant farm  
7 housing on large tracts of land.

8 The district is further intended to  
9 reduce conflicts between residential and  
10 agricultural uses to preserve viability of  
11 agricultural operations.

12 The HI district is intended to  
13 accommodate a broad range -- a broad range of  
14 heavy industrial uses, including  
15 manufacturing, wholesale, fabrication, and  
16 resource extraction.

17 The conditional zoning district is  
18 intended to establish as a companion district  
19 for every district established in section  
20 4.20 UBO, which includes HI zoning district.

21 All regulations which apply to the  
22 general use zoning district also apply to the  
23 companion conditional zoning and all other  
24 regulations that may be offered by the  
25 property owner and approved by the planning

1 board as part of the rezoning process.

2 Looking at the character of the area,  
3 we have taken some pictures -- pictures of  
4 adjacent properties in the vicinity.

5 The request is in a heavily  
6 industrialized area south of the subject  
7 parcel with uses that include A Rock -- A-1  
8 Sandrock landfill, an asphalt plant, a truck  
9 terminal -- a truck terminal along Bishop  
10 Road.

11 The area south of the request consists  
12 of low-density single family residential and  
13 subdivided lots along Concord Church Road.

14 Existing -- the existing land uses on  
15 the property: The subject property is  
16 currently undeveloped. There is a Duke  
17 Energy easement that's located along the  
18 southern boundary of the property. The  
19 southern boundary of the property which is  
20 property A on the map.

21 Surrounding uses is the A-1 Sandrock  
22 landfill operation, although there is a  
23 portion of the lot southern -- there is a  
24 southern portion of the lot that has a  
25 landfill, LCID landfill, but the portion that

1 fronts on Concord Church Road is primarily  
2 undeveloped.

3 East you have an asphalt plant, and  
4 then the property to the west is primarily --  
5 immediately adjacent to the west is primarily  
6 undeveloped.

7 There are no inventoried historic  
8 properties on the site, and no known  
9 cemeteries are located on the site.

10 Moving to the land use an- -- land use  
11 analysis. The property is located in the  
12 Southern Area Plan. It recommends the area  
13 as agricultural or/and rural residential.

14 The proposed zoning is inconsistent  
15 with the recommendation of the Southern Area  
16 Plan. These designations primarily support  
17 agricultural and residential uses. Typical  
18 uses in the HI zoning district are not among  
19 those anticipated within these land use  
20 designations.

21 Staff recommends approval of the  
22 request, although it is inconsistent with the  
23 Area Plan recommendations.

24 The requested action -- the requested  
25 action -- the requested action is reasonable

1 and in public interest because it is  
2 basically -- it is basically an extension of  
3 the conditional zoning for the A-1 Sandrock  
4 operation immediately north. Both parcels  
5 are under the same ownership, and the request  
6 proposes similar zoning conditions.

7 The proposed use is similar to other  
8 uses south of the subject parcel.

9 A minimal 50-foot type A buffer is  
10 required along the adjacent residentially  
11 zoned properties pursuant to the Guilford  
12 County Unified Development Ordinance.

13 Additionally -- additionally, access  
14 to the site from Concord Church is restricted  
15 under the proposed development conditions.

16 Finally, the C&D landfill does provide  
17 a means to properly dispose of waste-related  
18 materials within the county.

19 Because the proposed rezoning is  
20 inconsistent with the Southern Area Plan  
21 recommendation of rural residential and  
22 agricultural, if approved -- if the rezone is  
23 approved, an Area Plan to move to heavy  
24 industrial will be required.

25 That concludes my report.

1 MR. DONNELLY: Thank you, Mr. Bass.

2 Any questions from the board for  
3 Mr. Bass before we move into the public  
4 hearing to clarify anything in the report?

5 One question I had, Mr. Bass, if you  
6 could talk about -- if I understood you  
7 correctly, along this -- the lower edge of  
8 the portion, is that where the utility  
9 easement would be?

10 MR. BASS: Yes, sir.

11 I should have a picture of it. It may  
12 not be here in this case, but we do have it.  
13 We should have a picture of it.

14 MR. DONNELLY: My question was what,  
15 if any, impact does that easement have on the  
16 development that is being considered or the  
17 rezoning request in particular in this case?

18 MR. BASS: It's just that there's a  
19 restriction -- development is restricted in  
20 the utility easement based on Duke Energy's  
21 policy.

22 MR. DONNELLY: Um-hum.

23 MR. BASS: So they'll provide  
24 additional buffer between the adjacent  
25 southern properties.

1           MR. DONNELLY: And so that 50 feet  
2     type A buffer, does that go from the edge,  
3     then, of the utility easement or that would  
4     be included -- the utility easement would be  
5     included in that?

6           MR. BASS: That would be extended --  
7     extended from the southern boundary property  
8     line.

9           MR. DONNELLY: Okay. Okay.

10          MR. BASS: And that's in addition to  
11     other buffers that's shown on the -- that  
12     would be on the site plan for the landfill.

13          MR. DONNELLY: Okay. Okay. Great.  
14     Thank you.

15          Any other questions for Mr. Bass?

16          All right. We'd like to go into the  
17     public hearing.

18          Again, I'd like to ask at the  
19     beginning of this public hearing how many  
20     folks are here to speak on behalf of this  
21     application for rezoning.

22          We've got a couple of folks here who  
23     are interested in speaking on behalf of it.

24          Who is interested in speaking against  
25     this rezoning request?

1           Okay. So we've got a couple speakers  
2   for and one person who would like to speak  
3   against.

4           What we'll do is -- again, you've got  
5   20 minutes total, Mr. Terrell, on this. If  
6   you could manage your time within that to  
7   bring folks forward in approval, and then  
8   we'll go to the -- anyone who's opposed at  
9   the conclusion of that.

10           MR. TERRELL: Thank you. Glad to do  
11   that.

12           I think the first thing I should say  
13   is I hope you notice that the number of  
14   people in the room is much smaller this month  
15   as -- as opposed to last month, and that's, I  
16   think, maybe because of the neighborhood  
17   meeting with people who live as much as a  
18   half mile away was invited. People from a  
19   great distance, actually.

20           This is a C&D landfill. This is not  
21   something that you hear about or you talk  
22   about very often, but it is something that  
23   every growing community has to have. Every  
24   community with any type of growth has to have  
25   access to this type of landfill in some

1 manner.

2 So what is the C&D, or construction  
3 and demolition debris?

4 Any time you build a house, you have  
5 leftover 2-by-4s. You might have leftover  
6 shingles. You'll have concrete that is  
7 ground -- that is taken out when you're  
8 removing what's there to put in something  
9 that is new. That has to go somewhere.

10 These materials are either organic --  
11 they're -- they're the trees, the leaves, the  
12 limbs, the stumps that you might have out  
13 here in the parking lot -- or they are the  
14 materials like that stage that's right behind  
15 you, if that were to be taken up, if this  
16 building were taken down, or these  
17 cinderblocks. They would go to a place like  
18 the A-1 facility.

19 A-1, however, is a recycler more than  
20 they are a disposer of the materials, and  
21 when we -- in the SUP portion, we have  
22 photographs of that. But they are a huge  
23 recycler. Still, you have to have a  
24 facility.

25 Now, there are not many construction

1 and demolition debris landfills in this  
2 region, but what we do have is tremendous  
3 growth.

4 In fact, if you're reading the  
5 business journals or the Greensboro paper,  
6 there are several articles out there saying  
7 that the Piedmont Triad is probably recession  
8 proof or is recession proof because of all of  
9 the large economic projects that we have had  
10 coming through here.

11 And it's not just Toyota, and it's not  
12 just Boom. It's also Fan Fast. It's  
13 Wolfspeed, and it's all of those smaller,  
14 less sexy companies coming in that you don't  
15 read about in the headlines but that are just  
16 coming in in droves.

17 There are more subdivisions going up  
18 in this county now, I think, than any time  
19 since I have started practicing law, and  
20 every single one of them will need a C&D  
21 disposal.

22 In fact, in the A-1 Sandrocks service  
23 area, there are over 10,000 open files for  
24 building permits right now. That's not just  
25 Guilford County but includes their -- their

1 whole service area.

2 So this is the back end of all the  
3 stuff we read about in the newspapers on the  
4 front, and all of these landfills are filling  
5 up, every single one of them.

6 And this is the -- probably the last  
7 expansion they are ever going to be able to  
8 do. The height was approved five years ago,  
9 but this facility is hemmed in.

10 It is hemmed in on the south by power  
11 line, a regional transmission line, so it  
12 can't expand southward. There is a stream  
13 and of course Old Dominion to the west. You  
14 have Bishop Road that it sits on to the  
15 north, and then there is Blythe asphalt plant  
16 immediately to the east.

17 This 14-acre tract represents the only  
18 literal expansion that now is possible, and  
19 it would basically expand the base so that  
20 they can go up higher for this.

21 Now, Mr. Bass very correctly noted  
22 that this is just outside of the heavy  
23 industrial, the deep purple on the map.

24 But I'd like to point out that the  
25 only part of this tract that would be --

1 would have a landfill or any portion is about  
2 125 feet in width. That is all. Of that  
3 whole 14 acres, it's about 125 feet, and the  
4 rest of it would be dedicated to the berm  
5 that we discussed in the condition, or would  
6 just remain natural and grow up.

7 So basically it's only an expansion of  
8 that land use plan by 125 feet, and  
9 everything else is 100 percent consistent  
10 with those types of uses because there won't  
11 be any industrial use there other than to  
12 build that berm in the first couple of years.

13 Now, so those -- those are the key  
14 points that we would like to make.

15 We do have -- we have some exhibits  
16 that might be helpful if you have questions,  
17 and if your questions go to engineering, I'm  
18 going to very quickly call on David Garrett  
19 to respond, and if it goes to the business  
20 operation of the facility, I'd like for  
21 Ronnie Petty to come up.

22 MR. DONNELLY: Any questions for  
23 Mr. Terrell?

24 MR. CRAFT: Yeah. I'd like to hear a  
25 little bit more about the recycling --

1 MR. TERRELL: Yeah.

2 MR. CRAFT: -- aspect.

3 I think you said that a tremendous  
4 amount of what comes in is recycled.

5 MR. TERRELL: Oh, yes.

6 MR. CRAFT: So what's involved with  
7 that? What gets recycled?

8 MR. TERRELL: Just about everything is  
9 recycled that's recyclable. Sometimes there  
10 is no functional market for items that are  
11 technically recyclable, so you can say  
12 they're recyclable but there's really no  
13 economic way to do it.

14 But every bit of concrete that comes  
15 in is crushed so that you can have --  
16 basically it's aggregate. It's aggregate  
17 that makes that concrete. If you have  
18 asphalt that comes in, it is crushed. All of  
19 the wood is ground up; it's used for mulch.

20 At the special use permit portion, we  
21 had photographs of the -- the -- the huge  
22 operation where they sell the items that are  
23 recycled. And there are good markets for  
24 this, so it's economically smart to -- to  
25 create a secondary market for those things.

1           One of the things I'll show you, when  
2   I was visiting the site, was all these huge  
3   slabs of concrete that come -- or came from  
4   High Point City Lake. It's a massive-sized  
5   swimming pool. It was starting to leak, and  
6   they just had to completely redo it.

7           And they -- A-1 got that contract to  
8   take all of that material, and you'll see  
9   this monstrous pile of concrete slabs from  
10   that.

11           You know, you never think when  
12   something like that is taken out what happens  
13   to it. Well, actually, it has probably  
14   already been sold and it's either a road  
15   (indiscernible) for somebody or it's -- it's  
16   in a garden or something like that.

17           Ronnie, would you like to add to that?  
18   Is that -- is that a full explanation?

19           Okay.

20           MR. DONNELLY: Any other questions for  
21   Mr. Terrell?

22           I have one question, and this may be  
23   for your engineer to -- to answer or -- as I  
24   understand it from the description that you  
25   read of the third condition, that the soil

1 removed during construction is going to be  
2 used to build this berm. Can you walk us  
3 through what that process looks like.

4 I'm guessing --

5 MR. TERRELL: Yep, yep.

6 MR. DONNELLY: -- that that may be one  
7 of the visuals that you have.

8 MR. TERRELL: Yes. Let me explain how  
9 a landfill is constructed. I think David  
10 might be cringing that I do this, but he  
11 knows that I have worked on landfills  
12 throughout the state.

13 Landfills are built in cells. You dig  
14 out, and if -- if it's a lined landfill, you  
15 add the liner, and you fill one spot here,  
16 and then when it's capped and finished, you  
17 then go and do this next cell right here.

18 Each cell is very carefully  
19 engineered. It's a detailed engineering.

20 As I got -- and I had a conversation  
21 after the last meeting. He called it a dump  
22 and -- and he called me up to apologize, and  
23 we went into the intricate engineering that  
24 these things have.

25 But once you have two cells side by

1 side, then you start building cells on top of  
2 them. It's called piggybacking.

3 Now, as you dig them out, there will  
4 be soil. They don't know as we sit here  
5 today how much soil that is, but they do know  
6 that there should be enough for the -- what  
7 is in my 37 years the longest, most  
8 voluminous berm I have ever seen in any  
9 zoning case.

10 And we were offering 10 feet. They  
11 asked us -- Ms. Stone asked us to do 5 -- I  
12 mean an additional 5, so we did. That -- by  
13 the way, that's about 50 to \$75,000 in cost  
14 to A-1 Sandrocks to go from 10 feet to  
15 15 feet. That was not an inconsequential  
16 concession that was made at one neighbor's  
17 request.

18 But this is taken down -- taken down  
19 with a variety of moving equipment: movers,  
20 carriers.

21 And you have to build the berm so that  
22 there is at least a 3 to 1 slope. So that  
23 for every foot you go up, you have to have  
24 3 feet that goes out.

25 It would probably be less steep than

1 that because you have to get this equipment  
2 up and it has to be compacted and then you  
3 have to have a crest on the top, so -- where  
4 you can plant trees.

5 So when you take all of that together,  
6 the 3-to-1 slope, if it was a pyramid, it  
7 would just be 45 to 50 feet in width at the  
8 base, but when you add the crest, all of a  
9 sudden now you are at 60 to 65 feet width.  
10 So it is a monstrous berm.

11 Berms stop just about all sound coming  
12 from over them, and then the evergreens that  
13 would grow at a minimum of 15 feet would be  
14 an added visual buffer.

15 MR. DONNELLY: Thank you.

16 MR. TERRELL: Sure.

17 MR. DONNELLY: I want to make sure --  
18 we're about halfway through the time, and I  
19 know there are a couple other folks that want  
20 to speak.

21 Do you have anything else that you  
22 want to say, Mr. Terrell?

23 MR. TERRELL: No.

24 MR. DONNELLY: Okay. I'd like to  
25 invite one of the two other speakers who

1 requested to come up, and if you would please  
2 share with us your name and address, and we'd  
3 like you to address the board.

4 MR. BASS: Have them sign the sheet.

5 MR. DONNELLY: Yeah, and as you do  
6 that, please sign the sheet here that's right  
7 adjacent to the microphone.

8 And as you may have already observed,  
9 you need to pull the microphone a little bit  
10 to you so we can all hear.

11 MR. GARRETT: Good evening, everyone.

12 How is this?

13 MR. DONNELLY: Good.

14 MR. GARRETT: I'm David Garrett. I'm  
15 a civil engineer practicing civil and  
16 geotechnical engineering, have been for a  
17 number of years, decades. I'm also a  
18 licensed geologist.

19 And I've been dealing with landfills  
20 most of my career. In excess of 30 years  
21 devoted to landfills. My entire practice has  
22 been, as of this month, 40 years.

23 I wanted to speak a little bit about  
24 the technical aspects of the facility.

25 The typical questions that we get deal

1 with the nature of the waste. What is the  
2 waste? Is it putrescible? Is it infectious?  
3 And it's not.

4 As Tom described, it's inert materials  
5 that are left over from construction or if a  
6 building is taken down. You know, some of  
7 the materials that cannot be readily recycled  
8 would -- would wind up in this facility.

9 So there's no odors that escape the  
10 boundary. And we talked to the neighbors  
11 last week. Not one of them told me that  
12 they'd ever encountered an odor.

13 Also, there's no vectors, there's no  
14 birds, there's no rats or any types of  
15 wildlife that's attracted to the waste.

16 Oh, and I've been working on this  
17 facility since its inception. I know the  
18 site probably as well as anyone.

19 And I've had the pleasure of working  
20 with three generations of the Petty family,  
21 and I can attest that they are genuine  
22 people.

23 I wanted to testify that the landfill  
24 does not -- well, excuse me. I got off on my  
25 own.

1           The landfill does and will continue to  
2   meet all of the local zoning conditions and  
3   requirements as well as the state's  
4   permitting requirements.

5           This facility is monitored and  
6   permitted by the North Carolina Department of  
7   Environmental Quality. They are located in  
8   Raleigh. They have agents in Winston-Salem,  
9   and they make regular inspections of the  
10   facility there to, you know, just verify that  
11   the facility's in compliance.

12           I wanted to speak about groundwater.  
13   This is a typical question that we get and it  
14   hasn't really surfaced in these discussions.

15           But groundwater is -- being the  
16   resource that it is, the facility is designed  
17   and monitored in order to protect groundwater  
18   quality.

19           And we've had no violations in  
20   groundwater whatsoever at the facility, and  
21   it's been in service since 2009. So  
22   that's -- that's a pretty good history.

23           Groundwater flows away from the  
24   community that brought these concerns about  
25   Concord Church Road. There are several

1 people on wells there. Groundwater is  
2 flowing away from them.

3 I mentioned that we've had no  
4 detectable impacts. We've also had no  
5 violations for operations.

6 And the -- the facility is very well  
7 run. This is one of the best facilities I  
8 have dealt with in the state, and I've worked  
9 on 100 facilities.

10 I have -- I don't want to get  
11 repetitive, so I believe that I have come to  
12 the end of my statement, and I will entertain  
13 questions.

14 MR. DONNELLY: Thank you, Mr. Garrett.

15 Any questions for Mr. Garrett?

16 One question. At the beginning of  
17 your comments, I heard a couple of words, one  
18 of which I recognize and one I did not.

19 That the waste is neither putrescible  
20 or infectious?

21 MR. GARRETT: Putrescible.

22 MR. DONNELLY: Putrescible.

23 MR. GARRETT: That means it rots.

24 MR. DONNELLY: Oh, it rots. Okay.

25 MR. GARRETT: That's what people

1 normally think of in a landfill is the  
2 kitchen waste, and it does decompose, and  
3 this waste does not.

4 MR. DONNELLY: Okay. Thank you for  
5 that clarification.

6 Any other questions?

7 All right. I believe we have one more  
8 speaker who wanted to -- you've got three  
9 minutes and 40 seconds. You're welcome to --  
10 no?

11 Okay. All right. So anyone else who  
12 would like to speak on behalf of this?

13 All right. I'd like to move then to  
14 folks who will be speaking against this  
15 rezoning request.

16 And we have a gentleman from the back.  
17 I'd like to invite you forward. When you  
18 come to the podium, if you would --

19 You're going to bring that back? You  
20 can't run off with our speakers.

21 Come on, up, and I'll have you sit  
22 down and share your name and address with the  
23 group.

24 And then as soon as Mr. Garrett is  
25 done with the clipboard, we'll give you the

1 clipboard, and you'll have an opportunity to  
2 sign that as well.

3 MR. COLEMAN: Okay. Richard Coleman.

4 MR. DONNELLY: And your address,  
5 Mr. Coleman?

6 MR. TERRELL: I own the property at  
7 2372 Concord Church Road.

8 MR. DONNELLY: Okay. Great.

9 What would you like to share with us?

10 MR. COLEMAN: Well, it started out as  
11 a recycling center. He recycled everything.

12 It looks like they bury more than  
13 anything over there, and I just want to know  
14 why.

15 There's no fence containing the  
16 blowable trash that blows around everywhere.  
17 I have pictures here, if you guys would like  
18 to view them, of the trash blowing  
19 everywhere. It's plastics, vinyl,  
20 everything.

21 Contaminate goes in there, and they do  
22 break down. And they are very contaminant.

23 And I would like an environmental  
24 impact -- if you guys would at least study  
25 environmental impact before you make a

1 decision on this.

2 And we'd like to -- and if it does go  
3 through, we'd like the berm to start  
4 immediately, not two years later.

5 And another question I have is why do  
6 we need to expand the landfill when we're  
7 trying to put a transfer station in?

8 Isn't that what a transfer station is,  
9 to move your trash out of Guilford County?

10 And that's all I have to say.

11 MR. DONNELLY: Okay. Any questions  
12 for Mr. Coleman?

13 MR. ALSTON: I have.

14 MR. DONNELLY: Sure.

15 MR. ALSTON: Were you aware of the  
16 community hearing they held -- what was  
17 it? -- last week?

18 MR. COLEMAN: Yes. I was there.

19 MR. ALSTON: Did you go? Okay. Just  
20 asking.

21 MR. COLEMAN: I was at two community  
22 meetings last week.

23 MR. ALSTON: Gotcha.

24 MR. COLEMAN: One last week and the  
25 one the week before.

1 DR. BUI: How much of debris are you  
2 talking about that are flying and everything,  
3 and what type of debris are you --

4 MR. COLEMAN: Plastics, papers. Right  
5 here you can look and see for yourself. Here  
6 is a video, if you would like to look.

7 MR. CRAFT: Is your property  
8 referenced up there? Can we --

9 MR. COLEMAN: I'm on the power line,  
10 yes.

11 MR. CRAFT: Okay. Are you at the end  
12 of the road on the right?

13 MR. COLEMAN: Yes.

14 MR. CRAFT: Okay. And is that your  
15 principal residence? You live there?

16 MR. COLEMAN: I own the property. I  
17 do not live there.

18 MR. CRAFT: Okay.

19 MR. DONNELLY: Is that the 2372  
20 Concord Church Road?

21 MR. COLEMAN: Correct.

22 MR. DONNELLY: Yeah. Okay. It's  
23 listed on our map. I was just making sure of  
24 that. Okay.

25 MR. BELL: Mr. Chairman, what we'll

1 try to do is see if Mr. Coleman can e-mail us  
2 that.

3 MR. COLEMAN: Yes, sir, we can e-mail  
4 this to you. I didn't know -- if you  
5 could -- we have an SD card. We could put it  
6 up there. The county says you've got to  
7 e-mail it.

8 MR. DONNELLY: Okay. Any other  
9 questions for -- for Mr. Coleman?

10 MR. COLEMAN: Oh, and one other thing.  
11 There is animals that -- birds and all that  
12 do fly over the landfill. Which the guy back  
13 there said they didn't exist, but they do.  
14 There's lots of birds.

15 MR. DONNELLY: And if you would,  
16 Mr. Coleman, go ahead and sign our clipboard  
17 there with just your name and address, that  
18 would be great.

19 While he's doing that, is there anyone  
20 else here tonight who is interested in  
21 speaking against this rezoning case?

22 I -- hearing none, I would like to at  
23 least provide an opportunity for -- there  
24 were some questions that were raised in  
25 the -- there were some questions that were --

1 are you interested in speaking against?

2 MR. KNIGHT: I understand that it's  
3 for or against. It's not an opportunity to  
4 comment one way or the other? Can I -- do I  
5 have to take a position?

6 MR. DONNELLY: No. You can certainly  
7 make a comment during this period of time,  
8 but if you want to do that, we'll have to  
9 have you come up and have a seat and then  
10 sign our thing.

11 Certainly happy to have any additional  
12 comment on this if you'd like.

13 Mr. Coleman, is that everything?

14 MR. COLEMAN: Yes.

15 MR. DONNELLY: Okay. Great.

16 We will -- because we're in the side  
17 of folks who are opposing, we're going to  
18 hold you under this time frame, but certainly  
19 invite you to come up and share comments if  
20 you'd like.

21 Thank you, Mr. Coleman.

22 MR. COLEMAN: Thank you.

23 MR. DONNELLY: Again, if you would  
24 share with us name address and write that on  
25 the clipboard.

1 MR. KNIGHT: My name is Ira Knight.

2 If you look at the map, the property  
3 designated as D, I own the parcel adjoining  
4 that to the south. It's the one that looks  
5 like a bow tie there.

6 MR. DONNELLY: Um-hum.

7 MR. KNIGHT: That's a farm. We -- we  
8 grow tobacco, sweet potatoes, and winter  
9 wheat.

10 I learned about this hearing a few  
11 weeks ago, but I wasn't aware of a community  
12 meeting, and that was the only point that I  
13 wanted to clarify. I -- I hadn't received  
14 notice of that.

15 I do -- I don't own a parcel that  
16 adjoins the parcel marked A --

17 MR. DONNELLY: Um-hum.

18 MR. KNIGHT -- because of the --  
19 there's a very small lake down there on the  
20 map that exists, but that -- that was my only  
21 comment.

22 MR. DONNELLY: Okay. Thank you, Mr.  
23 Knight.

24 Because there were some questions that  
25 were raised during the comments against this

1 application, I'd like to provide the  
2 applicant at least an opportunity to respond  
3 to some of those questions, if there's  
4 anything you'd like to add.

5 And when we go into this rebuttal  
6 period, again, no new information can be  
7 shared, but comments can be made around  
8 questions that were raised.

9 And so, Mr. Terrell, are you going to  
10 come forward and speak on behalf of the  
11 applicant?

12 MR. TERRELL: Yes.

13 MR. DONNELLY: One second, please,  
14 while we deal with our technical  
15 difficulties.

16 Mr. Terrell?

17 MR. TERRELL: Thank you. As to  
18 Mr. Knight, he did call me today. He got me  
19 by my cell phone, and we did speak, so we did  
20 have an opportunity -- it was a very  
21 professional conversation where I gave him, I  
22 hope, all the answers that he would like to  
23 have.

24 He was outside of the notification  
25 area as an adjoining owner, and he wasn't one

1 who signed up, so he sort of fell out of that  
2 crack.

3 I would like to comment about the  
4 trash. You're going to have trash blowing  
5 any time you have light materials, but A-1  
6 Sandrocks has its employees out there on a  
7 regular basis picking the trash up. They're  
8 required to do that by their permit. It's  
9 not a daily operation, but it is something  
10 that they do regularly.

11 And this -- the berm that is offered  
12 as a condition of this with the trees on top  
13 should prevent any and all of that  
14 lightweight materials on windy days from  
15 leaving the site whatsoever at least down  
16 into that direction.

17 MR. DONNELLY: Any questions for  
18 Mr. Terrell?

19 All right. Thank you.

20 MR. TERRELL: Thank you.

21 MR. DONNELLY: Yes, Mr. Garrett?

22 MR. GARRETT: Mr. Chairman, I have  
23 just a couple more comments about the blowing  
24 trash.

25 It is an operational requirement that

1 that trash -- that the blowing debris be  
2 managed, as Mr. Terrell mentioned.

3 We also have an operational cover  
4 requirement where soil is applied to the  
5 working surface on a periodic basis in order  
6 to prevent blowing material, and the -- the  
7 facility has not had any violations for  
8 blowing debris.

9 It's -- it's common at landfills, but  
10 they do a good job of keeping it picked up  
11 because they don't have any violations.

12 And I want to address the birds as  
13 well. You may see some birds out there, but  
14 they're not of the scavenging variety like  
15 seagulls and vultures and things that you're  
16 going to see attracted to an MSW landfill.  
17 That's your household waste. So we do not  
18 have those kind of conditions.

19 MR. TERRELL: Tell them how the soil  
20 cover works.

21 MR. GARRETT: Soil cover is an  
22 application of 6 inches of soil, average  
23 depth, to completely cover the waste within  
24 an operating cell.

25 The cells are usually, I think by

1 definition, at one-half acre or less or a  
2 one-week period or less. Those are your  
3 maximums for C&D.

4 MR. DONNELLY: Thank you, Mr. Garrett.

5 MR. GARRETT: Thank you.

6 MR. DONNELLY: Any questions for  
7 Mr. Garrett?

8 Okay. Thank you.

9 MR. GARRETT: Thank you.

10 MR. DONNELLY: Any other speakers for  
11 the -- in favor of this proposal?

12 Mr. Coleman, if there's anything that  
13 you just heard -- you heard earlier that you  
14 wanted to comment on, we -- there's no new  
15 information, but you do have an opportunity,  
16 if there's anything else you wanted to share  
17 from what you just heard from the applicants.

18 We don't have the opportunity to have  
19 new speakers at this point, sir.

20 Thank you.

21 UNIDENTIFIED SPEAKER: Oh, okay. I  
22 thought you said if I wanted to talk for it.

23 UNIDENTIFIED SPEAKER: For it?

24 UNIDENTIFIED SPEAKER: For it.

25 MR. DONNELLY: Well, we -- we did that

1 in the initial part. This is only the  
2 rebuttal period.

3 UNIDENTIFIED SPEAKER: Okay.

4 MR. COLEMAN: I have a question.

5 He's wanting to propose to build a  
6 12-foot berm, 15-foot berm with trees.  
7 185 feet high. What good is that going to  
8 do?

9 The City of Greensboro takes and  
10 builds a fence to contain their blowable  
11 trash. Theirs is no contaminant at all.

12 And there is vultures out there on the  
13 power lines and stuff like that that hang out  
14 at the landfill.

15 MR. DONNELLY: Okay.

16 MR. COLEMAN: Okay. I just wanted to  
17 conclude that.

18 MR. DONNELLY: Yep. Thank you,  
19 Mr. Coleman.

20 Oh, before you run away, any questions  
21 for Mr. Coleman?

22 Okay. Thank you.

23 So we've heard from the proponents and  
24 the opponents.

25 If -- we have one other speaker out

1 here. We probably have a couple -- extra  
2 time.

3 Do we have time to allow for one more  
4 speaker from the...?

5 All right. Sir, you're interested  
6 in -- in sharing some comments. If you would  
7 come up and sign in, again, on our form here  
8 your name and your address.

9 MR. HANES: I'm Calvin Hanes.

10 MR. DONNELLY: Mr. Hanes.

11 MR. HANES: I live at 2369 Concord  
12 Church Road.

13 MR. DONNELLY: Okay.

14 MR. HANES: Which is -- is beside D.  
15 I think it's D.

16 MR. DONNELLY: 2369.

17 MR. TERRELL: The last property on the  
18 left.

19 MR. HANES: The last property on the  
20 left.

21 MR. DONNELLY: Okay. Very good.

22 MR. HANES: Mr. Petty came out and  
23 talked to me, and he assured me that he is  
24 going to build a berm across there.

25 As far as I'm concerned, it's his

1 land, he can do what he wants to with it as  
2 long as they don't use our road, and they're  
3 not going to.

4 As far as debris blowing, there ain't  
5 no debris that blowed on my property, and I'm  
6 down 300 foot from it. 400 maybe. I don't  
7 know.

8 Anyhow, I don't have a problem with  
9 it. And I've also talked to Dogit  
10 [phonetically] who owns the land aside of me,  
11 and he's going to put a 20-foot berm up and  
12 plant trees on it.

13 Because right now you can sit on my  
14 back deck and see A-1's dump, but hopefully  
15 their berm will cover that where I don't have  
16 to see it. I'm still going to hear it, but  
17 at least I won't have to look at it.

18 Now, I've lived there 68 years, and I  
19 don't have a problem with them. Most of the  
20 people in here do, but I don't really give a  
21 shit.

22 MR. DONNELLY: Thank you, Mr. Hanes.

23 Any questions for Mr. Hanes?

24 All right. That being all the  
25 speakers who indicated an interest in

1 speaking, is there a motion to close the  
2 public hearing by motion to close?

3 DR. BUI: Motion to close.

4 MR. DONNELLY: Motion to close the  
5 hearing by Dr. Bui.

6 Second by...?

7 MS. BUCHANAN: Second.

8 MR. DONNELLY: Second by Ms. Buchanan.

9 All those in favor of closing the  
10 public hearing, please indicate by saying aye.

11 BOARD MEMBERS: Aye.

12 MR. DONNELLY: All right. So the  
13 public hearing is now closed, and it will go  
14 to discussion and conversation among the  
15 board, or if somebody is in a place where  
16 they want to offer a motion, we can do that  
17 as well.

18 And, again, if somebody wants to make  
19 a motion, because of the fact that we have a  
20 plan amendment that's required, we need  
21 format number 3 to make a motion if someone  
22 wants to approve, and if -- it would be  
23 number 2 if somebody wanted to deny this.

24 So any questions, thoughts, comments,  
25 discussions from the members of the...?

1 MR. CRAFT: Yeah.

2 MR. DONNELLY: Mr. Craft?

3 MR. CRAFT: I'm inclined to approve  
4 it. It's a minor expansion of an existing  
5 facility. It's in industrialized area.

6 I think they worked hard to address  
7 neighborhood concerns.

8 And it's -- it's one of those things  
9 you don't think about, but it's an important  
10 thing, operation to -- you know, that you  
11 need in a growing area.

12 So that's -- that's where I am.

13 MR. DONNELLY: And one thing that  
14 provides us a good opportunity to just  
15 clarify for us as we consider this case, this  
16 is a rezoning case, and so this in and of  
17 itself does not expand the landfill but  
18 creates the opportunity for a landfill to be  
19 expanded and will have the opportunity if it  
20 gets approved by a supermajority to hear that  
21 request.

22 So this is specifically the rezoning  
23 that's being asked for our consideration.

24 Any other comments, questions, or does  
25 someone have a motion they'd like to offer?

1 Mr. Alston?

2 MR. ALSTON: Mr. Craft -- me and  
3 Mr. Craft, we had a chance to go to the  
4 community meeting.

5 MR. DONNELLY: Um-hum.

6 MR. ALSTON: And I expected a bigger  
7 turnout because of the crowd that we had here  
8 at the prior meeting.

9 MR. DONNELLY: Um-hum.

10 MR. ALSTON: I think it says a lot to  
11 how hard they worked on working with the  
12 adjacent properties in the community.

13 So I would also move to approve just  
14 because of how they extinguished the fire  
15 from the last meeting. So I think that says  
16 a lot on the hard work that we've been doing.

17 And also move to approve.

18 MR. DONNELLY: Okay. Thank you,  
19 Mr. Alston.

20 Would you like to turn that into a  
21 motion?

22 MR. ALSTON: I'll let Mr. Craft do  
23 that.

24 MR. CRAFT: All right.

25 I move to approve this zoning

1 amendment located at Guilford County Tax  
2 Parcel Number 234575 from AG to CZ-HI with  
3 the conditions that have been previously  
4 presented and approved by this board.

5 This approval also amends the Southern  
6 Area Plan by changing the parcel from AG to  
7 HI.

8 This amendment is reasonable in the  
9 public interest. Even though it's  
10 inconsistent with the Area Plan, it is  
11 basically an extension of the conditional  
12 zoning for C&D landfill immediately north,  
13 but the parcels are under the same ownership  
14 and the request proposes similar zoning  
15 conditions.

16 The proposed use is similar to other  
17 uses south of the subject parcel.

18 A minimum of 50-foot type A buffer is  
19 required from the adjacent  
20 residentially-zoned properties pursuant to  
21 the Guilford County Unified Development  
22 Ordinance.

23 Additionally, access to the landfill  
24 site from Concord Church Road is restricted.

25 And C&D landfills provide a means to

1 properly dispose of waste-related material.

2 MR. DONNELLY: Is there a second to  
3 that motion?

4 Dr. BUI: Second.

5 MR. DONNELLY: Seconded by Dr. Bui.

6 Just I wanted to clarify, Mr. Bell,  
7 because of the fact that we read these  
8 conditions in on the front end, we don't need  
9 to include them in this section here, even  
10 though this (indiscernible) because that's  
11 already a part of the full application at  
12 this point?

13 MR. BELL: That's correct.

14 MR. DONNELLY: So -- all right. So a  
15 motion has been made and appropriately  
16 seconded.

17 A roll call vote, please.

18 MS. TEAGUE: Mr. Alston?

19 MR. ALSTON: Yes.

20 MS. TEAGUE: Ms. Buchanan?

21 MS. BUCHANAN: Yes.

22 MS. TEAGUE: Dr. Bui?

23 DR. BUI: Yes.

24 MS. TEAGUE: Mr. Craft?

25 MR. CRAFT: Yes.

1 MS. TEAGUE: Mr. Little?

2 MR. LITTLE: Yes.

3 MS. TEAGUE: Mr. Stalder?

4 MR. STALDER: Yes.

5 MS. TEAGUE: And Mr. Donnelly?

6 MR. DONNELLY: Yes.

7 All right. So this being a unanimous  
8 vote of 7 to 0 satisfies the requirement for  
9 final action on behalf of the Guilford County  
10 Planning Board.

11 As with any zoning case, this case may  
12 be appealed to the Board of County  
13 Commissioners within 15 days, and that appeal  
14 must be accompanied by a processing fee.

15 Because of the fact that we have what  
16 is in effect a final decision, we as a board  
17 have the opportunity consider the next item  
18 on our agenda, which is a special use permit  
19 related to the operation of this C&D  
20 landfill.

21 As I mentioned before, this agenda  
22 item is different than our other agenda  
23 items.

24 Whereas we had -- the burden was for  
25 us as a board to decide what was reasonable

1 and in the public interest, in a special use  
2 permit, the board is making findings of fact,  
3 and so essentially everything that has been  
4 done up to this point is off the table, and  
5 we're going to have a hearing specifically  
6 based on the case that is presented here  
7 tonight.

8 The first thing that we want to do --  
9 I'm going to swear in our folks who would  
10 like to speak in two groups.

11 The first group I'm going to swear in  
12 is the folks on the behalf of the applicant,  
13 as well as staff who are going to make a  
14 presentation.

15 When we get to the point where we  
16 have -- the application has been completed,  
17 I'm going to swear in the -- anyone who wants  
18 to speak against.

19 Based on some of the other things, I  
20 suspect we may want to take a five-minute  
21 break, so I'm going to take that to the  
22 board.

23 We've lost a couple of people.

24 Approval for a 5-minute break. All  
25 those in if favor, please indicate aye.

1 BOARD MEMBERS: Aye.

2 MR. DONNELLY: Any opposed?

3 All right. So this meeting is  
4 suspended for a 5-minute break, please, if  
5 you need to use the facility.

6 We will reconvene at 7:20.

7 (Recess taken.)

8 MR. DONNELLY: I'd like to call us  
9 back to order.

10 All right. With a -- as I indicated,  
11 with a special use permit, we actually have  
12 to swear in anyone who is going to speak as a  
13 part of these proceedings.

14 And so the first thing I'm going to do  
15 is swear in those who are going to speak on  
16 behalf of the applicant as well as the staff  
17 who are going to present any information.

18 When we get a little bit later in the  
19 meeting, we will swear in anyone who wishes  
20 to speak against this special use permit  
21 request.

22 And I know at least one of the  
23 applicant party is missing, but I see him  
24 coming.

25 Is there anybody else from the

1 applicant party who needs to be sworn in?

2 UNIDENTIFIED MAN: Let's move on.

3 Let's move on.

4 MR. DONNELLY: So anybody who needs to  
5 be sworn in, I'm going to invite you to  
6 stand.

7 Are you going to be speaking for the  
8 applicant, or are you going to wait to do the  
9 in opposition, sir, Mr. Coleman?

10 MR. COLEMAN: Opposition.

11 MR. DONNELLY: Okay. We'll get you in  
12 a minute. We'll get you in a minute.

13 So anyone who wishes to speak on  
14 behalf of the applicant, please stand and  
15 raise your right hand and along with the  
16 staff.

17 What I'm going to ask you to -- and  
18 you can respond by either "I swear" or "I  
19 affirm."

20 I swear to tell the truth, the whole  
21 truth, and nothing but the truth, so help me  
22 God.

23 STAFF AND POTENTIAL SPEAKERS: I do.

24 MR. DONNELLY: I do. That's all we  
25 need. Great. Thank you.

1           Now, the reason that I wanted to do  
2   that before we get started, again, in a  
3   similar situation to what we had before, I  
4   understand that there are some additional  
5   conditions that we are going to read into  
6   this special use permit application.

7           So, Mr. Terrell, I'm going to invite  
8   you up again to go through those conditions,  
9   and we will accept those individually as we  
10   did before before we get into the actual  
11   comments from the staff.

12           MR. TERRELL:   Thank you,  
13   Mr. Chairman.

14           Tom Terrell from with law firm of Fox  
15   Rothschild representing A-1 Sandrocks.

16           I won't be repeating the existing  
17   conditions but adding the new conditions or  
18   the revised conditions into the record.

19           The first one is that there shall be  
20   no access from Concord Church Road. The  
21   provision about emergency vehicles being able  
22   to have access was deleted.

23           Facility height has been approved  
24   about five years ago.

25           The next item is that the applicant

1 shall use soil removed during construction of  
2 the CDLF cells to construct a berm along the  
3 southeastern border of Tax Parcel 234575.

4 Upon completion, the berm shall be no  
5 less than 1,200 linear feet and at least  
6 15 feet in height with a variety of  
7 evergreens planted along the berm crest  
8 approximately 8 to 10 feet apart.

9 Evergreens shall be selected from  
10 varieties expected to reach at least 15 feet  
11 in height at maturity.

12 The evergreens shall be maintained,  
13 and dead or diseased plants shall be replaced  
14 quarterly, depending on seasonal conditions.

15 And then the last condition -- excuse  
16 me -- is that hours of operation shall be  
17 limited to 7 a.m. to 6 p.m. Monday through  
18 Friday and 8 a.m. to 10 p.m. on Saturdays.  
19 No work on Sundays.

20 MR. BELL: 10 p.m. on --

21 MR. DONNELLY: I was going to ask the  
22 same question.

23 On Saturdays, is it 10 p.m. or 1 p.m.?

24 I heard you say 10 p.m. I've got --

25 MR. TERRELL: I'm sorry. 1 p.m. on

1 Saturdays.

2 MR. DONNELLY: All right. Thank you.

3 MR. TERRELL: Sorry.

4 MR. DONNELLY: Thank you.

5 What I'd like to do, then, is go  
6 through the same process we went through  
7 before, and we will accept these conditions  
8 as individual items.

9 So all those in favor of accepting  
10 condition, in this case, it's number 2, which  
11 simply says no access --

12 MR. BELL: (Inaudible.)

13 MR. DONNELLY: Roll call. Okay. So  
14 we'll do a roll call vote on accepting these  
15 conditions.

16 The first condition is no access from  
17 Concord Church Road.

18 Roll call vote, please, to accept the  
19 condition for no access from Concord Church  
20 Road.

21 MS. TEAGUE: Mr. Alston?

22 MR. ALSTON: Yes.

23 MS. TEAGUE: Ms. Buchanan?

24 MS. BUCHANAN: Yes.

25 MS. TEAGUE: Dr. Bui?

1 Dr. BUI: Yes.

2 MS. TEAGUE: Mr. Craft?

3 MR. CRAFT: Yes.

4 MS. TEAGUE: Mr. Little?

5 MR. LITTLE: Yes.

6 MS. TEAGUE: Mr. Stalder.

7 MR. STALDER: Yes.

8 MS. TEAGUE: And Mr. Donnelly?

9 MR. DONNELLY: Yes.

10 So that condition is accepted by a  
11 vote of 7 to nothing.

12 The next condition is that -- relates  
13 to the condition as read by Mr. Terrell  
14 around the use of soil to construct a berm as  
15 well as the planting and maintenance of  
16 evergreens.

17 Roll call vote, please.

18 MS. TEAGUE: Mr. Alston?

19 MR. ALSTON: Yes.

20 MS. TEAGUE: Ms. Buchanan?

21 MS. BUCHANAN: Yes.

22 MS. TEAGUE: Dr. Bui?

23 DR. BUI: Yes.

24 MS. TEAGUE: Mr. Craft?

25 MR. CRAFT: Yes.

1 MR. ALSTON: Mr. Little?

2 MR. LITTLE: Yes.

3 MS. TEAGUE: Mr. Salter?

4 MR. STALDER: Yes.

5 MS. TEAGUE: Mr. Donnelly?

6 MR. DONNELLY: Yes.

7 All right. That condition is also  
8 approved by a vote of 7 to 0.

9 The last condition relates to the  
10 hours of operation limited to 7 a.m. to  
11 6 p.m. Monday through Friday, and just to  
12 clarify, 8 a.m. to 1 p.m. on Saturdays, with  
13 no work on Sundays.

14 Roll call vote, please.

15 MS. TEAGUE: Mr. Alston?

16 MR. ALSTON: Yes.

17 MS. TEAGUE: Ms. Buchanan?

18 MS. BUCHANAN: Yes.

19 MS. TEAGUE: Dr. Bui?

20 Dr. BUI: Yes.

21 MS. TEAGUE: Mr. Craft?

22 MR. CRAFT: Yes.

23 MS. TEAGUE: Mr. Little?

24 MR. LITTLE: Yes.

25 MS. TEAGUE: Mr. Stalder?

1 MR. STALDER: Yes.

2 MS. TEAGUE: Mr. Donnelly?

3 MR. DONNELLY: Yes.

4 All right. So all conditions have now  
5 been read into this application for a special  
6 use permit, so everything that we just talked  
7 about is now a part of the formal application  
8 which we will be considering as we move  
9 forward.

10 Now we can turn it over. It looks  
11 like Mr. Bass is going to be sharing some  
12 information with us on this case.

13 MR. BASS: Yes. My name is Oliver  
14 Bass, senior planner for the planning  
15 department.

16 This is special use permit Case Number  
17 22-10-PLBD-000025 for construction and  
18 demolition debris landfill major and  
19 accessory uses on property that is  
20 conditionally zoned HI.

21 The property is located at 2111 Bishop  
22 Road, Guilford County Tax Parcel Number  
23 141332, and includes Tax Parcel 234575  
24 located at 2075 ZZ in Sumner Township and  
25 comprises 86.7 acres.

1 Tax Parcel 1- -- with regard to the  
2 nature of the request, Tax Parcel 141332 is  
3 currently zoned under a special use permit,  
4 reference case 31-01 SP and amendment case  
5 18-08-GCPL-04985 SP.

6 It's for a major land -- land clearing  
7 and inert -- debris, L -- which is an LCID  
8 landfill, a major construction and demolition  
9 landfill, and the Sandrock mining operation.

10 This is a request for a special use  
11 permit for a major construction and  
12 demolition debris landfill with the --  
13 only -- it's only -- so the other two uses  
14 are no longer included in this request -- and  
15 with the conditions that were amended and  
16 accepted by the planning board.

17 This area -- this request is in a  
18 heavily industrialized area along Bishop  
19 Road. Several waste-related industries are  
20 concentrated in the area. These uses include  
21 a landfill operation, a solid waste transfer  
22 station, and a solid waste collection  
23 contractor.

24 Other industrial uses in the area  
25 include an asphalt plant and a trucking

1 terminal facility.

2 The area south of the subject parcel  
3 on Concord Church Road consists of single  
4 family residential dwellings on subdivided  
5 lots which are separated by Duke Energy's  
6 60 -- 60-foot easement at Plat Book 66, Page  
7 78 in the Register of Deeds.

8 Existing land uses on the property is  
9 Tax Parcel -- Tax Parcel 141332 is currently  
10 operating under a special use permit for a  
11 major land clearing and inert debris  
12 landfill, a major construction and demolition  
13 debris landfill, and Sandrocks mining. While  
14 Tax Parcel 234575 is currently undeveloped.

15 As mentioned earlier, Duke Energy  
16 transmission lines run south of the subject  
17 parcel.

18 With regards to the surrounding land  
19 uses, to the north is a solid waste transfer  
20 station and A-1 landfill maintenance building  
21 which is across the street from the subject  
22 property, a closed LCID site, a solid waste  
23 collection company, and similar industrial  
24 uses.

25 South of the property you have

1 undeveloped and single-family lots along  
2 Concord Church Road, an asphalt plant, and  
3 undeveloped land, and undeveloped land, and a  
4 trucking terminal to the west.

5 There are no inventoried historic  
6 properties located on the site, and no known  
7 cemeteries are on the property.

8 With regards to emergency response, it  
9 is in the Pinecroft-Sedgefield fire  
10 protection special district. It is  
11 approximately .8 miles from the nearest fire  
12 station.

13 The area is served by private septic  
14 systems and wells.

15 Bishop Road -- with regards to  
16 transportation, Bishop Road is a minor  
17 thoroughfare under the Greensboro MPO  
18 Collector Street Plan. NCDOT 2019 traffic  
19 volume count reported 4,500 average daily  
20 traffic near the Groometown Road  
21 intersection.

22 The proposed improvements: The  
23 collector street plan does propose an  
24 extension that might -- that could  
25 potentially connect Viewpoint Drive to Kivett

1 Drive and if developed could be -- could  
2 impact the subject site if implemented.

3 And any of the site plans are subject  
4 to an NCDOT driveway permit.

5 Topography is nearly flat, gently  
6 sloping, moderately sloping, and steeply  
7 sloping.

8 There is a regulated flood plan on the  
9 property, including a 100-year floodplain.  
10 There are no wetlands on the property. There  
11 are multiple streams running throughout the  
12 property.

13 The property is located in the  
14 Randleman Lake WS-IV water supply watershed.

15 With regards to the land use plan, it  
16 is located in the Southern Area Plan.

17 And the plan recommendation would be  
18 heavy industrial pending approval of the --  
19 with the approval of the updated zoning case.

20 The heavy industrial recommendation is  
21 designated to recognize land depicted as  
22 industrial on the original Area Plan, and  
23 there are lands that are currently heavy --  
24 HI, heavy -- heavy industrial, that is, or  
25 could be developed under the HI zoning

1 standards under the County Unified  
2 Development Ordinance.

3 Contingent on parts -- rezoning on  
4 Parcel 235475: The site is consistent with  
5 the recommendation of the Southern Area Plan.

6 The review factors according to  
7 Article 3.Q.G from the Guilford County  
8 Unified Development Ordinance: The applicant  
9 shall demonstrate that the review factors  
10 listed below have been adequately addressed.

11 Circulation: The number and location  
12 of access points to the property and proposed  
13 structure are in uses, with particular  
14 reference to the automotive, pedestrian  
15 safety and traffic flow and control, and  
16 access in case of emergency.

17 Per the submitted sketch plan and  
18 proposed conditions in this application,  
19 access will be from Bishop Drive.

20 Access from Concord Church Road will  
21 be restricted, as amended in the -- by the  
22 planning board at this meeting.

23 And a NCDOT commercial driveway permit  
24 will be required during the official  
25 commercial site plan review process.

1           With regards to parking and loading,  
2   location of off-street parking and loading  
3   areas, parking for major construction and  
4   demolition debris landfill is subject to  
5   Table 6-1-1 of the Guilford County UDO which  
6   requires a minimum of one space per 2,500  
7   square feet for waste -- waste-related uses.

8           Upon receiving a plan review  
9   application for a subject -- for a subject to  
10   this subsection, the planning development  
11   director is authorized to apply these  
12   off-street parking standards applicable to  
13   the use are established in the off-street  
14   parking requirement by reference to parking  
15   resources published by the National Parking  
16   Association or the American Planning  
17   Association.

18           With regards to service entrance --  
19   service entrance, locations of refuse and  
20   service areas with adequate access for  
21   service vehicles, location of services --  
22   service areas will be to allow for adequate  
23   access for all service vehicles at the TRC  
24   review when the official site plan is  
25   submitted for review per 6.1 in the Guilford

1 County UDO.

2 Lighting of it: The location of  
3 lighting with reference to spillage and  
4 glare, motorist and pedestrian traffic  
5 safety, and compatibility with other property  
6 in the area.

7 A lighting plan will be reviewed at  
8 TRC when the official site plan is submitted  
9 for review per 6.3 of the Guilford County  
10 Unified Development Ordinance.

11 Utilities: Location and availability  
12 of utilities, public or private. Septic  
13 evaluations will be regulated by the Guilford  
14 County Environmental Health Department upon  
15 site plan review by TRC. Utilities will be  
16 reviewed at the TRC.

17 With regards to open spaces, location  
18 of required street yards, and preservation of  
19 existing trees and other natural features,  
20 landscaping requirement will be reviewed by  
21 TRC for compliance with Article 6.2 of the  
22 Guilford County Unified Development  
23 Ordinance.

24 Environmental protection: Provisions  
25 to protect -- to protect floodplain, stream

1 buffers, wetlands, open space, other natural  
2 features.

3 Environmental regulations will be  
4 reviewed by the Guilford County  
5 Watershed/Stormwater Division at TRC to meet  
6 all environmental regulations per Article 9  
7 of the Guilford County Unified Development  
8 Ordinance.

9 Landscape buffering and screening --  
10 and screening: Installation of landscaping,  
11 fencing, or berming for the purpose of  
12 buffering and screening where necessary to  
13 provide visual screens where appropriate.

14 A minimum of a 50-foot type A buffer  
15 is required along adjacent  
16 residentially-zoned property pursuant to the  
17 Guilford County Unified Development  
18 Ordinance.

19 Additional -- additionally, a 200-foot  
20 NCDEQ buffer is shown on the submitted sketch  
21 plan.

22 Effect on nearby properties: Effects  
23 of the proposed use on nearby property,  
24 including, but not limited to, the effects of  
25 noise, odor, lighting, and traffic.

1           Lighting planning requirements will be  
2   reviewed in -- will be required and reviewed  
3   by TRC per Article 6.3 of the Guilford County  
4   Unified Development Ordinance.

5           Compatibility: General compatibility  
6   with nearby property, including, but not  
7   limited to, the scale, design, and use in  
8   relationship to other properties.

9           Major construction and demolition  
10   debris landfill is similar to surrounding  
11   uses in the area along Bishop Drive, and  
12   HZ -- HI zoned properties are required to  
13   have landscape buffers around entire  
14   perimeter of the facility.

15          Staff comments: During consideration  
16   of the special use permit, the planning board  
17   must determine that the following findings of  
18   fact have been satisfied upon relevant and  
19   credible evidence presented at the hearing:

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

22          That the -- that the use will not  
23   materially endanger the public health or  
24   safety if located where proposed and  
25   developed according to the plan submitted.

1           The use, a major construction and  
2    demolition debris landfill subject to the  
3    submitted sketch plan and along with the  
4    approved [sic] conditions which is -- which  
5    has been amended by the board meets all  
6    required conditions and will need meet all  
7    required conditions and specifications.

8           That the location and character of the  
9    use, if developed according to the plan  
10   submitted, will be in harmony with the area  
11   in which it is to be located and is in  
12   general conformity with the plan of  
13   development of the jurisdiction, which is the  
14   county, and its environs, and that the use  
15   will not substantially injure the value of  
16   adjoining properties or abutting properties,  
17   or that the use is a public necessity.

18          After reviewing the proposed  
19   development plan for this request, the staff  
20   does offer the items below for the planning  
21   board consideration:

22          The development of the parcel shall  
23   comply with all regulations as specified in  
24   the Guilford County Unified Development  
25   Ordinance.

1           The development shall proceed in  
2   conformity with all amended plans and design  
3   features submitted as part of the special use  
4   permit application and kept on file by the  
5   Guilford County Planning & Development  
6   Department.

7           The development shall proceed upon  
8   approval of plan and design features by the  
9   Technical Review Committee, illustrating  
10   conditions related to the request and  
11   applicable to the development standards.

12           Added conditions, if applicable.

13           And if the specified conditions  
14   addressed in this special use permit are  
15   violated, the permit shall be revoked and the  
16   use will no longer be allowed -- be allowed.

17           Only by reapplying to the planning  
18   board for another special use permit and  
19   receiving its approval can the use begin  
20   again -- can the use again be permitted.

21           That concludes my staff report.

22           MR. DONNELLY: Thank you, Mr. Bass.

23           Clearly different than what we might  
24   normally see with a rezoning request.

25           Let me just see if I can summarize, if

1 you will affirm for me.

2 So where we're at, one of the things  
3 that's different here than what we typically  
4 hear is you're not making a recommendation to  
5 us.

6 You're -- you're sharing with us  
7 parameters that must be satisfied in order  
8 for us to act on that this evening; is that  
9 correct?

10 MR. BASS: That's correct. All --  
11 yeah, all decisions must be based on findings  
12 of fact.

13 MR. DONNELLY: And in the development  
14 process that we talked about, the first  
15 requirement is that it needed to have  
16 sufficient zoning to allow this to move  
17 forward. We did that with the prior case.

18 MR. BASS: Correct.

19 MR. DONNELLY: So now we're actually  
20 considering the special use permit which we  
21 have the opportunity to approve or deny.

22 MR. BASS: Correct.

23 MR. DONNELLY: Should it be approved,  
24 then there's one following step, which is a  
25 site plan that has to go through TRC and meet

1 all of those technical conditions before any  
2 operations can actually begin.

3 MR. BASS: That is correct.

4 MR. DONNELLY: Okay.

5 MR. BASS: I do understand that they  
6 may need to go through some state permitting  
7 requirements as well.

8 MR. DONNELLY: Okay. Great.

9 So, again, we just want to put it in  
10 context again. This is -- we've not had one  
11 of these for a little while -- to put it in  
12 context.

13 So we now have the opportunity to hear  
14 from the applicant as well as folks who might  
15 be opposed to this request to try to  
16 determine whether or not the findings of fact  
17 that Mr. Bass outlined have been sufficiently  
18 supported in what we hear today.

19 MR. BASS: Yes, sir.

20 MR. DONNELLY: And the burden of proof  
21 is on the applicant to demonstrate the  
22 meeting of those conditions.

23 Any questions for Mr. Bass before we  
24 move to the applicant?

25 All right. Mr. Terrell, I assume

1 you're going to be one of the folks who are  
2 speaking on the applicant.

3 Anybody who is going to speak at this  
4 point needs to have been sworn in.

5 If somebody else needs to speak, we  
6 can certainly swear them in.

7 But you can come up again. If you  
8 would sign in with your name and address, and  
9 then we'll invite you to share the  
10 information you have for us.

11 MR. TERRELL: Okay. Good evening.

12 Again, Tom Terrell with Fox  
13 Rothschild.

14 MR. DONNELLY: If you will pull the  
15 microphone closer to you, sir.

16 MR. TERRELL: Okay. Tom Terrell with  
17 the law firm of Fox Rothschild.

18 MR. DONNELLY: Thank you.

19 MR. TERRELL: I have handed each of  
20 you a notebook that has all of the materials  
21 in this for this evidentiary hearing. I  
22 would like to tender this as evidence at this  
23 point, and then very quickly walk you through  
24 tab by tab to show you what we have and why  
25 these internal documents are relevant to the

1 standards of a special use permit.

2 The first thing you'll see in your --  
3 in the leaf on the outside is a potential  
4 order with findings.

5 All of the findings are consistent  
6 with the material that is in the notebook and  
7 that you will hear from the experts here  
8 tonight.

9 If you turn to the first tab, this is  
10 the background and introduction. I put three  
11 things in here.

12 The very last thing is actually a  
13 chronology of all of the permitting  
14 involvement that the State of North Carolina  
15 has for a project or a facility like this,  
16 but the very first two things are the  
17 franchises that are issued by Guilford  
18 County.

19 Mr. Harding is here. He was heavily  
20 involved in these franchises, but I put these  
21 in here to show that not only is NCDQ  
22 involved with the regulation but the county  
23 itself is also involved.

24 And these franchises require that you  
25 comply with the Clean Water Act,

1 Sedimentation & Erosion Control Act.

2 Every single environmental act that  
3 you can imagine is listed in these franchises  
4 so that there is an additional layer of  
5 county enforcement, and you don't have to  
6 wait always for somebody from the state to  
7 come down.

8 The next tab is the special use permit  
9 standards. If you want to have those, feel  
10 free just to yank them out and have them  
11 right there beside you to see what the  
12 standard is that we will be addressing, but  
13 we will be showing you very clear evidence on  
14 each of these standards.

15 The next tab is actually a very short  
16 bullet point legal memo. It's the law of  
17 quasi-judicial proceedings. I know that may  
18 make some eyes roll, but this might -- I put  
19 these in because there might be an  
20 opportunity where we have to come back and  
21 look at what our state supreme court says.

22 But basically in 30 seconds, it says  
23 an applicant has a duty and that duty is to  
24 present evidence that is competent, material,  
25 and substantial, and if an applicant does

1 that, then at that point in the hearing the  
2 applicant is entitled to the permit.

3 This is the state law, and it's  
4 because the decision has already been made  
5 that the zoning is correct. The permit is  
6 always on top of the zoning.

7 So if we meet those standards, we're  
8 entitled to it, and it can only be overcome  
9 if there is equal testimony.

10 Like if we have an appraiser come in,  
11 they, by statute, have to have an -- an  
12 appraiser come in to testify that it's not a  
13 proper appraisal.

14 Under these laws and these  
15 proceedings, I might object. You might hear  
16 me back here saying "I object" because  
17 something is hearsay, and I might have to  
18 step up to cross-examine somebody about what  
19 they said. I don't do this to be rude. I  
20 only do it to get information into the record  
21 in case this is appealed into court, and we  
22 have to have a record that's for that.

23 That, by the way, is not why the court  
24 reporter is here, but that transcript would  
25 be helpful.

1           If you would turn to the next tab, it  
2   is called a Bishop Road aerial. If you'll  
3   pull that aerial out, it is -- this is the  
4   picture worth a thousand words. That shows  
5   the highways. It shows the truck terminals,  
6   Old Dominion. It shows the landfill  
7   facilities, the Martin Marietta, the asphalt  
8   plant, all of these facilities that already  
9   exist all around it.

10           This is the area. It's what Mr. Bass  
11   called a heavily industrialized area, and  
12   this shows it to you.

13           At the next tab is the expansion area  
14   in case you need a reference back to that.

15           The tab after that is the site plan.

16           Now, Mr. Bass was correct. This site  
17   plan also has to go to Raleigh, and it will  
18   be far, far more detailed at that point.

19           At that point when it goes under  
20   review by a team of engineers and scientists,  
21   it could change but only change to become  
22   stricter, and it could not change to be in  
23   contravention of county requirements. So  
24   they -- so the county's standards would  
25   always be met.

1           The next tab is called Standard I.  
2       We're supposed to show you that this is a  
3       facility that has an S in the column by it.  
4       It's sort of a no-brainer. We did a  
5       cut-and-paste from the ordinance.

6           At the next tab, Health and Safety.  
7       Mr. Garrett is going to come up. He's going  
8       to testify again. He's going to keep it  
9       concise, but he's going to basically say what  
10      he said in the last hearing because we have  
11      to have it on the record.

12           But what this says is these facilities  
13      are -- exist all over the State of North  
14      Carolina, they exist all over this country,  
15      and they have to meet standards that are  
16      compliant with what is called the Resource  
17      Conservation Recovery Act, which is a very  
18      strict set of federal guidelines or  
19      regulations that are now adopted by the  
20      states.

21           You cannot do anything less than is  
22      required, and those regulations for North  
23      Carolina are at the next tab. It's Chapter  
24      15 of our Administrative Code. It's  
25      actually -- the colloquial term, these are

1 the 500 rules, as opposed to the 1600 rules  
2 for MSW and the 1700 rules for colash  
3 [phonetically].

4 If you look at them, it is more than a  
5 quarter inch thick.

6 So this tells you that there are very,  
7 very detailed and strict rules for how you  
8 build and site facilities like this and how  
9 you operate them.

10 For the -- the next tab is the use  
11 meets all required conditions and  
12 specifications. I think staff has determined  
13 that it does.

14 Mr. Garrett will testify in his review  
15 that it does meet all of the zoning board  
16 requirements.

17 It will go under a higher level of  
18 review to meet all of the state standards  
19 when we get there.

20 It's surprising, but there are really  
21 only four or five people in the state of  
22 North Carolina who are certified appraisers  
23 who do market impact studies. This is a  
24 subset specialty in that profession. One of  
25 them happens to live in Guilford County,

1 Molly Chisholm.

2 She has done these type of studies for  
3 a variety of industries and uses on behalf of  
4 governments and others as well.

5 And she has done something. She will  
6 introduce the study, but it is to show that  
7 this use does not substantially injure the  
8 value of adjacent or adjoining property.

9 If you go to the next tab, which is  
10 tab 5, the first thing you see is a -- a snip  
11 from the County Land Use Plan.

12 Mr. Bass -- again, he's going to get  
13 tired of me quoting him -- but he was correct  
14 when he said if you rezone that 14 acres,  
15 then you are changing -- this is a statutory  
16 requirement. It is an automatic change of  
17 the land use plan.

18 So in every respect, this would be now  
19 consistent with that deep purple section  
20 right there.

21 We are supposed to also show you how  
22 we're consistent with the comprehensive plan,  
23 but the -- other than the map, there's really  
24 not much in the plan.

25 There is nothing on solid waste. It's

1 a plan that does not address economic growth,  
2 but we did find one section about  
3 infrastructure improvements, and we put that  
4 in there.

5 I do want you -- oh, and the section  
6 on what is harmony. Harmony is not what it  
7 looks like. Something looks like something  
8 else. It's a functional determination. This  
9 is coming out of case law. You know, does  
10 it -- does one use stop you from using the  
11 use on the next permit, is essentially that.

12 I would like for you in that section  
13 that's titled Standard 5, if you would turn  
14 to page 6, I have some photographs I would  
15 like to walk through and pause on a few of  
16 them.

17 On page 6, you see two very pretty  
18 grassy hills, and if you turn to page 7, you  
19 see grassy hills as well. This is what a  
20 landfill looks like. This is what a landfill  
21 has to look like, with the exception of what  
22 is called the working face.

23 The working face is about a half acre  
24 to one acre area where all the waste is  
25 applied for a period of time and then it

1 moves around. Currently it's on the  
2 backside. That's where the working face is  
3 right now. That -- it's --

4 MR. DONNELLY: The court reporter had  
5 a question about that.

6 COURT REPORTER: It's okay. Just  
7 there's -- whoever is talking back there, if  
8 they could just -- it's hard to hear when  
9 other people are talking. That's all.

10 MR. DONNELLY: So let me share for  
11 everyone to hear. In order for the court  
12 reporter to hear, we ask that conversation in  
13 the back of the room be kept to a minimum.

14 If there's certainly something you  
15 need to talk about, we invite you to step  
16 outside.

17 The court reporter needs to hear so  
18 that she can record appropriately. Thank you  
19 for your support of that.

20 Mr. Terrell?

21 MR. TERRELL: Yes, thank you.

22 At the end of the -- when this  
23 facility closes -- and it's doesn't have that  
24 many years left even with this expansion --  
25 these photos are what it would look like.

1           It has to be planted, vegetated. It's  
2   yet one more state requirement.

3           So this is the long term of what it  
4   would look like. And, you know, in a matter  
5   of several months, that -- that working face  
6   will now be -- will come back around. It  
7   will be on Bishop Road or along one of the  
8   sides. So it is a moving area.

9           If you turn to page 9, this is the  
10   concrete that I was describing earlier that  
11   came out of High Point City Lake. High Point  
12   City Lake had to do major reconstruction,  
13   deconstruction, and then construction, and  
14   this is a perfect example of how you reuse  
15   something like that. It doesn't go in a  
16   landfill. It's recycled.

17           And if you turn to the next page, page  
18   10, these are the materials that A-1  
19   recycles. These are the items that come in,  
20   and instead of putting them in the landfill  
21   and using up space, they actually put this  
22   out here to be taken to other markets.

23           Then on Page 11, some photographs  
24   starting -- you know, this is -- page 11 and  
25   12, that's photographs of the very large

1 asphalt plant. It's taken from the top of  
2 the landfill as -- when I -- actually, I took  
3 that photograph. It is -- it shows you how  
4 close that is. It has its own large mound of  
5 recycled materials. That's asphalt. That is  
6 very close by. And you see it on page 13 to  
7 the -- on the bottom of 13, you see  
8 Mr. Coalman's trailer that he stores on -- at  
9 the end of Concord Church, and you see those  
10 transmission lines that are the southern  
11 boundary that nobody can go up beyond.

12 The next page, 14, is Old Dominion.  
13 It is a monstrous facility. If you go down  
14 Bishop Road -- it is quite large. And you  
15 can see it -- on page 15, you can see it from  
16 the landfill.

17 But if you look at the bottom of 15,  
18 you're looking at trucks in the lower  
19 portion, but that's the landfill right behind  
20 it. That is the -- that grassy area is the  
21 landfill.

22 The same is on page 16, and, again,  
23 photographs of the Guilford County White  
24 Goods facility.

25 Then you have the Guilford County

1 recycling facility that's on 17.

2 And then 17 and 18 are the Republic  
3 transfer station. We have a transfer station  
4 that is taking trash down either to Troy in  
5 Montgomery County, or I think most of the  
6 governments who are delivering MSW waste to  
7 that facility are now going to the Asheboro  
8 landfill.

9 And then there are a couple other  
10 photographs toward the end, and on page 21  
11 you will see the trailer at the end of  
12 Concord Church looking up and seeing the  
13 lines and all the trucks out on Bishop Road.

14 So that is our overview of the  
15 evidence.

16 I would like, Mr. Chairman, if you  
17 would allow us to bring two witnesses  
18 forward.

19 I would like Mr. Garrett to come  
20 forward first and hit the highlights of his  
21 testimony from the last hearing, and after he  
22 speaks, Molly Chisholm will come forward.

23 Both of them will give you their  
24 credentials, they'll introduce what's in  
25 here, and they will put some evidence into

1 the record.

2 MR. DONNELLY: Very good. Thank you,  
3 Mr. Terrell.

4 Mr. Garrett, again when you come  
5 forward, if you would introduce yourself with  
6 your name and address again and then invite  
7 you to share.

8 Yes.

9 MR. GARRETT: Sign the papers?

10 MR. DONNELLY: Yes. And then we'll  
11 invite you to share your testimony.

12 MR. GARRETT: I'll do this first.

13 MR. DONNELLY: Sure.

14 MR. GARRETT: Thank you.

15 Mr. Chairman, board members, I am  
16 David Garrett. I am a licensed geologist and  
17 a registered engineer with the State of North  
18 Carolina.

19 I've been in private practice for 40  
20 years, 30 years of which I've been in the  
21 solid waste area. And I've been involved  
22 with this project under consideration tonight  
23 for over 20 years.

24 I do wish to reiterate my earlier  
25 testimony that addressed the compliance with

1 all of the applicable regulations under which  
2 the facility is permitted, and I think to  
3 that effect, I would like to explain briefly  
4 the permitting process and help the board  
5 understand what all is involved with getting  
6 one of these facilities beyond what this  
7 board does.

8           The state and federal regulations are  
9 codified in various places. I'll quote one  
10 in a moment. They specify standards for the  
11 permitting, design, operation, and monitoring  
12 of the facility. All aspects of the facility  
13 are very highly regulated.

14           The permit is the standard. It  
15 defines the base grades, the final grades,  
16 operating conditions such as the litter  
17 control, such as waste placement, and  
18 covering the waste.

19           There is an environmental impact study  
20 as a part of this required by the state.

21           The permit defines water quality  
22 monitoring closure -- and we haven't talked  
23 about this -- post closure. This is -- the  
24 obligation of the applicant extends beyond  
25 the useful life of the facility.

1           There is a 30-year minimum post  
2   closure care period for which the applicant  
3   has put up a bond with the State of North  
4   Carolina to cover the cost of those -- of  
5   post-closure care should it be needed.

6           The permit application will be  
7   prepared by myself. It will be submitted to  
8   the state. It's called the North Carolina  
9   Department of Environmental Quality Waste --  
10   Waste Management -- Division of Waste  
11   Management & Solid Waste Section. That's  
12   really a mouthful. We call them the SWS.

13           The rules that we work under for this  
14   type of facility are codified as 13A NCAC  
15   .0500, et seq. There are about 14 provisions  
16   here that follow the .0500 rules.

17           Once the permit is reviewed by a team  
18   of equally qualified engineers and  
19   geologists, I will have an opportunity to  
20   answer their questions a little less  
21   formally, but we work out anything that they  
22   feel like needs to be addressed, and then  
23   they issue a draft permit.

24           After the draft permit is issued,  
25   there is a 45-day waiting period, after which

1 the -- there's a notification period and then  
2 the 45 days starts to allow the public --  
3 public to submit comments to the state.

4 And there is a public hearing at the  
5 state level, and they will do this again.

6 So those are the steps that will take  
7 place after -- after this leaves this room  
8 here. There's still a long road to go here.

9 I would like to conclude by saying  
10 that we have been in this site for 14 years,  
11 since 2009.

12 Actually, we operated it as a sand  
13 mine earlier than that that had its own set  
14 of rules and permitting process that kind of  
15 overlapped with solid waste rules that we  
16 eventually rolled into.

17 And I failed to point out something  
18 important here is that the sediment and  
19 erosion control aspect of permitting and  
20 monitoring falls into the county's purview so  
21 that's done at the local level where, you  
22 know, we'll go through that at TRC and, you  
23 know, meet those kind of requirements. They  
24 are very specific to this location.

25 And we so far have met all of the

1 requirements. The facility meets all  
2 applicable state, local, and federal  
3 requirements for permitting, design, and  
4 operation, and monitoring.

5 That's my testimony.

6 MR. DONNELLY: Thank you, Mr. Garrett.

7 At this point, I'd like to invite if  
8 anyone has questions of Mr. Garrett  
9 specifically with respect to some of these --  
10 the regulatory and scientific aspects, if  
11 you'd like to check with him at this point,  
12 if anyone has any questions.

13 Mr. Craft?

14 MR. CRAFT: I can't find it in here,  
15 but I saw earlier that in the 20 or so years,  
16 there -- this operation has not been cited  
17 for anything that would endanger the public.

18 Is that correct?

19 MR. GARRETT: That is correct.

20 MR. CRAFT: Okay. Thank you.

21 MR. TERRELL: David, did you state  
22 that it would meet all the code requirements  
23 so that we have that in the record? The  
24 zoning ordinance?

25 MR. GARRETT: Yes, yes.

1 MR. TERRELL: Okay.

2 MR. GARRETT: As we had prepared our  
3 sketch plan and we'll proceed with further  
4 plan development, we will meet all applicable  
5 zoning requirements.

6 MR. DONNELLY: Thank you.

7 MR. TERRELL: That's good.

8 MR. DONNELLY: Any other questions for  
9 Mr. Garrett?

10 I believe -- thank you, Mr. Garrett.

11 I believe we have one additional  
12 person who would like to testify.

13 MR. GARRETT: Thank you.

14 MR. DONNELLY: I know that you swore  
15 yourself in before, but if you'd come up and  
16 introduce yourself and sign our sheet, we'd  
17 love to hear what you have to say.

18 MS. CHISHOLM: Okay. All right. Good  
19 evening. My name is Molly Chisholm. I'm a  
20 North Carolina State certified residential  
21 appraiser with 30 years of experience,  
22 working the entire time with the firm Hylton  
23 Crowder & Associates in High Point here in  
24 Guilford County.

25 I estimate that I've appraised

1 somewhere around 12,000 homes or other  
2 properties in my career.

3 I maintain my license; regularly  
4 attend seminars and continuing ed to be  
5 informed of emerging trends, changes in  
6 appraising, and to maintain my license.

7 What I have presented to you tonight  
8 is not an appraisal. I was not asked to  
9 place a market value on a particular house or  
10 use of land.

11 Rather, this is a consulting  
12 assignment to determine if the expansion of  
13 an existing construction and demolition  
14 landfill would have a measurable impact on  
15 adjoining or abutting property and, if so,  
16 would that impact be an injury to property  
17 values.

18 To reach a conclusion, I used analyses  
19 and methodologies that are taught by and are  
20 consistent with the regulations set forth by  
21 the National Appraisal Standard Board which  
22 conform with the Uniform Standards of  
23 Professional Appraisal Practice, or what is  
24 commonly referred to as USPAP.

25 These standards have been developed

1 and tested over many decades, and they are  
2 changed every two years to better conform  
3 with current lending practices.

4 This is a standard that is relied upon  
5 by every financial institution in our country  
6 for lending purposes and for real estate  
7 transactions. They are used and accepted by  
8 all state and federal trial courts.

9 These same methods and standards were  
10 applied to perform my study to determine  
11 whether an expansion of the existing C&D  
12 landfill would substantially injure the value  
13 of properties in close proximity to the use,  
14 this proposed use.

15 In conformity with these standards, I  
16 found facilities that were similar and some  
17 that had the potential for greater negative  
18 impact. These are called paired sales  
19 analysis, or the more common term is  
20 "comparable sales."

21 At each facility, I found property in  
22 close proximity to a C&D landfill or other  
23 external obsolescence which had sold and then  
24 compared that property to sales of similar  
25 properties within the same general time

1 period and in the same marketing area and yet  
2 far enough away that the impact of the  
3 studied facility would not have an impact.

4 The data I collected shows objectively  
5 how people have chosen to spend their wealth  
6 as they invest in their homes.

7 I have been to many hearings where  
8 realtors give their opinion about effects on  
9 value, but until they have done an in-depth  
10 study like this one, they are not giving an  
11 opinion that would meet guidelines set forth  
12 by the Appraisal Institute and USPAP.

13 This data shows sales of homes  
14 adjoining or abutting facilities like this  
15 one or even more intense facilities, such as  
16 a rock quarry, a sawmill, and a yard waste  
17 compost facility, do not injure their  
18 market -- the market value, and, therefore,  
19 there is no injury to property values.

20 Does anyone have any questions about  
21 my...?

22 MR. DONNELLY: Any questions for  
23 Ms. Chisholm?

24 I've got a couple of questions just  
25 as -- looking at the analysis.

1           In this particular case, we're  
2   expanding -- the proposal is to expand a  
3   facility that already exists, and so I'm  
4   curious if you could comment on how that, if  
5   at all, influences the results that are here.

6           And one of the -- would you like to  
7   answer that first, and I'll ask the second  
8   one?

9           MS. CHISHOLM: No, you can go ahead.

10          MR. DONNELLY: The second question  
11   would be -- I heard one of the parameters  
12   that we're looking at is the height of this,  
13   and I'm curious if you have any -- any  
14   ability to comment on how that plays into any  
15   of the data that you looked at as a -- as a  
16   relevant factor.

17          MS. CHISHOLM: Okay. To answer the  
18   first question, it's very difficult to find,  
19   you know, these facilities, and more  
20   specifically, a sale close to a facility.

21          And really the state standard is it  
22   almost has to be abutting or within a half  
23   mile.

24          And so to find a facility, a C&D  
25   facility that's just simply expanding like

1 this one is, I was not able to find anything  
2 like that.

3 I just used three C&D facilities,  
4 three quarries, a sawmill, and a yard waste  
5 and compost.

6 Actually, it's two -- sorry -- C&D  
7 facilities. One in Winston-Salem, one in  
8 Alamance County.

9 As far as the height, the quarries, I  
10 think, are even higher than what the proposed  
11 height of this facility would be. To me,  
12 that would be a comparable external factor.

13 But when I am looking for the sales,  
14 again, I don't know, other than driving by  
15 there, how -- I don't know the specifications  
16 of the construction of those facilities.

17 MR. DONNELLY: Um-hum. Okay. Thank  
18 you.

19 MS. CHISHOLM: Um-hum.

20 MR. DONNELLY: Any other questions for  
21 Ms. Chisholm?

22 MR. TERRELL: Ms. Chisholm, would you  
23 explain why you looked at quarries when this  
24 is a C&D landfill.

25 MS. CHISHOLM: I looked at quarries

1 because they have a similar pitch, if you  
2 will. They also have a noise factor.  
3 They actually, in my experience,  
4 have -- have a worse reputation, if you will,  
5 because of the use of blasting, which has  
6 become very scientific and minimal, but still  
7 the -- the image in everyone's mind is  
8 dynamite and things like that. And so to me  
9 that is a worst case scenario compared to a  
10 C&D landfill.

11 MR. TERRELL: And what were your  
12 findings on those?

13 MS. CHISHOLM: They were -- they were  
14 the same as the findings with the C&D  
15 landfills. There was no negative impact.

16 And a couple of those were just  
17 right -- the one in Elkin was, I mean, right  
18 next door to the landfill. I mean to the  
19 quarry.

20 MR. ALSTON: Just so I'm clear, you  
21 were doing CMAs on properties close to C&D  
22 facilities and trying to find out the impact  
23 of the property values?

24 MS. CHISHOLM: So -- so not a CMA.  
25 That's something that realtors do.

1 MR. ALSTON: Right.

2 MS. CHISHOLM: What I did was look for  
3 a sale -- let's just use one of the examples  
4 like -- and I don't have my report in front  
5 of me.

6 But the -- the first one is a -- I  
7 think it was a townhome, but it's near -- it  
8 abuts a C&D landfill in Winston-Salem.

9 MR. ALSTON: Um-hum.

10 MS. CHISHOLM: So that -- so I take  
11 other townhomes --

12 MR. ALSTON: Right.

13 MS. CHISHOLM: -- that would be  
14 marketed in the same -- that same marketing  
15 area.

16 And it's really like doing an  
17 appraisal, except that the only factor that  
18 is different other than square footage,  
19 number of bathrooms, you know, just little  
20 things, it isolates the fact that this one is  
21 next to a C&D landfill, and does it still end  
22 up with a similar result in the sale price.

23 Does that make sense?

24 MR. ALSTON: Yeah, it does.

25 I'm just trying to figure out how you

1 determine that -- that just by one factor, I  
2 guess, so to speak.

3 MS. CHISHOLM: Well, you -- and in the  
4 grid -- the sales comparison grids are in the  
5 report. It shows how they -- they line up,  
6 and you just put the data -- you spread that  
7 out --

8 MR. ALSTON: Okay.

9 MS. CHISHOLM: -- and compare each  
10 property to the one that is close to the --  
11 the negative.

12 MR. ALSTON: Yes, ma'am.

13 MS. CHISHOLM: Yeah.

14 MR. ALSTON: Got you. Thank you.

15 MS. CHISHOLM: Um-hum.

16 MR. DONNELLY: So just to follow up on  
17 that and confirm that I'm reading it  
18 correctly, so I do have your report that I'm  
19 flipping through.

20 So each of the comparables includes  
21 one property that is adjacent to one of these  
22 uses, and then the other properties are sales  
23 that would not be. And you're doing an  
24 analysis between the two to identify if  
25 there's a difference in --

1 MS. CHISHOLM: Right. And I guess  
2 that gets confusing because then those  
3 properties are considered comparables, but  
4 they're comparable because they are within  
5 that market, they sold within the year that  
6 you can go back, and would appeal to the same  
7 buyer other than that one factor.

8 MR. DONNELLY: Okay. Thank you for  
9 that clarification.

10 MS. CHISHOLM: Um-hum.

11 MR. DONNELLY: Anything else?

12 Any other questions for Ms. Chisholm?

13 All right. Thank you.

14 Is there any -- any additional  
15 comments that you would like to make,  
16 Mr. Terrell?

17 MR. TERRELL: I know it's getting  
18 late, but we -- we have concluded our case in  
19 chief.

20 There may be things said in the  
21 opposition that I would like to rebut and use  
22 that opportunity for cross-examination, but  
23 at this point, I think that the record is  
24 abundantly clear that for an evidentiary  
25 hearing, the applicant has presented evidence

1 that is competent material and substantial  
2 and it meets that initial threshold of  
3 entitling the applicant to the permit at this  
4 time.

5 Thank you.

6 MR. DONNELLY: Thank you, Mr. Terrell.

7 At this point, I wanted to find out if  
8 there are others in the room who would now  
9 wish to speak in opposition to this request.

10 Okay. First thing I'm going to do is  
11 I'm going to have you take the oath that we  
12 had other folks take earlier.

13 So if you -- you're already standing.  
14 Raise your right hand.

15 Do you swear to tell the truth, the  
16 whole truth, and nothing but the truth? And  
17 you could --

18 MR. COLEMAN: Yes, I do.

19 MR. DONNELLY: Okay. Thank you.

20 All right. So I'll invite you  
21 forward.

22 Again, this is a little bit different  
23 from the last hearing that we had in that  
24 what we're considering as a board is evidence  
25 that would either support or contradict that

1 the conditions that Mr. Bass described a  
2 little bit ago are met. So that's what we're  
3 going to be listening to.

4 And as Mr. Terrell indicated, if there  
5 is something that comes up, he may have the  
6 opportunity to interject or ask for a  
7 clarification.

8 MR. COLEMAN: Okay. I'll describe one  
9 more time this, and I'd just like to know --

10 MR. DONNELLY: Okay. Name and --

11 MR. COLEMAN: Oh, Richard Coleman.  
12 Richard Coleman.

13 You need my home address?

14 MR. DONNELLY: Please.

15 MR. COLEMAN: 1204 Meadow Street. I  
16 own the adjacent property, 2372 Concord  
17 Church Road, and that -- it's real property  
18 is what it is.

19 And since I'm going to lose value on  
20 my property, am I going to get my taxes  
21 reduced?

22 And they already have a special use  
23 permit on the property now. So what are we  
24 going to do? Just keep handing out special  
25 use permits like it's candy? Does anybody

1 get one? Can I get one on my property if  
2 they're that easy to get?

3 And that's all I've got to say.

4 MR. DONNELLY: Okay. Mr. Bell, would  
5 you like to talk about the special use permit  
6 process that folks go through just to...

7 MR. BELL: There are some uses that  
8 are outright permitted uses based on your  
9 zoning district, and there are some that's  
10 listed in our UDO that have development  
11 standards, which means for that particular  
12 use one may be permitted and you don't have  
13 to come to a board to secure an additional  
14 permit.

15 There are certain -- there's certain  
16 requirements that you have to meet. It could  
17 be size. It could be operating hours.

18 Then there are certain uses that have  
19 an S that are -- that do require a special  
20 use permit, which is a quasi-judicial  
21 process.

22 So if you ask can you get one on your  
23 property, it all depends on what use you are  
24 requesting because it may require a special  
25 use permit or it may not.

1 With regards to the taxes, what I  
2 would have you do is to contact the tax  
3 department, simply being that if there's a  
4 special use permit on the property now, they  
5 could tell you whether or not your property  
6 values have gone down now or if they went up.

7 The county just had a recent  
8 reevaluation, so they can also tell you  
9 whether or not by seeking an additional  
10 and/or amended special use permit if that  
11 will cause your property to stay the same, go  
12 up, or go down. But you want to talk with  
13 the tax department.

14 MR. COLEMAN: Well, you know it's  
15 going to go down.

16 MR. BELL: I -- I don't know that.

17 MR. COLEMAN: So seeing that it's a  
18 garbage dump there, so my property value is  
19 going to go down.

20 MR. BELL: Did it go down -- do you  
21 know? -- on the refile? Did it go down from  
22 what it was prior to this past year?

23 MR. COLEMAN: That I do not know.

24 MR. BELL: So what you can do --

25 MR. COLEMAN: But -- but it was not a

1 C&D landfill right on top of me either.

2 MR. BELL: Contact the tax -- contact  
3 the tax department. They -- that's who you  
4 want to talk to about that.

5 We don't deal with the tax part of it.

6 MR. DONNELLY: Thank you, Mr. Bell.

7 Any additional comments, Mr. Coleman?

8 MR. COLEMAN: That's it.

9 MR. DONNELLY: All right. Thank you  
10 for coming out tonight. Appreciate you being  
11 here.

12 MR. COLEMAN: I hope you guys listened  
13 to me.

14 MR. DONNELLY: Mr. Terrell, you  
15 indicated that you may wish to have another  
16 comment. Is there anything else you would  
17 like to share?

18 MR. TERRELL: I'll approach the mike  
19 only to say I don't have anything to rebut or  
20 to cross-examine and our case is closed.

21 MR. DONNELLY: Okay. Thank you.

22 MR. TERRELL: Thank you.

23 I will say there's an order in your  
24 packet that has proposed findings if you  
25 would like to consult that.

1 MR. DONNELLY: Thank you.

2 So at this point for us as a board --  
3 Mr. Bell, if I can just confirm, we don't  
4 really need to close the hearing, or do we?

5 MR. BELL: I would close the hearing.  
6 It's the public hearing but close the  
7 hearing.

8 MR. DONNELLY: All right. So do I  
9 entertain a motion to close the hearing on  
10 this matter for the evening?

11 MR. CRAFT: So moved.

12 MS. BUCHANAN: So moved.

13 MR. DONNELLY: I'm going to give it to  
14 Mr. Craft.

15 And, Ms. Buchanan, are you willing to  
16 take a second?

17 MS. BUCHANAN: Second.

18 MR. DONNELLY: All right. All those  
19 in favor of closing the hearing, please  
20 indicate by saying aye.

21 BOARD MEMBERS: Aye.

22 MR. DONNELLY: Any opposed?

23 (Clarification by the court  
24 reporter.)

25 MR. DONNELLY: Okay. So this will

1 still be part of the deliberations. Thank  
2 you for clarifying that.

3 So at this point we can have a  
4 discussion. If someone feels like they are  
5 in a position to make an assessment of  
6 whether or not -- again, our -- our task  
7 here, as is the case for a special use  
8 permit, is to determine whether or not the  
9 standards have been met by the applicant.

10 And we have -- in addition to the  
11 information that the applicant provided, we  
12 have forms provided from the staff that allow  
13 us to walk through, identify whether or not  
14 those standards have been met.

15 MR. BELL: As he indicated, he did  
16 provide findings of fact, so in lieu of that,  
17 if you also chose, you could read that  
18 because it has the same findings. So that  
19 would be at the board's discretion. Not  
20 everyone does that, but he did do this.

21 MR. DONNELLY: Yeah. Okay. Thank  
22 you, Mr. Bell.

23 And the -- the one thing that we will  
24 need to adapt from that is the recognition  
25 that we talked about earlier that any find --

1 any conclusions we reach tonight have to be  
2 contingent on the appeal -- the appeal period  
3 being exhausted.

4 MR. BELL: Right, right, that is  
5 correct.

6 And so then what would happen is then  
7 we would hold this reporting until that  
8 15-day period is up based on that condition.

9 MR. DONNELLY: Okay. Thank you.

10 MR. CRAFT: Did I hear we could accept  
11 these findings of fact? Is that what I  
12 heard?

13 MR. BELL: Yes.

14 MR. DONNELLY: Yes.

15 MR. CRAFT: I have a question, then,  
16 about this that Mr. Terrell might need to  
17 answer.

18 MR. DONNELLY: Okay.

19 MR. CRAFT: Under B, the last sentence  
20 of the first paragraph, "In fact, the public  
21 is not invited into this fenced-in facility."

22 The prior sentence refers to it not  
23 being a danger, but then it says the public  
24 is not invited in, so that -- those two don't  
25 really connect. And it's not fenced in.

1 MR. TERRELL: Which paragraph -- I'm  
2 looking at B.

3 MR. CRAFT: B, Public Safety, the last  
4 sentence of the first paragraph.

5 MR. BELL: Under Findings of Fact?

6 MR. DONNELLY: He's looking at  
7 something different.

8 MR. CRAFT: Is that Exhibit B?

9 MR. DONNELLY: No, this is something  
10 that was -- came as part of the -- it was the  
11 inside cover of the notebook.

12 MR. CRAFT: I'm sorry. I'm --

13 MR. DONNELLY: That's okay.

14 MR. CRAFT: A lot of stuff tonight.

15 MR. DONNELLY: That's right.

16 It was on the inside cover of the  
17 binder.

18 MR. CRAFT: Okay. Okay. I got you.

19 MR. DONNELLY: Yeah.

20 And so I think if I understood what  
21 Mr. Bell offered and what Mr. Terrell offered  
22 is that Mr. Terrell has gone through and  
23 articulated, organized for us the information  
24 that has been presented, and if we find that  
25 this is sufficient, we could enter this as

1 the finding of fact for the special use  
2 permit and recommend approval of that permit  
3 contingent upon the appeal period being  
4 exhausted.

5 MR. BELL: Right. And, Mr. Terrell,  
6 for the record, is it your intent that this  
7 be read or by reference?

8 MR. TERRELL: You mean all of the  
9 findings?

10 MR. BELL: Yes.

11 MR. TERRELL: No, I don't think it has  
12 to be read. It is presented to the board  
13 formally in our notebook that we tendered as  
14 evidence, and the board has it to look at.

15 I think the board would be satisfied  
16 that every single finding is taken out of the  
17 materials that are either in the notebook or  
18 that were testified to.

19 So the board could just -- other  
20 communities and settings and counties will  
21 just say "I move that we adopt these findings  
22 and conclusions."

23 MR. DONNELLY: And if we do that,  
24 Mr. Bell, how do we incorporate the  
25 conditions we talked about on the front end?

1 MR. TERRELL: They're already  
2 incorporated.

3 MR. DONNELLY: They're incorporated on  
4 the application?

5 MR. TERRELL: Yes.

6 MR. DONNELLY: Got it. Okay.

7 MR. TERRELL: Under Conclusions, it  
8 says, "Subject to all conditions offered in  
9 the application."

10 The application was amended to include  
11 what was read tonight.

12 MR. DONNELLY: Perfect. Thank you.  
13 All right.

14 MR. BELL: Now, one thing I will say,  
15 because these are recorded, the conditions,  
16 would you accept -- and you can take a look  
17 at that.

18 There's an attachment to this that  
19 lists the conditions, so that when it's  
20 recorded, then the conditions are recorded  
21 along with the findings.

22 MR. TERRELL: I would be pleased to  
23 draft an attachment that is 100 percent  
24 consistent with what was read into the  
25 record --

1 MR. BELL: Okay.

2 MR. TERRELL: -- and send that to you  
3 along with what you're holding as a Word  
4 document.

5 MR. BELL: Okay. Right. Okay.

6 MR. DONNELLY: All right. So if I --  
7 in summary, if someone would chose to make a  
8 motion, it can be that we would affirm the  
9 findings of fact as articulated in this  
10 document, including the conditions that were  
11 read into the application on the front end,  
12 and we would chose to approve based on that  
13 contingent on the appeal period expiring for  
14 this application got recorded. Before the  
15 permit got recorded.

16 MR. BELL: Yes.

17 MR. DONNELLY: So is there a motion?

18 MR. LITTLE: I have a question.

19 MR. DONNELLY: Sure.

20 MR. LITTLE: I have a statement,  
21 perhaps.

22 MR. DONNELLY: Absolutely.

23 MR. LITTLE: So we are going to have a  
24 motion finding that these are actual facts;  
25 right?

1 Now, on number D, letter D by  
2 Ms. Chisholm, in the testimony, she is  
3 saying -- it sounded to me like she said that  
4 it was very hard to find comparable sales,  
5 but her testimony was that the value would  
6 not, in fact, be reduced or substantially  
7 injured, even though she said that it was  
8 hard to find comparables.

9 Like, we're taking that as testimony,  
10 testimony in fact?

11 MS. CHISHOLM: Can I?

12 MR. DONNELLY: Absolutely, you can  
13 clarify.

14 MS. CHISHOLM: Yeah, it's very  
15 specific, very -- another comparable, I mean,  
16 the main one that extends to the external  
17 obsolete feature, quarry, landfill, sawmill.

18 So, in other words, it wasn't  
19 difficult to find the comparables to compare  
20 to that property. It's just difficult to  
21 find a property that is in that close of a  
22 proximity to a facility, but I do have seven  
23 of them in here and have compared those to  
24 other properties in their market.

25 MR. LITTLE: Okay. And your finding

1 was that there was no --

2 MS. CHISHOLM: There was no injury.

3 In other words, look at the sales comparison  
4 grid. Each comparable that was close to the  
5 facility ended up, even after all adjustments  
6 were made for concrete things like a garage  
7 or not or things like that, they still would  
8 end up with a similar eventual sale price.

9 MR. LITTLE: Okay. Thank you.

10 MR. DONNELLY: And I think certainly  
11 our option is we can use this, or we can use  
12 the form that was provided to us if we're  
13 more comfortable using that in terms of the  
14 findings of fact. We can -- we can go either  
15 way.

16 Is anybody prepared to offer a motion  
17 for our consideration?

18 MR. CRAFT: Well, yeah, I will.

19 But let me first say I -- you know, I  
20 take something like this pretty seriously  
21 because this is a significant operation.  
22 It's also an important operation. It's  
23 something Guilford County needs. It's one  
24 reason Guilford County gave them a franchise  
25 to provide this service, I guess, more or

1 less on behalf of the county so the county  
2 doesn't have to do it itself.

3 I've looked at the findings of fact.  
4 I've reviewed all this. I've been out to the  
5 site three different times. I actually go  
6 down 220 several times a week. And got to  
7 learn a lot about what's just off the highway  
8 there.

9 So -- but these are -- you know, these  
10 are important things that we need.

11 So I would like to make a motion that  
12 we accept these findings of fact with the  
13 conditions that were read in earlier and with  
14 the additional condition that -- that this  
15 be approved subject to the rezoning of the  
16 14-acre parcel become final after 14 days.

17 Does that cover everything?

18 MR. BELL: 15 days.

19 MR. DONNELLY: 15 days.

20 MR. CRAFT: 15 days.

21 Does that cover everything?

22 MR. DONNELLY: I believe it does.

23 MR. CRAFT: All right.

24 MR. DONNELLY: Is there a second?

25 MR. STALDER: Second.

1 MR. DONNELLY: Any discussion before  
2 we call a vote?

3 MR. LITTLE: Is this a majority vote?

4 MR. DONNELLY: Yes, it is. This --  
5 this would be -- well, our vote -- the  
6 decision will be based on majority vote,  
7 that's correct.

8 MR. LITTLE: Okay. Thank you.

9 MR. DONNELLY: Yeah, the approval  
10 requires a majority of the folks who are  
11 here, so it requires four votes in favor in  
12 order to pass.

13 MR. LITTLE: Okay. Very good.

14 MR. CRAFT: Do we have to have  
15 unanimous, or it can be appealed to -- not  
16 the commissioners but to the superior court?

17 MR. DONNELLY: No, no. We just need  
18 to --

19 MR. CRAFT: We just vote on it?

20 MR. DONNELLY: That's right.

21 But there is that opportunity --

22 MR. CRAFT: But it goes to the  
23 superior court after us not choosing it?

24 MR. DONNELLY: That's correct.

25 MR. CRAFT: Okay.

1 MR. DONNELLY: And I guess the one  
2 thing I just wanted to add before we take a  
3 vote, I appreciate your diligence in that,  
4 Mr. Craft.

5 And I've had the opportunity to go out  
6 and visit as well, and I -- and I appreciate  
7 you're lifting up that this is something  
8 that's important in the role we do, and we  
9 take this role of finding of fact and trying  
10 to understand how we protect both the  
11 interests of the citizens in the community as  
12 well as the wellbeing of the -- of the folks  
13 in the community.

14 And I'm inclined to support, but I  
15 appreciate the diligence you've done, and I  
16 appreciate the diligence that has been done  
17 all around in terms of trying to bring all  
18 the relevant information to the table here.  
19 So I just wanted to say that before we vote.

20 Any other comments?

21 Roll call vote, please.

22 MS. TEAGUE: Mr. Alston?

23 MR. ALSTON: Yes.

24 MS. TEAGUE: Ms. Buchanan?

25 MS. BUCHANAN: Yes.

1 MS. TEAGUE: Dr. Bui?  
2 Dr. BUI: Yes.  
3 MS. TEAGUE: Mr. Craft?  
4 MR. CRAFT: Yes.  
5 MS. TEAGUE: Mr. Little?  
6 MR. LITTLE: Yes.  
7 MR. BELL: Did we get a second on  
8 that?  
9 MR. STALDER: Yeah, I seconded.  
10 MR. BELL: You seconded. Okay. Thank  
11 you.  
12 MS. TEAGUE: Mr. Stalder?  
13 MR. STALDER: Yes.  
14 MS. TEAGUE: Mr. Donnelly?  
15 MR. DONNELLY: Yes.  
16 So this perm- -- this special use  
17 permit is approved.  
18 As was articulated, this is just one  
19 step in the process. Additional steps are  
20 going to have to -- need to happen before any  
21 operation commences.  
22 But, again, I appreciate everyone's  
23 patience in sitting through this tonight.  
24 It is important that we hear all the  
25 relevant information.

1           And I appreciate the diligence on  
2   behalf of the applicant to try to make sure  
3   that all the bases were covered in this  
4   process.

5           MR. TERRELL: May I thank you for a  
6   very well run meeting and for good questions.

7           MR. DONNELLY: Thank you, Mr. Terrell.

8                                 — — —

9           (Hearing concludes, 8:39 p.m.)

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1 CERTIFICATE OF COURT REPORTER

2 I, Lisa Taylor, Registered Professional  
3 Reporter, certify:

4 That the foregoing matter was taken before  
5 me at the time and place therein set forth;

6 That the testimony of the witness(es) and  
7 all objections made at the time of the proceeding  
8 were recorded stenographically by me, to the best of  
9 my ability, and thereafter transcribed;

10 That the foregoing transcript is a true  
11 record of the testimony and of all objections made  
12 at the time of the proceeding.

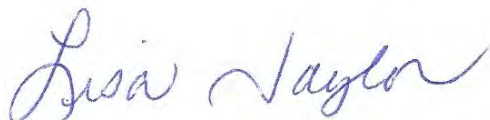
13 I further certify that I am neither  
14 counsel for nor related to any party to said action,  
15 nor in any way interested in the outcome thereof.

16 In witness whereof, I have subscribed my  
17 name this 17th day of January 2023.

18

19

20



21

22 Lisa Taylor  
23 Registered Professional Reporter  
24 Notary Public

25

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(Insert Color Paper)

**GUILFORD COUNTY PLANNING AND DEVELOPMENT  
PLANNING BOARD MEETING MINUTES**

**NC Cooperative Extension – Agricultural Center  
3309 Burlington Road, Greensboro NC 27405**

**February 8, 2023, 6:00 PM**

**A. Roll Call**

The following Board members were in attendance in person for this meeting:

Guy Gullick, Vice Chair; David Craft; Jason Little; Dr. Nho Bui; Cara Buchanan; Sam Stalder; and Rev. Gregory Drumwright. (Rev. Drumwright arrived at 6:32 p.m. for the remainder of the meeting)

The following Board members were not in attendance at this meeting:

James Donnelly, Chair and Ryan Alston

The following staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Justin Snyder, Senior Planner; Rachel Teague, Office Specialist; and Stephen Thomas, Fire Marshal

**B. Agenda Amendments**

Leslie Bell stated that Item E (Continuance Requests) on the agenda would be moved under Agenda Amendments based on inquiry by Vice Chair Gullick regarding Case #22-11-PLBD-00029 listed under Old Business.

**C. Approval of January 11, 2023, Minutes:** Forthcoming

**D. Rules and Procedures**

Vice Chair Gullick provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

**E. Continuance Requests**

Leslie Bell stated that there has been a request from the applicant for Conditional Zoning Case #22-11-PLBD-00029 from RS-40 Single-Family and AG, to Light Industrial Conditional Zoning located along Methodist Road, south of its intersection with Liberty Road and contains 96.33 acres. Included in the member's packet is a request to continue indefinitely, at this time. There are a number of policy initiatives that are being considered and updated/modified by the City of Greensboro, which may or may not have an impact ultimately on how this area develops. Staff would like the opportunity to consider the outcomes of those initiatives (as well as the applicant) before moving forward.

Mr. Craft moved to continue the above-mentioned to a future meeting, seconded by Ms. Buchanan. The Board voted 6-0 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Little. Nays: None. Members absent: Donnelly and Alston).

#### F. Old Business

##### Legislative Hearing Item(s)

CONDITIONAL ZONING CASE #22-11-PLBD-00029: RS-40, RESIDENTIAL, SINGLE-FAMILY AND AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL - Located along Methodist Road south of its intersection with Liberty Road (includes Guilford County Tax Parcels 122311, 122325, 124720, 124711, 122331, and 122310 split by US Highway 421 right-of-way in Clay Township) and comprises approximately 96.33 acres. **[Request to Continue Passed]**

#### G. New Business

##### Non-Legislative Hearing Item(s)

None

##### Legislative Hearing Item(s)

##### **REZONING CASE #22-12-PLBD-00032: AG, AGRICULTURAL, TO RS-30, RESIDENTIAL: 8527 ZZ HUDSON-JAMES ROAD AND A 2.89-ACRE PORTION OF 8426 ZZ RUMBLEY ROAD**

Located at 8527 ZZ Hudson-James Road and 8426 ZZ Rumbley Road (Guilford County Tax Parcel #221302 and a portion of #147559 in Bruce Township), is approximately 1,660 feet south of the intersection of Rumbley Road and U.S. Highway 158 and comprises approximately 18.06 acres. **(APPROVED WITHOUT REQUIRED 75% MAJORITY-TO BE SENT TO BOARD OF COMMISSIONERS AS A RECOMMENDATION AND FINAL APPROVAL)**

Justin Snyder stated that this is a request to rezone the entirety of Guilford County Tax Parcel #221302 and a 2.89-acre portion of Tax Parcel #147559 in Bruce Township, which in total comprises approximately 18.06 acres, from AG, Agricultural, to RS-30, Residential. The remaining 1.03 acres of property in the western portion of Tax Parcel #147559 are to remain zoned AG. In the Board members' packets are the descriptions of the AG district as well as the description for the RS-30 district. The RS-30 district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster developments including conservation subdivisions are permitted. This area is just west of the boundary of the jurisdiction of Summerfield, as shown on the map provided for review. The presence of significant wetlands, streams, and other environmental encumbrances in this general area has created a pattern that is generally low-density residential and agricultural. The existing land use on the 2.98-acre portion of the northern property is heavily wooded and vacant. The southern property has a wooded portion with the center of the property being cleared for agricultural use. It is also vacant. Surrounding land uses on all sides are single-family residential and agricultural. There are no inventoried historic landmarks on this site, and there are no cemeteries shown. There are minor impacts projected to the public school facilities, and any development will be served by private septic systems and wells. Both of these parcels are likely to be developed as a single-family residential

subdivision and are anticipated to be developed in conjunction with the parcel to the north, which actually fronts on Hudson-James Road. Staff is recommending approval of this request. The proposed rezoning according to the Northwest Area Plan would be consistent with the recommendation of rural residential. If approved, no map amendment would be required, and the request would be reasonable and in the public interest because it is consistent with the rural residential land use designation and with the zoning and land uses on the adjacent parcels. The requested zoning allows flexibility for future subdivision design with slightly higher density to accommodate a variety of housing styles and sizes.

Vice Chair Gullick asked for the speakers in favor of the request to come forward for this case.

Leslie Bell reminded speakers that there is a limit of 20 minutes for each side to make their comments. He asked that everyone speaking be mindful of the 20-minute time limit.

Bill Greco, Land Solutions, P.O. Box 347, Oak Ridge, NC, stated that he is speaking on behalf of the applicant in this case, and he thanked staff for all their assistance with putting the application together and also for the staff report. The staff report is very thorough, and he does not think they need to revisit any of the information previously stated by staff. Regarding their background and some of their efforts thus far, the project does consist of not only the portion that is before the Board tonight, but also the parcel to the north, which was rezoned in 2007. That parcel has not been developed and has been vacant since that time. Combining these together with the proposed pieces this evening, they would have approximately 43 single-family lots for a proposed subdivision.

Mr. Bell clarified that this is not a conditional rezoning so consideration of any one particular use would not be applicable for this case. As the Board considers this, Mr. Greco was asked to speak in more general terms because it is not a conditional zoning, but rather, it is a conventional rezoning. He would ask that the Board consider the appropriateness of all the uses in the RS-30 zoning district for this area.

Mr. Greco thanked Mr. Bell for his comments and continued on by saying that, to his knowledge, the only use permitted in RS-30 is residential single-family, which is what they are proposing. They have submitted to Guilford County Planning Department a Master Sketch Plan for the property with the adjacent properties, and it went through the Technical Review Committee (TRC), whose comments on that plan were "unremarkable, pretty standard" comments that you would expect for a Master Sketch Plan review. Their efforts leading up to this meeting included reaching out to some of the immediately adjacent neighbors via mail, and he has met with some people in person, on-site, and there was a ZOOM open house meeting where neighbors were afforded the opportunity to ask questions and voice their concerns. The concerns that he is aware of to date are those typically seen with a rezoning of this nature. There is a lot of sentiment that they wish the area could just stay the way that it is. There were some concerns and some points made regarding them being good neighbors throughout the development process, making sure that the environmental issues are addressed. They feel that at the end of their efforts that they were able to answer some questions and provide some information to those concerned.

Going back to the staff report and to the applicable regulations governing this property, the Northwest Area Plan certainly recommends single-family residential, which is what they are asking for. It is not conditional use, in that they do not have any conditions to add to this request. This is a very vanilla-type application simply because it is for RS-30 zoning. There is a mix around the property, but certainly

RS-30, AG, RS-40, MH, all of those are compatible districts in the ordinance and are very similar to what they are proposing. He pointed out that the entrance would be on Hudson-James Road. NC-DOT has taken a preliminary look at that, and this project does not warrant any improvements to Hudson-James Road. He hopes the Board will approve this request for this project to move forward.

In regard to a question posed by Vice Chair Gullick, Mr. Greco stated that their office had sent out cards to the adjacent property owners inviting them to attend the ZOOM meeting, and gave the link and other information for the ZOOM meeting. It was fairly well-attended, and there were 6-8 people there during a 40-minute discussion. They did not expand beyond the immediate adjacent property owners, but they were invited to invite others, if they wanted to.

Mr. Little asked where the entrance to the property would be located. Mr. Greco responded that this parcel to be rezoned is adjacent to parcel "C" on the map that is already zoned RS-30, and there is a pond at the northernmost portion of that exhibit. Their road would be to the north of that pond and will run east to Hudson-James Road.

Joe Thacker, 8269 Walter-Cone Way, Stokesdale, NC, stated that he will speak in favor of the request, and he is speaking on behalf of Ms. Anne Thacker who is a property owner that borders this property. She is not really for the rezoning, but she is also not against it. She and her husband sold the property to the present owners. They have been expecting this action for some time now. She would like clarification about the water run-off from this property that will be developed, as she still has property on the east side of it, and it is downhill from where this property lies. She also would like some kind of privacy fence or plantings that would give her peace and privacy on her property. She also would like to know the setbacks for the houses from the street. They also want to know if all the houses will be built at one time, or will they be built in phases?

Vice Chair Gullick asked if there was anyone wishing to speak in opposition to this request.

Mark Rector, 8309 Hudson-James Road, stated that if you take a look at the map, the RS-30 is strictly the properties that border Hudson-James proper, while anything that is off Hudson-James is AG or MH and RS-40. Though it is zoned RS-30, it is really quite limited. He pointed out that there are 40 homes located on Hudson-James Road and Wright's Farm Lane. White Farm Lane enters and exits off from Hudson-James, so there is no other path for them. The smallest lot size is 1 acre, and the largest lot size is in excess of 30 acres. For someone to say that RS-30 is the standard, that is not true. He stated that this development would more than double the traffic in this quiet neighborhood off of Hwy 158. The people in this area moved there so they would have peace and quiet, but now there would be a cluster development built right on top of them and wanted to know if that type of development is off the table.

Mr. Bell stated that is not being considered this evening; this is not a conditional zoning district. Mr. Snyder responded that "clustering" is simply that they would put the lots closer together in exchange for leaving "open space" in other areas. But it doesn't allow townhouses or something like that.

Ann Rector, 8309 Hudson-James Road, stated that she is taking the environmental approach and brought some information to submit and protest the change from agricultural to RS-40, and she would like everybody to see the packet of soils for this development; it is listed in the Board members' literature. She wished to quote what was said about this property on Hudson-James Road, "The majority of the property actually falls under very limited and indicates that the soil has one or more

features that are unfavorable for the specified use limitations, generally, and special design would be needed for septic tanks.” It is listed as “very limited,” and if you start putting that many houses on the development, this would be part of the reason that other people are going to talk about the lack of water in the area. Ms. Rector detailed some of the information that she shared with the Board members. She pointed out that there is going to be a lot of tree cutting and a loss of homes for the wildlife. The streams will overflow because of the disruption and severe water run-off from the development. Poor septic systems and low water exist for the proposed homes in the area.

Jenny Tucker, 8426 Rumbley Road, stated that her property is located in the designated area “P” on the map, and the big issue she has is that several of the houses around her have had problems when they have dug their wells. When they dug the well on her property, it affected the man that owned property next door to her. Once they start digging all these wells, how is that going to affect the water supply in this area? She feels that this property should be left for the wildlife as it is. She is totally against this request and would like for there to be some kind of restriction, that if it affects their water supply, that the builder has to be responsible for that.

Marty Hyatt, 8545 Hudson-James Road, stated that one of her big concerns is the traffic pattern and the use of one entrance/exit with approximately 80 cars coming out onto Hudson-James Road and then onto Highway 158 where there have been numerous accidents. She has talked to the Town of Summerfield, and they were not aware of this proposed development. They are interested because that is a significant amount of housing that would affect the fire, schools, and other local facilities. She is concerned about the septic area near the creek on the map, which shows a common septic area, and it is right at the creek. She is also concerned about privacy screening and wants to know if they will leave some of the trees to help with screening.

Vice Chair Gullick stated that in regard to concerns about septic, if they are unable to come up with enough septic areas for the number of houses they would like to build, they will be restricted.

Virginia Brown, 8534 Hudson-James Road, stated that in regard to the soil classifications, she is a licensed soil scientist, and the land there is actually considered prime farmland, which is some of the most productive farmland in the state. She strongly disagrees with this proposal, changing it to RS-30, and would like to keep it AG, rural residential, because if you build houses on all the AG, then it is really important to keep this area of the County rural, and the agricultural heritage is a big part of the state’s economy. When she built her home, she looked at all the surrounding land and chose that location because all the properties had a lot of AG zoning, and that was where she wanted to live. A lot of other people in this area feel the same way.

Janet James, 8579 Hudson-James Road, stated that they also have property on Highway 158. Her concern is the vehicles exiting onto Hudson-James Road. There have been accidents and a fatality, and her sister-in-law was killed pulling out on Hudson-James Road. She feels it would be better to exit onto Rumbley Road and split that traffic.

Matthew Hawkrider, 8621 Hudson-James Road, stated that he owns property “I” on the map. The creek runs along the edge of his property. As it stands right now, there is quite a bit of erosion that occurs when there is a large downpour, and with taking all the natural area out, it will just increase that erosion. His family moved to this area because it is rural, and he sold his property in Oak Ridge because they started building high-density developments around him. His children go to the Northwest Guilford Schools and it is already extremely overcrowded, and they are having to use

trailers for classrooms. Adding this many houses to this area will only compound the existing problem with the schools. He is completely opposed to this request, as there are a lot of negatives.

Diana Johnson stated that she is property "H" on the map, and the creek also runs along her property line. There is a lot of wildlife on their property, and they would like to see the property remain like it is, AG.

Jacob Nelson, 8403 Hudson-James Road, stated that if this goes through, it will completely flood his property. There is a flood zone that he bought just for the wildlife, and it is full of silt. There is no creek behind his house anymore. If they build a neighborhood, he is going to catch all the water just before it gets to their house. He has already seen rain up to the edge of his grass after just a good rain. If this goes through, he will have to sell out just vacant land because it's going to flood his house, or they will have to do something about it.

**Rebuttal in Favor:**

Bill Greco stated that it is often difficult in public hearings to educate, which is challenging in this format. However, having listened to the opposition, he feels that they can safely cluster a number of their concerns into the category of the cart-before-the-horse. What is before the Board this evening is a rezoning, and matters of subdivision and design, DOT permitting, septic/well, are certainly addressed in the ordinance and does a great job, as well as staff that are responsible for that. He will speak briefly on wells and septic. Certainly, the County staff has a fabulous process where they permit those, and if it is unsuitable, then no permit is obtained. For wells, over the last 10-15 years the technology has gotten very advanced, and they know where neighboring wells are, and they know about impacts, and they do a great job monitoring that. As developers and folks who want to be in the community and have been for the past 20 years doing these subdivisions, they will certainly be there on-site if someone does have a problem. The traffic on Hudson-James Road, that is premature, as they do not have a driveway permit, and that would go before NCDOT for the final word on that. They do evaluate soils prior to designing a subdivision, prior to moving forward, and they feel confident that will be addressed. Erosion was a topic of conversation, and they certainly have to produce an erosion control and grading plan, which has to be installed, maintained, and inspected. The County staff comes out and inspects, so there is a rigorous program there that would be adhered to.

**Rebuttal in Opposition:**

Mark Rector, 8309 Hudson-James Road, stated that they understand, although they may not like a development there, the decision before the Board is really to change the zoning for the parcels shown on the map "A" and "B" from AG to RS-30. He asked that the request be rejected, and they believe that RS-30 is inconsistent with the property for the reasons already stated. He pointed out that it would certainly double the traffic in the immediate area, and he understands that there is work to do with NCDOT and the TRC on some of these issues. The main thing is that they don't want the Board to change the zoning from AG to RS-30, and changing the potential lot size from a minimum of 40,000 square feet to 30,000 square feet. That does not solve all of their concerns; but, it mitigates what can be mitigated by the Board.

Randy Huffman, 8505 Hudson-James Road, stated that he has a small mini-farm where he raises truffle trees. He is worried about the finite number of resources they have with water in the ground. There is already a water problem in this area because it washes off everybody else, and some of those people have been flooded out several times. The ground does not really retain water, and that is the

problem. He has been in the grading business a little bit himself, and sometimes they have Mr. Doggett go in there and level a lot out, put in a silt pond, but the water would be retained in the soil, and the perk fields will not perk for very long. He thinks the density that is proposed here is just stupid.

Mr. Craft moved to close the public hearing, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Drumwright, Little. Nays: None. Members absent: Donnelly and Alston).

**Board Discussion:**

Mr. Little stated that he has been out to this property, and this is clearly farmland. Putting all those houses behind these existing properties just seems, to him, to be inconsistent with the rest of the properties, especially with all the concerns about the water issues.

Dr. Bui stated that she hears all of the concerns from the neighborhood residents that live in this area, and she believes that those concerns should be addressed before going forward with the request. She does not feel that concerns about the wells have been taken into consideration very well and even though there was a ZOOM meeting, she does not think their voices were heard.

Rev. Drumwright stated that he is trying to understand the weigh-out of the procedures and the preponderance of problems. He came into the meeting in mid-conversation, so he is unsure about making comments. I would echo what Dr. Bui has said, and it seems that there needs to be more discussion and discovery before moving forward.

Ms. Buchanan stated that she wishes that there had been an in-person community meeting. She is looking at the neighbors in the community and feels that most of the people in this room are not comfortable using just a ZOOM meeting. An in-person meeting would have been more helpful.

Mr. Craft stated that he hopes the audience does not take the Board's lack of asking questions, as lack of interest. They are very interested in what everyone has to say. The Board's mission is very narrow in this case, as they need to determine if the request is consistent with the Plan, which it is, is it reasonable and in the public interest, and it is. He is all for saving trees and preserving farmland, but it puts an undue burden on a property owner to say that is what they have to do. People need places to live, so based on that, he is inclined to support the request as it is next to current RS-30 zoning.

Mr. Stalder stated that his only concern is the lack of an in-person meeting with the residents.

Rev. Drumwright stated that he has a question. Given the multiple voices on the Board about the ZOOM meeting and the lack of participation, had this community shared these concerns in a virtual space, would that have changed the outcome? He wanted to know if the community was invited?

Vice Chair Gullick stated that there was a small ZOOM meeting of only adjacent property owners. He stated that what staff encourages is a community meeting so there is a better understanding and less misunderstandings. Rev. Drumwright asked how many adjacent property owners were invited to the ZOOM meeting. Justin Snyder responded that it looks like seventeen (17) adjacent property owners, but some of them are duplicates, so maybe not that many. In response to a question about sign placement, Mr. Snyder stated that signs were placed on Hudson-James Road, as well as Rumbley Road.

Ms. Buchanan asked if the Board has the option of continuing this request? Mr. Bell responded that the Board can certainly continue the request. He pointed out that Mr. Greco did not submit a conditional zoning request with a sketch plan that could be reviewed by everybody [including] here at the meeting. During a community meeting, one way that this plays out is they talk about a specific use and what will abate some of the concerns that were expressed this evening, but the applicant is under no obligation to do any of those things [under a conventional rezoning request]. So if the request is continued, the Board should align expectations of what may come out of that meeting. Mr. Greco has mentioned a subdivision, but he may change his mind tomorrow. It could be another use entirely.

Dr. Bui suggested that a 5-minute recess be taken to give the Board members an opportunity to gather their thoughts.

Thereupon, Mr. Craft moved to take a short recess, seconded by Mr. Little. There was a recess from 7:15 until 7:25 p.m. and the meeting reconvened.

Vice Chair Gullick called the meeting back into session.

Ms. Buchanan moved to approve the zoning amendment located on the entirety of Guilford County Tax Parcel #221302 and a 2.99-acre portion of Parcel #147559 from AG to RS-30 because the amendment is consistent with applicable plans because RS-30 is included as an anticipated district in the AG residential designation. The amendment is reasonable and in the public interest because it is consistent with the AG, rural residential land use designation and follows with land use on adjacent parcels, seconded by Mr. Stalder. The Board voted 5-2 in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder. Nays: Little and Drumwright. Members absent: Donnelly and Alston).

Vice Chair Gullick noted that this request will go to the Guilford County Commissioners for a final decision. Vice Chair Gullick stated that those in attendance for the previous case are welcome to leave the meeting at this time.

#### Evidentiary Hearing Item(s)

#### **SPECIAL USE PERMIT CASE #22-12-PLBD-00033: Boarding House, 3-8 residents, 335 Knox Road**

Located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. This is a request to consider granting a Special Use Permit for a Boarding House, 3 to 8 Residents on AG zoned property.

Vice Chair Gullick stated that he would like to know how many people are here in favor of the request. There was only one (1) person in favor. There were approximately eight (8) people in opposition. Chair Gullick asked if there was a neighborhood meeting between the two (2) parties for this request. Many of those in opposition stated that there was no neighborhood meeting held and no communication with the applicant. Vice Chair Gullick asked the applicant to come forward for just a moment. Vice Chair Gullick suggested to the applicant, Dr. Johnny Henderson, that this case be continued so that he can take time to meet with his neighbors, talk about their concerns, outside of this arena and then come back to the Board for a hearing. He feels that this would be a much more efficient process and better for the community.

Dr. Henderson stated that his concern right now is that this process has been going on for about three months, and he really needs to get a final decision, one way or the other, so he can do something else.

Vice Chair Gullick then asked for comments from the Board members. He pointed out that there has been no community meeting, and it is a quasi-judicial case under oath, and he feels it would be a simpler process for everyone if there were a neighborhood meeting held. Mr. Bell stated that Dr. Henderson has seen how many people are in opposition to what he is wanting to do. He stated that this is an Evidentiary Hearing, and with those questions and Findings of Fact that the Board has to find, it is incumbent on Dr. Henderson to provide the evidence for them to find in his favor. He does not know what the people who are in opposition have or what their concerns are, but he asked Dr. Henderson if he wanted to take the opportunity to have that [neighborhood] meeting, which may prepare him for his hearing. It is not a recommendation; it is a question before this moves forward. Dr. Henderson stated that he understands the question and appreciates it, but as he just mentioned, he is just tired as it has been going on for three months, and he'd just like to present his case and opposition can present their case, and wherever it falls, let it fall. Leslie Bell responded that, for either side, if the decision is not in their favor, they can appeal to Superior Court within thirty (30) days.

Leslie Bell stated that this is a request for a Special Use Permit Case #22-12-PLBD-00033: Boarding House, 3-8 residents, 335 Knox Road located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. This is a request to consider granting a Special Use Permit for a Boarding House, 3 to 8 Residents on AG zoned property.

At this time, all speakers were sworn in for their testimony for the above-mentioned case.

Leslie Bell stated that, as mentioned earlier, this is a request to consider granting a Special Use Permit for a boarding house of 3-8 residents, subject to the associated sketch site plan, and subject to any approved conditions. He explained the map shown for the Board members' review. This property is in a low-density residential area along Knox Road with AG uses on adjacent properties to the rear of the subject parcel. There is a single-family dwelling on the site, and to the north is low-density residential and AG, to the south, east and west are low-density residential. There are no inventoried historic landmarks located on or adjacent to the property, as well as no cemeteries. There is no anticipated impact on the public school facilities, and emergency response is provided by the McLeansville Fire Department and is located ½ mile from the nearest fire station. The property is serviced by a private septic system and well. This property is within or adjacent to the Greensboro Growth Tier I water and sewer service area. The existing condition on Knox Road is a major thoroughfare and average daily trips are 5,000 vehicles north of subject parcel, per NCDOT 2019 traffic counts. If approved, the subject property would, potentially, be subject to an NCDOT driveway permit. The topography is moderately sloped. In terms of land use analysis, it is in the Northeast Area Plan. The Plan recommendation is for residential single family in AG rural residential. In terms of consistency, the land use designation of the subject parcel is residential single-family along the street frontage and AG rural residential along the rear of the parcel. The requested action is consistent with both designations under the Northeast Area Plan because each designation recognizes AG as a compatible zoning district. Because this is a Special Use Permit, the Unified Development Ordinance Subsection 3.4Q(3)(G) of the UDO, indicates that the applicant shall demonstrate that the review factors have been adequately addressed. **1) Circulation:** number and location of access points per the associated sketch plan in this application - access will be from Knox Road. An NCDOT Commercial Driveway Permit will be required during the official commercial site plan review process. **2) Parking**

**and Loading:** Parking for a boarding house, 3 to 8 residents, is subject to Section 6.1.D, Table 6-1-1. parking requirements for Group Living and Social Services Use Category of the Guilford County UDO. **3) Service Entrances and Areas:** Locations of service areas will be reviewed to allow for adequate access for all service vehicles when the official site plan is submitted for review per Section 6.1 in the Guilford County UDO. **4) Lighting:** A lighting plan will be presented when the official site plan is submitted for review per Section 6.3 of the Guilford County UDO. **5) Utilities:** Septic evaluation will be regulated by the Guilford County Environmental Health Department upon site plan review by TRC or appropriate staff. Utility easements will be reviewed at TRC or by appropriate staff. **6) Open Spaces:** Landscape requirements will be required and reviewed by TRC or by appropriate staff per Article 6.2 of the Guilford County UDO. **7) Environment Protection:** Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Section at the TRC or by appropriate staff to meet all environmental regulations per Article 9 of the Guilford County UDO. **8) Landscaping, Buffering & Screening:** A landscape buffer in the form of a Type B Planting Yard (min. width 25', avg. width 30', max width 50') will be required per Section 6.13(D) in of the Guilford County UDO. **9) Effect on Nearby Properties:** Lighting plan requirements will be required and reviewed at TRC or by appropriate staff per Article 6.3 of the Guilford County UDO. **10) Compatibility:** Boarding House, 3 to 8 Residents, being surrounded by residentially-zoned properties, are required to have landscape buffers of the entire perimeter of the facility. The surrounding area is low-density residential on subdivided lots.

During 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/is not]** complete in all respects.
2. That the use **[will/will not]** materially endanger the public health or safety if located where proposed and developed according to the plan submitted.
3. The use, **Boarding House, 3- 8 Residents** with associated Sketch Site Plan and subject to any conditions of approval for which the Special Use Permit is sought, **[is/is not]** 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 to the plan submitted, **[will/will not]** be in harmony with the area in which it is to be located and **[is/is not]** in general conformity with the plan of development of the Jurisdiction and its environs, and
5. That the use **[will/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 for Planning Board consideration:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (GCUDO).
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 TRC, illustrating conditions related to the request and applicable development standards.
4. Added conditions, if applicable.
5. If the specified conditions addressed in the 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.

Mr. Bell added that there is a TRC report submitted in the Board members' packet, showing comments that need to be addressed. There also are associated maps of the general area and the zoning of the area.

Vice Chair Gullick asked for those speaking in favor of the case to please come forward.

Dr. Johnny Henderson pointed out that what he proposes is to house veterans. It is his understanding that there is a big need for veterans to be housed comfortably. He acquired this building in August 2021, and it had clean space in a quiet neighborhood. He has renovated the rooms, and it is completely furnished and very comfortable for anyone to live in it at this point. It is not a rehab center, and there is not going to be people who have been on drugs, alcohol or any other kind of abuse. These veterans are disciplined, stable people that only would be allowed in the facility. There is not much to add to the building, as it is an existing building, and he intends to make additional improvements. He has already done that with some of the landscaping that is ongoing, and it would get better with time. He intends to put security through ADT or Ring, or some other type of system at the facility. Instead of a veteran in a hotel, they can be in a home with a home environment with plenty of room. He has 0.78 acres there, finished space, with plenty of room for a garden in the backyard.

Mr. Bell stated that the Board has to have Findings of Fact and wanted to know if there was anything that Dr. Henderson would like to present.

Dr. Henderson stated that the use will not materially endanger the public health or safety if constructed as proposed and developed according to the plan submitted. He did submit a plan, but keep in mind that this is an existing building, and there is not much he can do to change that. It is to be used primarily by disciplined personnel and that is consistent with his logo, which is, "Comfort Card for All Veterans". He has dealt with the Veteran's Affairs people and accepts their recommendations about the people that he would interview for possible rent at the facility. There is not too much that he can add to that. The Special Use Permit is sought to be in conformance with all special requirements applicable to this use. The use meets all the required conditions specified as it is an existing building, and he has submitted a legal description of the property and the site plan. He is trying to be consistent with that. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan development of the jurisdiction and its environs. This is based on the fact that the building is an existing building, and nothing has changed. In addition, there will be improvements to the sidewalk entrance as well as improvements to the parking lot at the rear of the house. There will be no changes to the front of the building. Specific attention will be given to handicap parking, if necessary. The handicap ramp is in the front of the building. He would anticipate an increase in the value of adjoining properties due to the improvements that he is making in the landscaping, sidewalk, parking lot and the building itself. He wanted to know if three veterans would be allowed to move to this neighborhood who are disciplined, organized, experienced people?

Mr. Craft asked who would be supervising the residents and the operations of the household, regarding cleaning, et cetera? Dr. Henderson stated that he would arrange that and hire local people to come in to do all the cleaning, cooking and whatever is required. That is his responsibility to find those people. He already has someone in mind to take over those duties. Mr. Craft stated that on the application, it shows that he has a Florida address and wanted to know if Dr. Henderson still lived in Florida? Dr. Henderson stated that he bounces around quite a bit. He has properties in New Jersey, Florida, North Carolina, and right now he is in North Carolina. Mr. Craft asked where the funding would come from to run the boarding house? Dr. Henderson replied that funding would come from the VA. He did not think that this would be a big issue for the neighbors. This is a quiet and beautiful neighborhood, and he talked to the neighbors to the left and right of the house and across the street, and it seems that they all get along fine.

Mr. Craft asked for clarification of the definition of "group home" or "boarding House". Mr. Bell responded that a boarding house "is a dwelling or part, thereof, in which lodging is provided by the owner or operator to more than three (3) or more boarders". Justin Snyder added that a boarding house with 3 to 8 residents is permitted with a Special Use Permit in the AG, while a boarding house with 9 or more is not.

Vice Chair Gullick asked that those who wished to speak in opposition to come forward with their comments and concerns.

Wanda Small owns the property at 338 Knox Road, which is across the street from Dr. Henderson's property. A boarding house is lodging or a dorm unit for grown-ups. She stated that Dr. Henderson purchased this property as residential and had it rezoned as AG, and she feels that he had the intention of doing this all along. Had the neighbors known, they probably would have not agreed upon having it rezoned. Even though Dr. Henderson says it is for veterans to live there, how do they know that is what it will stay? She does not feel that the proposed use would be in harmony with the current neighborhood. This is an older residential neighborhood, very quiet, and there are nine (9) single women that live in households within ¼ mile of this site. She is on the Gibsonville Development Committee, and has spoken with the Police Chief there, and there are two (2) boarding houses in Gibsonville, and they have more drug-related and tenant issues because the shared common areas have more tenant crimes than the typical household would have. Most boarding houses are developed in inner city locations because of economic and social opportunities, rather than in rural areas. Only the very adjacent neighbors were informed of this meeting so very few people even knew about it. She has not been contacted and the reason she knew about it is because her sister-in-law owns the house next door and got a letter.

Ginger Reece, 323 Knox Road, stated that she is two houses down from this site and has lived there for over 30 years. She did not receive a letter, and her property does not touch this property, but she feels like this community should have been notified so they could have voiced their opinions. She is opposed to a boarding house. She understands that he wants to help veterans, and that is great, but she feels that it should be in a different area. Most of the people in the neighborhood have been there for many, many years. There is a lot of farming that goes on and a lot of big farm equipment. There is also some kind of housing development at the corner, so that will be developed in the near future. There is also a lot of school traffic going through there. She hopes the Board will consider that this is an older neighborhood, and these people don't want to be disturbed. She thinks the house owned by Dr. Henderson only has 3 bedrooms and 1 bathroom, so it is not really big enough to house 3 to 8 people. In response to a question posed by Vice Chair Gullick, Ms. Reece stated that she feels that Dr.

Henderson should have had a meeting with everyone in the neighborhood and explained what his intentions for the house are.

Teresa Edwards, 333 Knox Road, stated that she is right next door to this proposed boarding house. Her issue is that she is a single female and just bought this property in August and has done about \$70,000 worth of improvements on her home, and she feels that a boarding house is not appropriate for the surrounding area. She feels that there would be a lot of wear and tear on the septic tanks and wells around there. Once it gets set as a boarding house, who is to say who will actually live there? She moved from a campground on E. Lee Street, and there was a teen home there that caused a lot of issues for that neighborhood. There were a lot of police issues, constant traffic through there with police officers and ambulances and fire trucks. She does not want that kind of situation in her new neighborhood. She is concerned about the parking being in the back of that house because people coming into that area, the headlights would come right into her house. She has dogs and seven grandchildren, and the oldest one is a 16-year old girl, and she doesn't want 3 grown men living in a home where her granddaughter is going to be out in the swimming pool and in a bathing suit. There is no way to guarantee that the men living in the home are honorable and not dangerous. She is worried about safety issues, especially possibly PTSD issues.

Mr. Bell pointed out that in the TRC report there is an advisory comment that includes a provision that an owner must designate an on-site manager. There are some other requirements that would have to be met. This information is included in the Board's packet.

Reesa Stevens, 5820 Lookout Place, stated that a family member lived in the house that is now owned by Dr. Henderson, and when they lived there, it had a living room, kitchen, a small adjoining sitting room, a laundry room and bathroom and two (2) bedrooms. She would like to know how he is going to put 8 people in a house that size. The area has a lot of sand rock, and most people have a lot of problems with their wells. The proposed boarding house would not be able to support that use on the existing well and septic system. She also wants to know if there is going to be someone living on the premises to look after those veterans. She feels that this is proposed for the wrong area.

Vice Chair Gullick asked Ms. Stevens if there were any conditions that she would like to propose that would help make this an easier transition. Ms. Stevens responded that she did not think there is, because every individual person who has been in a war, has their own individual issues, and everybody deals with things differently. Some people are able to get over them, but some people never get over them, such as nightmares and other psychological issues. She has dealt with a lot of it with her own son. You cannot scrutinize an individual with an application to rent a room to them to the point that you don't get into their personal business enough to know what is behind the closed doors. She hopes the Board will not allow this proposed boarding house in this neighborhood.

Ms. Buchanan stated that under the Planning staff comments it says, "must provide a floor plan showing compliance with minimum size of sleeping room of 200 square feet, per person." Based on that information, you could not have more than 3 people because it is only a 3-bedroom house. Mr. Bell responded that is correct, unless they do some remodeling. Ms. Buchanan asked who monitors the number of people living in the house? Mr. Bell responded that no one goes to check on that unless the VA asks a question about it. A septic recheck is done beforehand by the Environmental Health Department. The building plans for the structure would have to be checked and approved by the County, to ensure that there is compliance with that. Ms. Buchanan asked if an on-site manager is required to sleep at the location and be there 24 hours? Mr. Bell answered that it does not specify if

they have to sleep there. He would think that in reading that probably most people would think that it would be 24 hours, but it is not clearly stated as such.

Vice Chair Gullick asked Dr. Henderson if he would like to speak in rebuttal or if he had anything else to add?

Dr. Henderson responded that he would like to be more specific about something that was said. The lady from next door at 338 Knox Road, he did not speak to. He spoke to a young man who lives at that place. He did tell the young man about his plans for the house. Ms. Buchanan asked how many bedrooms are currently in the house? Dr. Henderson answered that there are three (3) bedrooms. He also answered another question concerning the number of bedrooms and stated that there would be another bedroom downstairs in the basement of the house.

Vice Chair Gullick asked if there was an on-site manager that is ready to go into action if this Special Use Permit is allowed. Dr. Henderson responded that he does have somebody ready.

Ms. Small stated that she has concerns about Dr. Henderson's age because if something were to happen to him so that he was unable to own or manage this property, who would manage the property then? Mr. Bell stated that was irrelevant to the question at hand.

Mr. Craft moved to close the Evidentiary Hearing, seconded by Dr. Bui. The Board voted 7-0 in a roll-call vote in favor of the motion. (Ayes: Craft, Buchanan, Bui, Gullick, Stalder, Drumwright, Little. Nays: None. Members absent: Donnelly and Alston).

**Board Discussion:**

Mr. Little said he had no comments or questions. Dr. Bui had no comments or questions. Rev. Drumwright had no comments or questions. Ms. Buchanan had no comments or questions. Mr. Craft stated that it is up to the applicant to provide full and complete information for the Board to make a decision, and in this case, he feels that there are just too many open things that aren't fully vetted and specified about this type of operation, so he could not support this request. He does feel that something like this is a valued part of a community, but this just doesn't rise to the level of being approved. Mr. Stalder had no comments or questions. Mr. Gullick stated that this is an Evidentiary Hearing, and they had to see certain points made to approve this application, and in his opinion, he doesn't feel that the Board has those. So, he would not be supporting this application.

Vice Chair Gullick asked if someone from the Board would like to make a motion.

Mr. Stalder asked if the application could be tabled? Mr. Bell stated that was an option. The Board can approve, approve with conditions, deny, or table. Mr. Stalder stated that he feels that the Board should give him the opportunity to come up with the proper evidence for the hearing and possibly table it until the next session.

Mr. Bell stated that the question to the Board is whether he provided you with evidence that is sufficient or not. He stated that there just needs to be some clear direction as to what the Board is looking for if the Board votes to table it.

Ms. Buchanan stated that she feels that the Board just needs further clarification on what specifically will be done. She feels that there are a lot of unanswered questions related to what Dr. Henderson's

intentions are for the property. Rev. Drumwright asked if Dr. Henderson can provide the Board with facts that have not been entered at tonight's hearing. Mr. Bell asked that if the Board decides to table the application, as it was discussed earlier, what is the Board specifically looking for, and what other evidence could be brought forward? With these types of cases, it is not uncommon that there be expert witnesses that are established to help with the Findings of Fact, that some of the operational things can be addressed.

Mr. Craft stated that he does not feel it is the Board's place to provide that level of direction to an applicant. He has enough information to make a decision due to the lack of a lot of information, and if this application is turned down, how long could he take to make another application? Mr. Bell stated that it could come back before the Board again if there is additional evidence presented.

Vice Chair Gullick asked Dr. Henderson to return to the speaker's table to answer a few questions. He asked Dr. Henderson if he is agreeable to the current application being tabled? Vice Chair Gullick stated that some of the Board members feel that they need more information, and it has been suggested that this application be tabled to give him time to gather more additional information.

Dr. Henderson responded that there is nothing more that he can add to the way he explained it. He doesn't know what other information he could get, maybe because he is not an attorney, and he doesn't know what to expect beyond what he has already said.

Vice Chair Gullick asked if anyone had a motion they would like to offer at this time.

Mr. Craft stated that in the case of Special Use Permit #22-12-PLBD-00033, Boarding House, 3-8 residents, 335 Knox Road, the Guilford County Planning Board held an Evidentiary Hearing on February 8, 2023, to consider a request for a Special Use Permit for a Boarding House with 3-8 residents, subject to the submitted sketch site plan, along with any approved conditions for the property located at 335 Knox Road (Guilford County Tax Parcel #117317 in Jefferson Township), is approximately 130 feet north of the intersection of Lookout Place and comprises approximately 0.86 acres. Having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following Findings of Fact and the following conclusions:

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

There are still questions about the supervision of the residents and how they are vetted and selected, and what level of on-site supervision there would be.

- 3) The use, Boarding House, 3-8 residents, for which the Special Use Permit is sought, **is not** 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 Evidentiary Hearing which shows the following:

There is the lack of a business plan to more fully give a picture of how this operation would be run.

- 4) The location and character of the use, if developed according to the plan submitted **will not** be in harmony with the area in which it is to be located and **is not** 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 Evidentiary Hearing which shows the following:

This is a residential area, and this type of occupancy is more transient in nature and not conforming with the current residents in the area.

- 5) The use **will** 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 Evidentiary Hearing which shows the following:

There was no evidence showing that the properties would not be injured.

**THEREFORE**, on the basis of all the foregoing, **IT IS ORDERED** that the application for a Special Use Permit for a Boarding House, 3-8 residents, be **DENIED**.

The previous motion was seconded by Ms. Buchanan. The Board voted 5-2-0 in a roll-call vote in favor of the motion to **deny** the application. (Ayes: Craft, Buchanan, Bui, Gullick, Little. Nays: Stalder and Drumwright. Members absent: Donnelly and Alston).

Mr. Bell stated that this decision can be appealed within thirty (30) days to Superior Court.

#### H. Other Business

##### Comprehensive Plan Update

Mr. Bell stated that in the budget, they have requested another \$200,000. One of the reasons why is the Comprehensive Plan process is spread over two (2) fiscal years, and they also are requesting that with all the development and construction and projected population growth, that the 2016 updated Area Plans be updated to reflect from 2017 through 2022. Also, the southeastern portion (east of Hwy 421, near the Guilford County/Randolph County line [as you move toward Alamance County]) of Guilford County has never had an area plan. We are asking that an Area Plan for future development be completed for that area of Guilford County.

#### I. Adjourn

There being no further business before the Board, the meeting adjourned at 8:43 p.m.

***The next scheduled meeting is March 8, 2023, at 6:00 p.m.***

(Insert Color Paper)



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Rezoning  
Application**

Date Submitted: 1/3/2023 Fee \$500.00 Receipt # 3339-2023 Case Number 23-01-PLBD-00035

**Provide the required information as indicated below.** Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request. A pre-application meeting with Planning staff is required. Scheduling for the Planning Board agenda will be based on the determination of a complete application submittal.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the AG zoning district to the LI zoning district.

Said property is located 107 Marshall Smith Rd  
in Deep River Township; Being a total of: 7.37 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # <u>170647</u>	Tax Parcel # _____
Tax Parcel # _____	Tax Parcel # _____
Tax Parcel # _____	Tax Parcel # _____

**Check One:**

- ☒ The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.  
☐ The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

**Check One:**

- ☒ Public services (i.e. water and sewer) are not requested or required.  
☐ Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

**Check One:**

- ☒ The applicant is the property owner(s)  
☐ The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.  
☐ The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).  
☐ The applicant has no connection to the property owner and is requesting a third-party rezoning.

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

**YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING**

Submitted by

<u>OSCAR J. THRENT</u> Property Owner Signature	_____ Representative/Applicant Signature (if applicable)
<u>OSCAR J. THRENT</u> Name	_____ Name
<u>5010 SHADY GROVE LN</u> Mailing Address	_____ Mailing Address
<u>GREENSBORO, NC 27407</u> City, State and Zip Code	_____ City, State and Zip Code
<u>336-402-2899</u> Phone Number	<u>450-JACKSON</u> Email Address

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## **REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL: 107 MARSHALL SMITH ROAD**

### **Property Information**

Located at 107 Marshall Smith Road (Guilford County Tax Parcel #170647 in Deep River Township), the subject of this request is approximately 290 feet north of the intersection of Marshall Smith Road and W Market Street and comprises approximately 7.37 acres.

**Zoning History of Denied Cases:** There is no history of denied cases.

### **Nature of the Request**

This is a request to rezone the entirety of Guilford County Tax Parcel #170647 from AG, Agricultural, to LI, Light Industrial.

#### **District Descriptions**

The **AG, Agricultural district** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

The **LI, Light Industrial district** accommodates limited, small-scale manufacturing, wholesaling, research and development, and related commercial activities that have little adverse effect, through noise, odor, or visual distraction, on neighboring properties. Development shall provide adequate screening and buffers and be located where there are adequate public utilities and access to arterial streets and highways.

### **Character of the Area**

Abutting to the north and west are comparably large tracts within Guilford County's jurisdiction zoned AG. All other adjacent properties are within the City of Greensboro. The property adjoining to the south off Marshall Smith Road is zoned CD-C-M, Commercial, within the city limits of Greensboro and is a restaurant. The two properties across Marshall Smith Road are zoned CD-RM-18, Residential Multifamily, and CD-C-M, Commercial. South of the intersection of Marshall Smith Road and W. Market Street are industrial developments within the City, zoned HI, Heavy Industrial.

**Existing Land Use(s) on the Property:** The property is undeveloped and wooded.

**Surrounding Uses:**

North: Residential

South: Commercial fronting Marshall Smith Road; agricultural fronting W. Market Street

East: Commercial and Residential

West: Agricultural

**Historic Properties:** There are no inventoried historic landmarks located on or adjacent to the subject property.

**Cemeteries:** No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

## Infrastructure and Community Facilities

**Public School Facilities:** No anticipated impact.

**Emergency Response:**

Fire Protection District: Colfax

Miles from Fire Station: Approximately 2.1 miles

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Marshall Smith Road is classified as a Collector with an Average Annual Daily Traffic (AADT) of 1,200 vehicles per the 2021 NCDOT traffic count.

Proposed Improvements: Subject to NCDOT Driveway permit

Projected Traffic Generation: Undetermined

## Environmental Assessment

**Topography:** Gently sloping, moderately sloping and steeply sloping

**Regulated Floodplain/Wetlands:**

There are no mapped wetlands on the property. There is no regulated floodplain on the property.

**Streams and Watershed:**

There is a mapped stream on the property and a mapped pond. The property is located in the Greensboro (Reedy Fork) WS-III Water Supply Watershed in the General Watershed Area.

## Land Use Analysis

**Land Use Plan:** Airport Area Plan (2008)

**Plan Recommendation:** Mixed Use

**Consistency:** The proposed rezoning is not consistent with the Airport Area Plan.

The Mixed-Use (MU) designation within Guilford County's Airport Area Plan is intended to recognize an opportunity for a mixture of complimentary and integrated principal land uses and/or housing types developed on large tracts under a unified development scheme. Mixed-Use (MU) areas should be characterized by pedestrian and bicycle interconnectivity and should incorporate many of the policies recommended by this plan. Traditionally, mixed-use developments have emphasized a variety of transportation options, recreational and/or open space amenities, and high standards of site and architectural design. It is envisioned that mixed-use projects will develop under the Planned Unit Development zoning districts of the Guilford County Development Ordinance.

## Recommendation

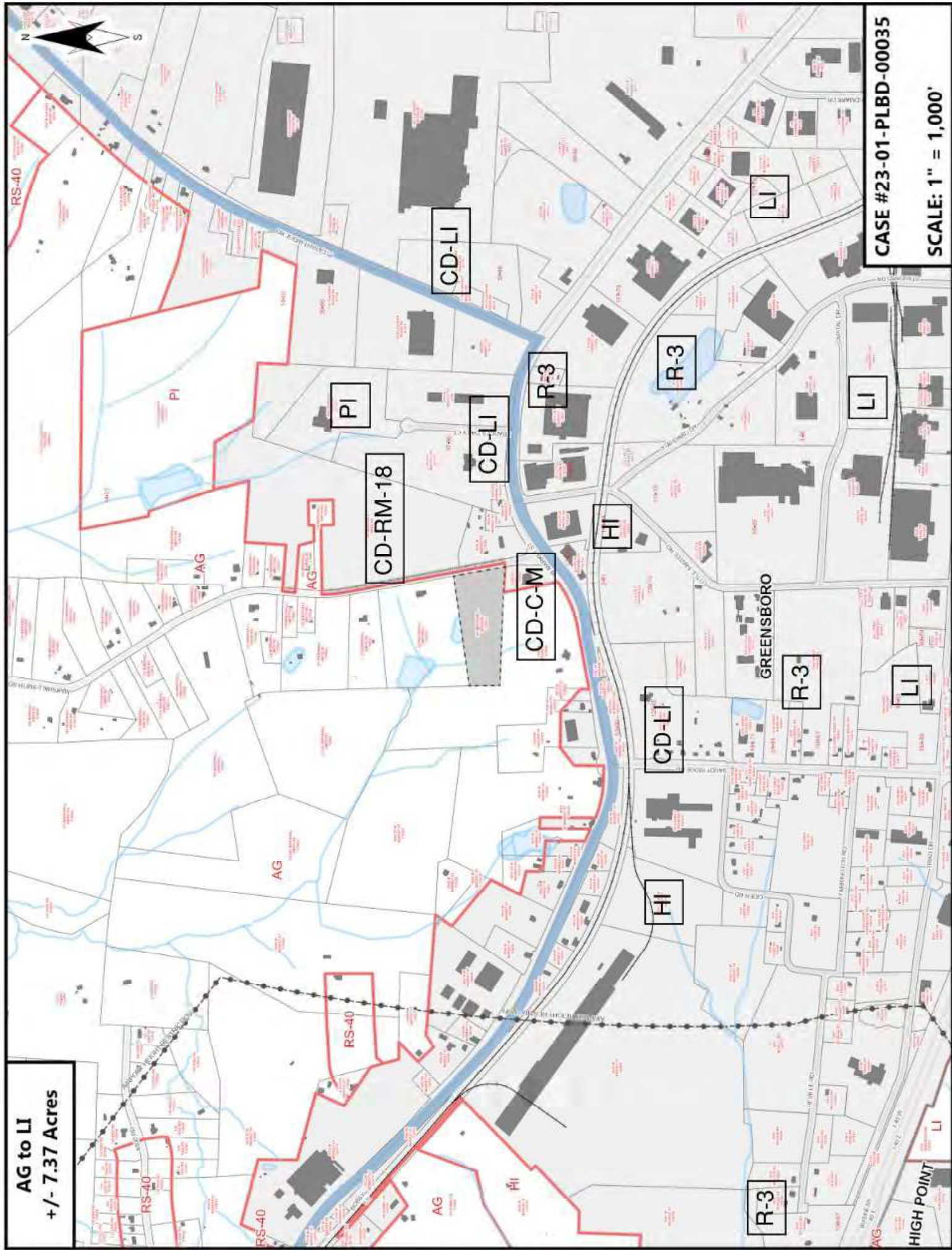
**Staff Recommendation:** Staff recommends approval of the request.

The requested LI, Light Industrial, zoning is reasonable and in the public interest because the property is in proximity to commercial and industrial activity within the City of Greensboro. Additionally, the subject parcel is less than 300 feet away from the intersection of Marshall Smith Road and W. Market Street. As such, the infrastructural capacity at the site will be more than sufficient to facilitate light industrial uses. While the surrounding parcels within the County are zoned AG, Agricultural, the development around this portion of W. Market Street has been trending toward a growing industrial hub. Therefore, approval of this request will satisfy Policy 1.3.2 of the Governmental Coordination Element of the Guilford County Comprehensive Plan, which states that government entities within the County should coordinate comprehensive planning efforts for the promotion of complementary land use development patterns. The Light Industrial zoning district would be conducive for this area due to the availability of public water and sewer for future non-residential development and the general consistency of the request with the commercial and industrial uses around the W. Market intersection. Therefore, associated light industrial uses would be complementary to existing development patterns.

### **Area Plan Amendment Recommendation:**

The proposed rezoning is not consistent with the Airport Area Plan recommendation of Mixed Use, thus if approved, an Area Plan amendment to Non-Residential will be required.

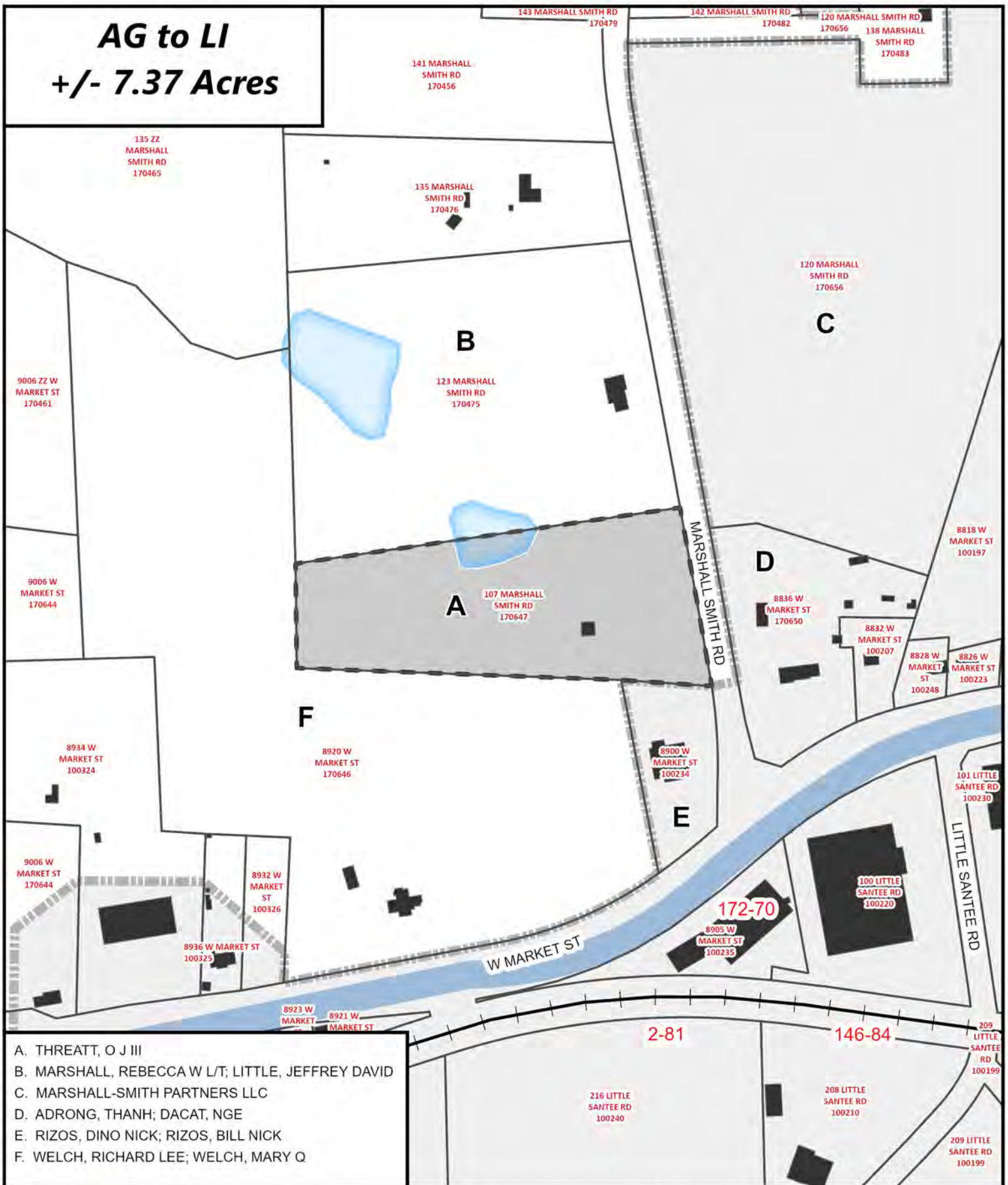
**AG to LI**  
**+/- 7.37 Acres**



**CASE #23-01-PLBD-00035**

**SCALE: 1" = 1,000'**

# AG to LI +/- 7.37 Acres



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ 23-01-PLBD-00035

Case Area:  
170647



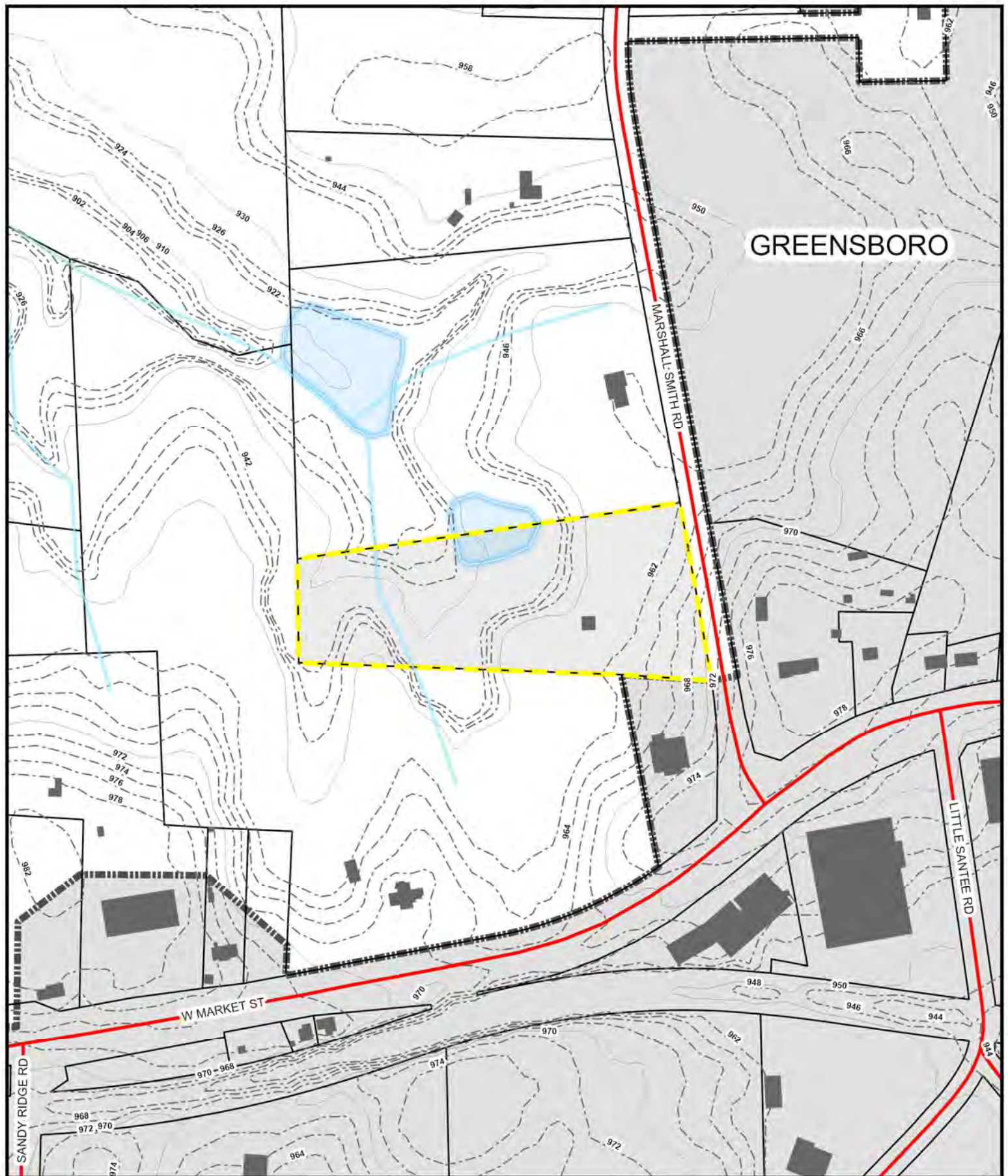
Scale: 1" = 300'



**Case: 23-01-PLBD-00035**

Scale: 1" = 300'



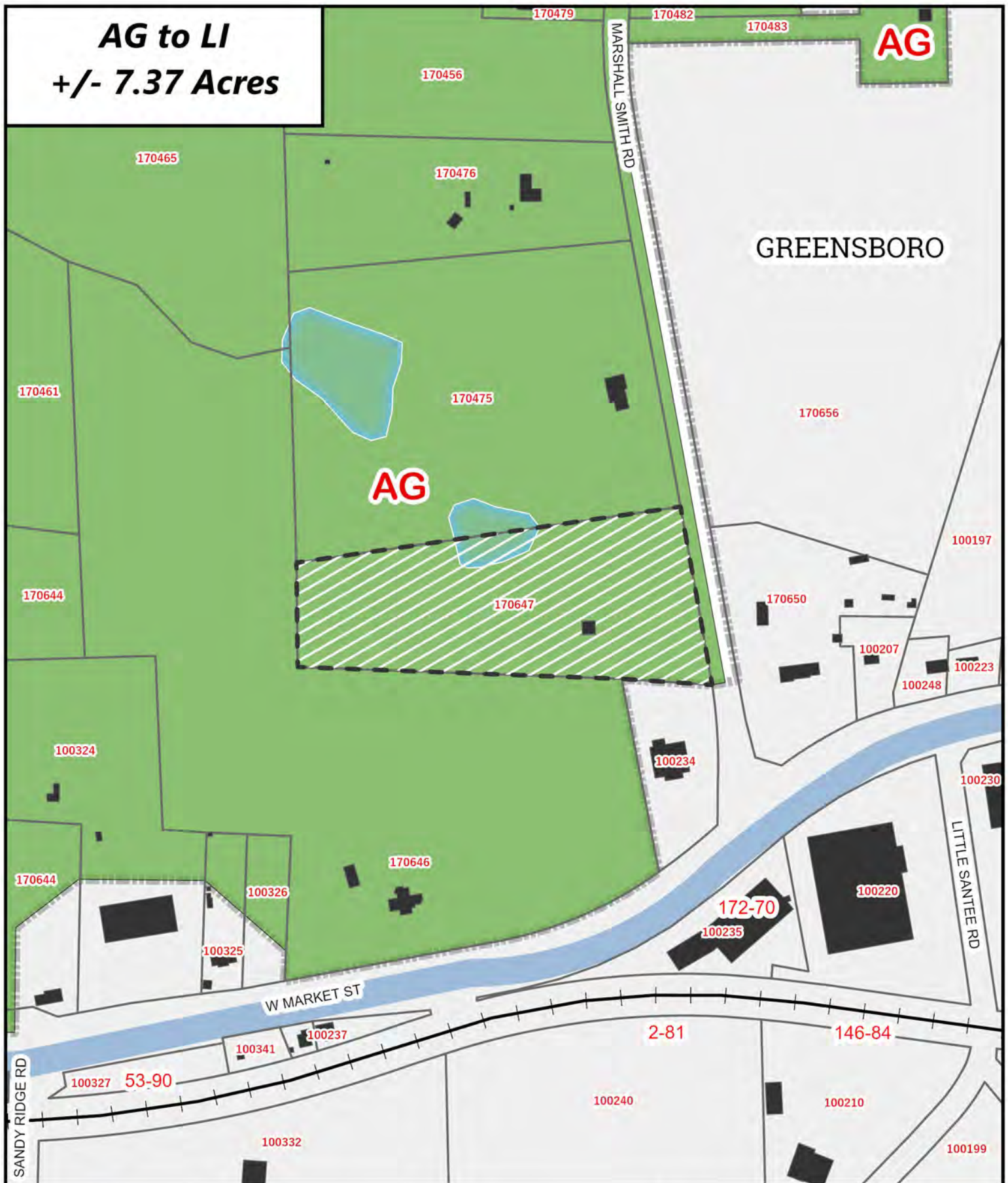


**Case: 23-01-PLBD-00035**

Scale: 1" = 300'



**AG to LI**  
**+/- 7.37 Acres**



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
RZ 23-01-PLBD-00035

Case Area:  
170647



Scale: 1" = 300'

**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1  
APPROVE-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

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

*[Describe elements of controlling land use plans and how the amendment is consistent.]*

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

*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD

GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY

**DECISION #2**  
**DENY-INCONSISTENT**  
**NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

1. The amendment **is not** consistent with applicable plans because:  
*[Describe elements of controlling land use plans and how the amendment is not consistent.]*

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2. The amendment **is not** reasonable and in the public interest because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY

**DECISION #3**  
**APPROVE-INCONSISTENT**  
**PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

1. This approval also amends the **Airport Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Airport Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Airport Area Plan**:  
*[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]*

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3. The amendment **is** reasonable and in the public interest because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**REZONING CASE #23-1-PLBD-00035: AG, AGRICULTURAL, TO LI, LIGHT INDUSTRIAL:  
107 MARSHALL SMITH ROAD**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4  
DENY-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Parcel #170647 from AG to LI because:

1. The amendment **is not** consistent with applicable plans because:  
*[Describe elements of controlling land use plans and how the amendment is consistent.]*

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2. The amendment **is** consistent but not in the public interest because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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(Insert Color Paper)

March 3, 2023

Attn: J. Leslie Bell  
Planning and Development Director  
Planning and Development Department, Guilford County Government  
400 West Market Street  
Greensboro, NC 27401

Project Name: Stewart Mill Retail 100 kilovolt Substation Project

Subject: Special Use Permit Application for Guilford County

Dear Director Bell,

On behalf of Duke Energy Carolinas (Duke Energy), please consider the accompanying materials in our application for a Special Use Permit in Guilford County. These materials include the Special Use Permit application and a Statement of Justification describing the need for the project, the details of the project, and exhibits including diagrams of proposed structures and maps detailing the location and extent of the project.

Regards,



Thomas D Hahn  
Siting Lead

859-409-0131  
[Tom.Hahn@jacobs.com](mailto:Tom.Hahn@jacobs.com)



Jonathan Schultis  
Client and Account Manager

804-426-3455  
[Jonathan.schultis@jacobs.com](mailto:Jonathan.schultis@jacobs.com)

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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Special Use Permit  
Application**

Date Submitted: 3/7/2023 Fee **\$526.00** Receipt # \_\_\_\_\_ Case Number 23-03-PLPB-00039  
(includes \$26 recording fee)

**Provide the required information as indicated below.** Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3.5.Q of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to authorize a Special Use Permit for the property described as being located 1872 Andrew Farms Road in Jefferson Township; Being a total of: 12.54 acres. The property is in the Agricultural (AG) Zoning District. The proposed use(s) is (are) an electric substation, a major utility.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 2 2 9 0 8 6

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

*Additional sheets for tax parcels are available upon request.*

**Check One:**

- ☒ The property requested for a Special Use Permit is an entire parcel or parcels as shown on the Guilford County Tax Map.
- ☐ The property requested for a Special Use Permit is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached with dimensions and bearings.

**Check One:**

- ☒ Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

**Check One:**

- ☐ The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- ☒ The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).

**Special Use Permit Requirements:**

- ☒ **Site Plan.** A site plan illustrating conditions related to the request and compliance with applicable development standards must be attached for all Special Use Permit requests. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- ☐ **Special Use Conditions.** Development conditions may be provided, list on following page. Refer to uses as listed in Table 4-3-1 of the Guilford County Development Ordinance. If conditions are not proposed, indicate 'not applicable'.
- ☐ **Review Factor.** Applicant must demonstrate that the review factors listed in section 3.5.Q.3(g) of the UDO are adequately addressed.



## GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Planning Board Special Use Permit Application

Please address the following and be prepared to present as sworn or affirmed testimony and evidence for the scheduled quasi-judicial 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. This conclusion is based the following:  
The proposed use has been designed with the latest safety and operational protocols; the proposed use has an 8-foot-tall perimeter fence; the proposed use will reduce power outages experienced by Duke Energy customers; the proposed use will not produce any air emissions; no environmental features are present within the proposed location that could be adversely affected.
- ☐ 3. The use, a electric substation, 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 the following:  
The proposed use has been designed to follow the most up to date safety and operational protocols while also preventing environmental contamination; the proposed use has been designed to follow County setback and tree preservation requirements; the proposed use is necessary for the County to maintain a reliable electric supply; and the proposed use will have adequate visual screening and noise dampening so as not to injure the value of adjoining or abutting property.
- ☐ 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 the following:  
The proposed use is necessary to support development in the area and to provide a reliable electric supply to the County.  
The proposed use is compatible with nearby uses, such as the recently approved West River Solar 470-acre solar farm.  
All County setback and tree preservation requirements have been implemented into the use's design, and remaining forest cover at the proposed site will help "blend" the proposed use into it's environs.
- ☐ 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 the following:  
The proposed use will not injure the value of adjoining or abutting property because it has been designed to follow County setback and tree preservation requirements; the proposed use has also been designed to provide adequate screening and noise dampening. The proposed use is necessary for the County to maintain a reliable electric supply and promote development.



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Special Use Permit  
Application**

Listing is not  
qualified  
conditions-OB  
3/30/23

**Development Conditions**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

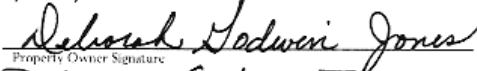
- 1) ~~Best management practices as listed in Section IV, ANTICIPATED IMPACTS ON ADJOINING PROPERTIES in the accompanying Statement of Justification (SOJ).~~
- 2) ~~Erosion and sedimentation controls (Section IV, SOJ).~~
- 3) ~~Substation designed and graded to prevent groundwater contamination (Exhibit 4, SOJ).~~
- 4) ~~Traffic control and flagger plan during construction (Section IV, SOJ).~~
- 5) ~~Daily street sweeping and removal of sediment during construction (Section IV, SOJ).~~
- 6) ~~Perimeter controls including filter sock, silt fencing and dust control during construction (Section IV, SOJ).~~
- 7) ~~Temperature and permeability stabilization (Section IV, SOJ).~~
- 8) ~~Schedule controls, including construction during normal business hours (Section IV, SOJ).~~

**YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE EVIDENTIARY HEARING**

**A Special Use Permit Application must be signed by the current property owner(s).**

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

Respectfully Submitted,

  
Property Owner Signature  
Deborah Godwin Jones  
Name  
1120 Dead End Lane  
Mailing Address  
Staley, NC 27355  
City, State and Zip Code  
336-704-5810 fishracers  
Phone Number Email Address  
@aol.com



Owner / Representative / Applicant Signature (if applicable)  
Jonathan Schultis, Principal in Charge for Jacobs on behalf of Duke Energy  
Name  
14120 Ballantyne Corporate PI #200  
Mailing Address  
Charlotte, NC 28277  
City, State and Zip Code  
804-426-3455 jonathan.schultis@jacobs.com  
Phone Number Email Address

*Additional sheets for conditions and signatures are available upon request.*

March 3, 2023

J. Leslie Bell, Planning and Development Director  
Planning and Development Department, Guilford County Government  
400 West Market Street  
Greensboro, NC 27401

Subject: Special Use Permit Application Statement of Justification for the Stewart Mill Retail  
100-kilovolt Substation Project

Dear Director Bell:

On behalf of Duke Energy Carolinas (Duke Energy), Jacobs Engineering Group, Inc. (Jacobs), is respectfully submitting a Special Use Permit Application for the Stewart Mill Retail 100-kilovolt (kV) Substation Project (Project). The Project involves construction of a new electric substation in Guilford County, North Carolina, approximately 9 miles southeast of the city of Greensboro. The proposed substation will provide additional capacity to alleviate demand on the Kimesville Retail Substation Circuit 1201, which is expected to be at capacity by 2026. This new substation will be constructed to meet current reliability and safety standards. The additional regional electric supply enabled by the Project will support continued economic growth, helping to sustain an efficient and resilient economy in the County. This application provides a statement of justification for building a new 100-kV transmission-to-distribution substation that will occupy approximately 1.91 acres of land on a 12.54-acre parcel currently held by a private landowner. Exhibit 1 (exhibits are at the end of the application) shows the Project location in an unincorporated area of Guilford County outside the limits of the city of Greensboro.

The proposed facility—the subject of this Special Use Permit Application—is a three-bank transmission-to-distribution substation and is approximately 278 by 185 feet (subject to final engineering). Exhibit 1 provides an overview of the study area, including nearby land features. Exhibit 2 shows the Guilford County zoning districts affected by the Project. Exhibit 3 shows the location of the proposed Stewart Mill 100-kV substation. Examples of the representative proposed substation and site plans are shown on Exhibit 4.

## I. STATEMENT OF JUSTIFICATION

The Stewart Mill Retail 100-kV Substation is a Duke Energy development project designed to relieve the electrical demand on the Kimesville Retail Substation Circuit 1201, which is anticipated to reach capacity in 2026. New development in eastern-central Guilford County, driven by its proximity to Interstate (I)-85, includes approved plans for two proposed planned unit developments (PUDs), which will add both residential and nonresidential development. These PUDs will ultimately lead to potential load growth in the area beyond what the existing infrastructure has the capacity to provide. The Project involves constructing a new three-bank substation that will sustain current service reliability and add additional capacity for future growth.

## A. Regulatory Compliance

Duke Energy is an Electric Utility as defined in Chapter 46 of the Public Utility Regulatory Policies Act of 1978, 16 United States Code Section ("§") 2602(4). Electric utility companies operating in North Carolina are regulated by the North Carolina Utilities Commission (NCUC). According to North Carolina General Statute (G.S.) § 62-3(23), a public utility is defined as an entity that owns and operates facilities for producing, generating, transmitting, delivering, or furnishing electricity to the public. Under G.S. § 62-101(a), no public utility may begin to construct a new facility without obtaining a Certificate of Public Convenience and Necessity (Certificate). However, according to G.S. § 62-101(c)(1), substations and transmission line components energized to less than 161 kV are not required to obtain a Certificate. Therefore, because the Stewart Mill Substation will be energized to 100 kV, it will not require a Certificate from the NCUC.

Instead, Duke Energy will seek authorization for the development of this Project from the local government (Guilford County). The North Carolina General Assembly established in G.S. § 160D-103 that local governments may combine any authorized regulations in the Chapter into a unified ordinance, as Guilford County has done in its Unified Development Ordinance (UDO). This statute authorizes the County to use any organizational structure, board, commission, or staffing arrangement it deems necessary in its UDO. Further, G.S. § 160D-301, allows the County to appoint, compensate, and designate duties to its planning board. These duties may include preparing and maintaining a comprehensive plan, facilitating citizen engagement in the planning process, developing policies, and providing a preliminary forum for review of quasi-judicial decisions, as Guilford County does through its Planning and Development Board.

Local governments are required to have a comprehensive plan (or land use plan) prior to adopting and applying zoning regulations, according to G.S. § 160D-501. Guilford County addresses this requirement by designating the duty of preparing and maintaining a comprehensive plan to its Planning Board. Under state statutes, a comprehensive plan establishes goals, policies, and programs to guide the present and future physical, social, and economic development of the jurisdiction. A comprehensive plan may address acceptable levels of public services and infrastructure to support utility development. By supporting appropriate levels of utilities development, a jurisdiction can advance the broader goals of its plan, namely furthering social and economic growth.

According to G.S. § 160D-702, once a jurisdiction meets the requirement of G.S. § 160D-501 and adopts a comprehensive plan, it can then adopt zoning regulations. A zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land.

North Carolina recognizes the importance of balancing private and public interests. In support of this goal, G.S. § 160D-108 prevents a local government from taking any action that would prevent, impair, or delay development of property as allowed under applicable regulations.

In this statement of justification, we will demonstrate that the Project is consistent with the applicable regulations in the North Carolina G.S., the Guilford County UDO, and the Guilford County Comprehensive Plan as they relate to obtaining approval for a Special Use Permit.

## B. Stewart Mill Retail-100-kV Substation – Project Overview and Purpose

Duke Energy is seeking approval of a Special Use Permit from the Guilford County Planning and Development Department to develop a new substation at the intersection of McConnell Road and Andrew Farms Road. The Project consists of a three-bank substation to alleviate demand on the Kimesville Retail Substation Circuit 1201.

Portions of the Kimesville Retail Line, notably Circuit 1201 and Bank 01, are anticipated to reach maximum capacity in 2026. Circuit 1201 peaked in the winter of 2017/18 during extreme cold temperatures. By the winter of 2026, it is anticipated that the increased demand on the substation will not be met under cold weather conditions because the circuit will be at 100 percent of its capacity of 600 amps. Additional analyses conducted by Duke Energy demonstrated that Bank 01 is overloaded because it has a high-water content and therefore has been de-rated (restricted to a lower capacity). Accordingly, the primary reason for the proposed Project is to relieve the electrical demand on the Kimesville Retail Substation Circuit 1201.

The proposed Project is near the I-85 corridor in Guilford County, which is seeing an influx of residential and industrial development. Recently, plans have been approved for two proposed PUDs and a 470-acre solar facility. The PUDs are expected to bring up to 2,030 new residences to the area in the form of single-family homes and townhomes. These new developments will increase regional load growth. The proposed Project aims to alleviate the demand on the existing circuits from the pending new developments.

To a lesser extent, the proposed Project would alleviate demand on the Tabernacle Church Retail Substation that is approximately 1.5 miles west of the proposed location. Stewart Mill would also connect with Kildare Retail Circuit 2405, which would immediately improve electrical reliability for the customers it serves.

The proposed Project site was selected because it is the closest to the load center (2,474 feet), requires the shortest length of distribution lines to be improved or created, does not require a property subdivision, and has no known environmental features present. Distribution would exit the site south toward McConnell Road and tap existing lines along the road (Exhibit 4).

In Guilford County, public utilities seeking to construct an electric substation are classified as a "major utility" and are required to apply for and obtain a Special Use Permit. Major utilities are permitted in all zoning districts with the Special Use Permit. Therefore, we are seeking to obtain a Special Use Permit as cited in Subsection 3.5.Q of Section 15 of the Guilford County Code.

## II. DESCRIPTION OF THE PROPOSED SITE AND USE

### A. Proposed Site Location

The proposed Project site is approximately 9 miles southeast of the city of Greensboro in a rapidly developing area. The Project area is approximately 1.25 miles south of I-85 and I-40. McConnell Road is 400 feet to the south and Andrews Farm Road is 260 feet to the east of the proposed Project site. The Project area is currently rural and undeveloped, consisting of a mix of residential, agricultural, and industrial land uses.

## B. Site Description

The proposed Project site (tax parcel number 229086) is approximately 12.54 acres and consists of one parcel that is zoned agricultural (AG). The Project site is undeveloped and forested, consisting of mature deciduous and evergreen trees. Residences to the south and east are within 750 feet of the proposed substation site. The nearest water resource is approximately 0.11 mile to the west of the site. The Project is not anticipated to affect this water resource.

The Project site parcel abuts AG zoning districts to the north and west, and an Agricultural Special (AG-SP) zoning district to the northwest (all parcels are forested and undeveloped). McConnell Road and Andrew Farms Road form the parcel's southern and eastern boundaries, respectively. Vegetation on the eastern, western, and northern sides of the Project allows for a natural buffer between the substation and nearby residences for noise, light, and visual screening.

## III. DESCRIPTION OF PROPOSED USE

- A. Type of operation: Three-bank, 100-kV substation.
- B. Station dimensions (Exhibit 4): 278 by 185 feet.
- C. Access roads: Two access roads, each approximately 200 feet long and 24 feet wide.
- D. Station components: Transformers, regulators and associated circuit breakers, and electrical metering components. Station includes a control room with an underground oil-water separator system.
- E. Hours of operation: 24 hours per day.
- F. Service area of the proposed use: The proposed substation will serve local and regional load in Guilford County.
- G. Maintenance requirements and frequency: Maintenance is anticipated to be minimal and will include occasional inspection and tree trimming.

## IV. ANTICIPATED IMPACTS ON ADJOINING PROPERTIES

- A. Traffic impacts: The proposed substation site will not generate permanent vehicle traffic in the area. During construction, temporary impacts from construction traffic may be noticeable but will not result in a permanent impact on the area's transportation network.
- B. Noise and light impacts: The proposed substation will be constructed in 2026 and is expected to take 8 months to complete. During substation construction, noise will be generated by construction equipment and activities. The substation site will be cleared of tree cover prior to foundation excavation, and trucks will be used to haul excess soils that cannot be stockpiled or disposed of onsite. Once substation construction is complete, lighting for the substation will only be on at night. Noise (in decibels or dB) generated by the operation of the substation will peak at approximately 60 dB with levels typically lower during normal operation. This peak dB level is audible from up to 200 feet away. The nearest residence is approximately 400 feet from the proposed substation. The distance and remaining forest cover is expected to dampen any noise

generated from the substation's operation. No new or additional impacts are expected from regular operation of the substation.

- C. Impacts on environmental features of the site: The proposed substation site is on a parcel large enough to accommodate Duke Energy's standard three-bank substation design. The proposed substation has been designed to protect water quality and provide erosion and sedimentation controls pursuant to applicable regulatory standards. There are no wetlands, waterbodies, or floodplains within the proposed substation site. Total land disturbance for the substation construction will be approximately 5 acres, which consists of the substation site and limits-of-impact (LOI) required for the Project. The Project will require clearing approximately 5 acres of tree cover.
- D. Impacts on air and water quality: Air quality permitting is not required for the Project because the construction and operation of the proposed substation site will not produce air emissions. There are no wetlands, waterbodies, or floodplains within the proposed substation site or LOI. Water quality will be preserved by establishing erosion and sedimentation controls during proposed substation construction.
- E. Visual impacts: The proposed substation site will have minimal visual impact on the surrounding area because of the existing tree canopy surrounding the proposed substation site. The remaining tree canopy (approximately 7 acres) surrounding the substation site will provide adequate visual screening for residences adjacent to the proposed substation site along McConnell Road and Andrew Farms Road. Approximately 260 feet of tree canopy will remain between the substation LOI and the western side of Andrew Farms Road after tree clearing. The existing tree canopy on the northern side of McConnell Road will be cleared to accommodate access into the substation. Existing tree canopy on the southern side of McConnell Road will not be cleared and will provide visual screening for adjacent residences.
- F. Construction impacts: Temporary impacts will occur during the 8-month construction period. These impacts include (but are not limited to) increased traffic, land disturbance, and noise generated from excavation and tree clearing. To mitigate these impacts, Duke Energy will pursue all necessary permitting required for the construction and implement best management practices during site construction, including operating during normal business hours. The following best management practices will be implemented:
  - a. Traffic and flagger plan
  - b. Daily street sweeping and sediment removal
  - c. Perimeter controls, including filler sock and silt fencing
  - d. Temperature and permeability stabilization by seeding disturbed ground
  - e. Schedule controls, including operating during normal business hours
  - f. Dust controls via concrete washouts

## V. GUILFORD COUNTY CODE AND COMPREHENSIVE PLAN CONFORMANCE

Duke Energy asserts that the substation is in compliance with the Guilford County Code and the Guilford County Comprehensive Plan. This section describes how the Project is consistent with applicable county statutes and how it will benefit the community by improving electric service reliability for Duke Energy customers in the Guilford County area.

Subsection – 12 Definitions under Section 15-56 of the UDO defines a major utility as follows:

*Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, and electrical substations.*

In Table 4.3-1, Permitted Use Schedule, of the Guilford County Code, major utilities are represented by an “S” in every zoning classification. The “S” indicates that a Special Use Permit is required in accordance with Guilford County Code Section 3.5.Q.

The Guilford County Code also details the review factors that applicants are required to address to demonstrate a project’s general conformity with the UDO and County Code. Approval of the Special Use Permit by the Guilford County Planning Board would show that the proposed Project meets the statutory requirements of Section 15-56 of the UDO in the Guilford County Code.

### A. Purpose and Intent

According to the Guilford County Comprehensive Plan, Goal 1 of the Future Land Use Element section is the following:

*Guilford County shall position itself to accommodate new growth and redevelopment that is efficient and cost-effective; improves the quality of life for residents; enhances economic vitality; is respectful to citizen based Areas Plans; supports creativity and innovative design; and protects and preserves the natural, historic, and cultural resources and assets of the County.*

The Project will benefit Guilford County by improving the overall reliability and connectivity of the electric grid throughout the region. It is our understanding that plans for the two PUDs and the 470-acre solar facility in the region have been approved (according to Planning Board staff reports posted on Guilford County’s website, accessed February 3, 2023). In addition, the PUDs are expected to spur the development of up to 2,030 new residences in the area. Given the extent of the planned future development and the County’s stated goal of *enhancing economic vitality*, Duke Energy asserts that the Project is necessary to accommodate the future electricity demands of the new development and to facilitate the growth of a healthy and resilient economy in the region, while maintaining consistency with Guilford County’s future land use goals.

### B. Agricultural District and Code Conformance

The proposed substation will be constructed on a parcel zoned as AG. The substation has been designed to conform with the required setbacks for an AG district parcel (Exhibit 4), and the remaining existing mature forest cover will screen the substation on its eastern, western, and northern sides. The parcel has not been designated as a voluntary AG district.

Duke Energy asserts that the Project is consistent with the land use provisions of this zone as outlined in Section 4.2.1, AG – Agricultural District, of the Guilford County Code. The following discussion demonstrates how the Project complies with the applicable sections of the UDO of the Guilford County Code.

As stated in Section II. A, the proposed Project parcel abuts AG zoning districts to the north and west and an AG-SP zoning district to the northwest (all parcels are forested and vacant). McConnell Road and Andrew Farms Road form the parcel's southern and eastern boundaries, respectively. According to Table 6-2-1, Planting Area Descriptions, of the UDO, a street planting yard is required parallel to a public street. According to "F. Specific Screening Requirements" in Section 15-56 of the UDO, screening is qualified as follows:

*The following areas shall be screened from off-site views in accordance with this Section: . . .d. To the extent feasible given access requirements, ground-based utility equipment in excess of twelve (12) cubic feet.*

According to site plans shown on Exhibit 4, the construction of distribution lines, poles, and associated rights-of-way would preclude installation of street planting yards along McConnell Road directly in front of the substation. Given the ordinance's "to the extent feasible given access requirements" language, Duke Energy asserts that it is not feasible or safe to install vegetative screening and buffering on McConnell Road directly in front of the substation. Such vegetative screening would prevent access to the substation and interfere with the operation and maintenance of the distribution structures; however, tree cover will remain on either side of the distribution lines along McConnell Road, which will help blend the substation into its environs (Exhibit 4). In addition, existing tree cover along the southern side of McConnell Road will help screen the substation from residences on that side of the road.

Note 1 of Table 6-2-2, Planting Yard Chart, in Section 15-56 of the UDO, clarifies standards regarding trees:

*A proposed nonresidential use in an AG Zoning District locating next to vacant property shall be required to install a Type D planting yard.*

However, according to "I. Tree Preservation" in Section 15-56 of the UDO, "any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area."

The approximately 5 acres of LOI required for the substation will allow for approximately 7 acres of trees to remain on the parcel. The existing tree cover abutting these AG districts consists of mature deciduous and evergreen trees that meet or exceed the standards set forth in *Table 6-2-2: PLANTING YARD CHART*. On the parcel's eastern edge, 260 feet of tree cover separates the substation from Andrew Farms Road (Exhibit 4).

### C. Special Use Permit Application Conformance

The Guilford County's Special Use Permit Guide states that applicants are required to demonstrate the following:

1. *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This is based on the following:*
  - a. The substation has been designed with an 8-foot-tall perimeter fence with protective 3-strand barbed wire extension designed to prevent unauthorized entry and to protect the public from potentially hazardous electrical equipment. The substation has been designed with the latest safety and operational protocols.
  - b. The substation will reduce power outages and service interruptions experienced by Duke Energy customers.
  - c. The substation has been designed and graded to prevent groundwater contamination and erosion.
  - d. The substation will have adequate lighting within its perimeter and associated response procedures that will allow for the detection of potential spills from oil-filled electrical equipment.
  - e. The substation will not generate toxic or hazardous materials or any air emissions as a result of its operation.
2. *The use, an electric substation, 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 the following:*
  - a. As shown in Exhibit 4, the required setbacks described in Section V. B, Agricultural District and Code Conformance, have been incorporated into the substation design.
  - b. According to "I. Tree Preservation," in Section 15-56 of the UDO, "any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area [this ordinance, referring to Table 6-2-2: Planting Yard Chart]." As demonstrated in Section V.B, the existing trees on the site meet the standards of the UDO and thus satisfy the tree requirements of the planting area.
3. *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 the following:*
  - a. The Project is necessary to support the development of the area and to accommodate the future power demands of the planned development.
  - b. Nearby similar uses include West River Solar's recently approved 470-acre solar farm. This solar project also required a Special Use Permit and was determined to be compatible with surrounding uses.

- c. Compatible use with the Kimesville Circuit 1201 as the proposed substation will relieve the demand on the Kimesville Circuit 1201. The Kimesville Circuit 1201 is approximately 0.66-mile southwest of the proposed substation.
  - d. Remaining forest cover (7 acres on the 12-acre parcel) on the parcel's eastern, western, and northern sides, as well as to either side of the distribution lines along McConnell Road, will help blend the substation into its environs (Exhibit 4).
- 4. *The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity. This is based on the following:*
  - a. Once the substation has been constructed, there will be sufficient mature forest cover to adequately screen the use on its eastern, western, and northern sides. No additional noise, light, or traffic impacts are anticipated after construction is finished. Seven acres of tree cover will remain on the parcel. Approximately 260 feet of tree cover will separate the station from Andrew Farms Road to the east.
  - b. Noise generated by the operation of the substation will peak at approximately 60 dB with levels typically lower during normal operation. This peak dB level is audible from up to 200 feet away. The nearest residence is approximately 400 feet from the proposed substation. The distance and remaining forest cover will dampen noise generated from the substation's operation.
  - c. At the parcel's southern end, the substation will be set back from McConnell Road approximately 200 feet. The substation is approximately 330 feet from the nearest residential zone. There will be adequate remaining forest cover (approximately 260 feet) between the substation and this residential zone to visually screen and noise-dampen the substation.

## VI. CONCLUSION

This statement of justification describes the necessary construction of a substation in Guilford County to accommodate future power demands and sustain service reliability. Electric substations require a Special Use Permit in all zoning districts of Guilford County in accordance with Section 3.5.Q of the Guilford County Code. Duke Energy asserts that the proposed construction of the substation is in conformance with the applicable sections of the Guilford County Code, the UDO, Guilford Comprehensive Plan, the existing zoning districts, and the North Carolina General Statutes. For the reasons set forth herein, Duke Energy respectfully requests the approval of this application.

In light of the statement of justification described herein, Jacobs respectfully asks that the Guilford County Planning and Development Department accept the submission of this application package. If you have any

J. Leslie Bell, Planning and Development Director

March 3, 2023

Page 10 of 11

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questions on this submittal, please feel free to contact Tom Hahn at [Tom.Hahn@jacobs.com](mailto:Tom.Hahn@jacobs.com), (859) 409-0131, or me at [Jonathan.Schultis@jacobs.com](mailto:Jonathan.Schultis@jacobs.com), (804) 426-3455.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tom Hahn", with a long horizontal stroke extending to the right.

Thomas D. Hahn

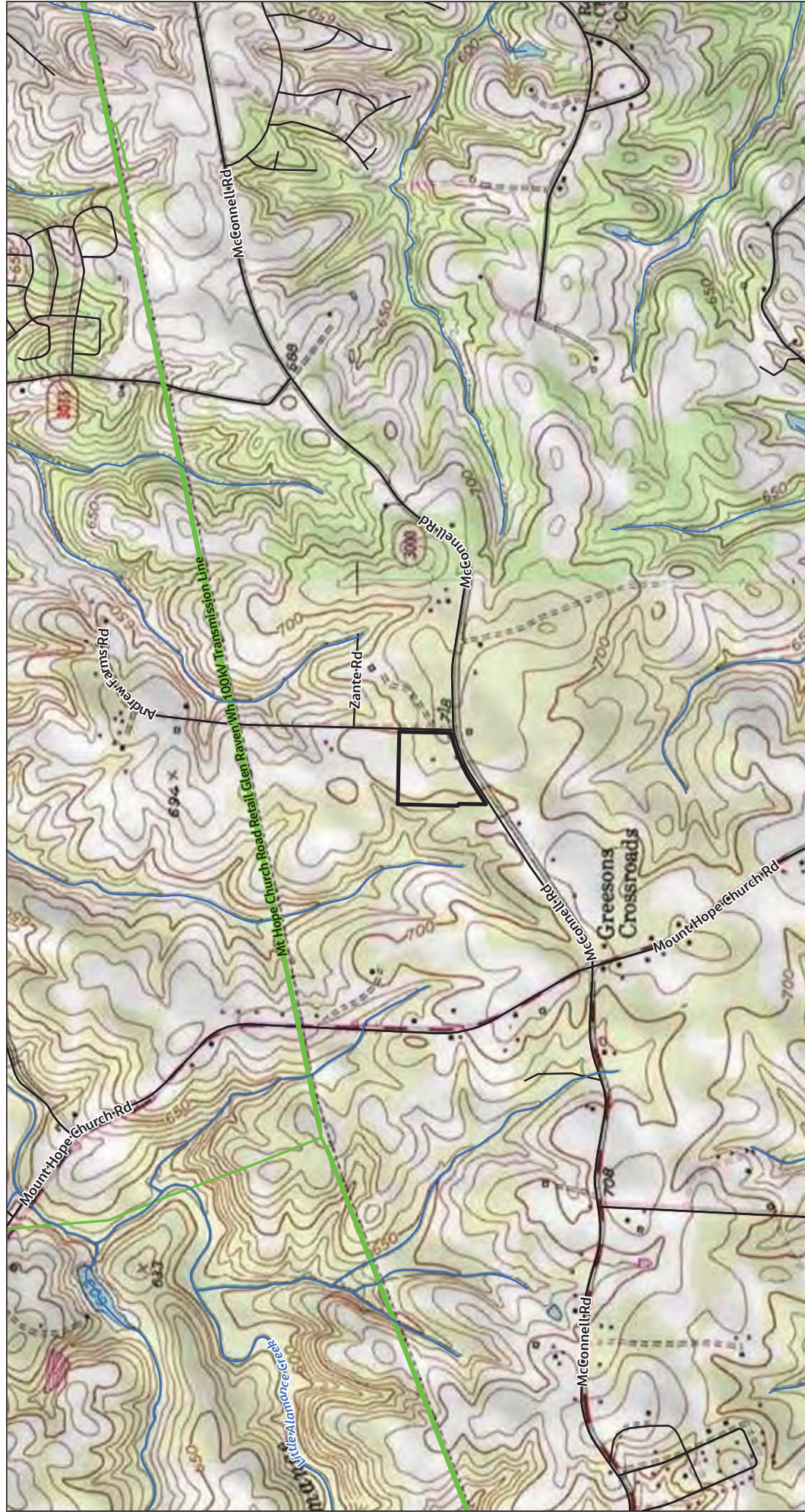
Siting Lead

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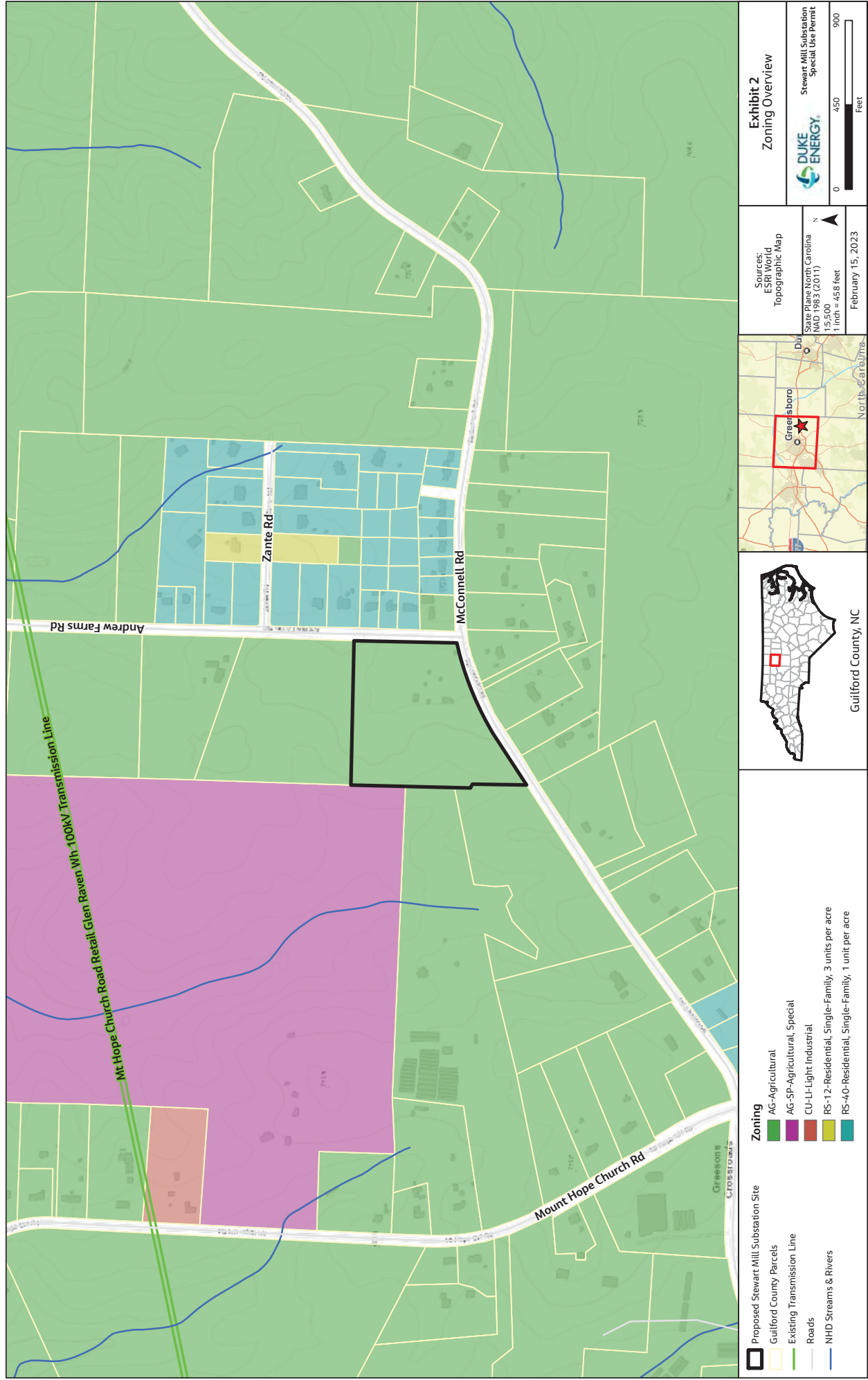
Jonathan W. Schultis, AICP

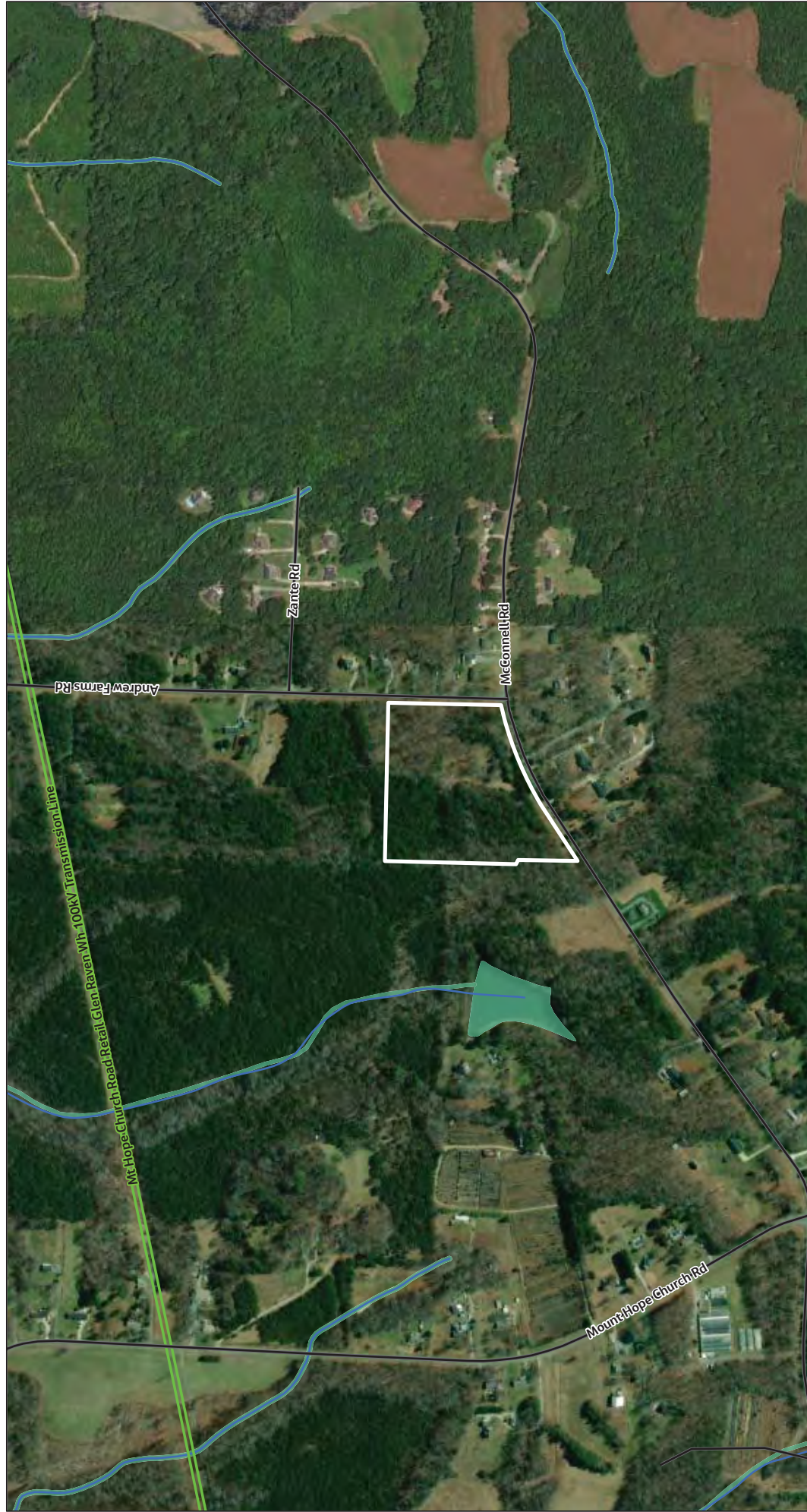
Siting and Permitting Program Lead

## EXHIBITS



	<p>Proposed Stewart Mill Substation Site</p> <p>Existing Transmission Line</p> <p>Roads</p> <p>NHD Streams &amp; Rivers</p>		<p>Guilford County, NC</p>	<p>Sources: USA Topographic Maps State Plane North Carolina NAD 1983 (2011) 1:12,000 1 inch = 1,000 feet</p> <p>February 15, 2023</p>	<p>Exhibit 1 Area Overview</p> <p> <b>DUKE ENERGY</b></p> <p>Stewart Mill Substation Special Use Permit</p>





Proposed Stewart Mill Substation Site

Existing Transmission Line

Roads

NHD Streams & Rivers

NWI Wetlands

**Exhibit 3**  
Site Overview

**DUKE ENERGY**

Stewart Mill Substation  
Special Use Permit

0 450 900  
Feet

Sources:  
ESRI Imagery Service

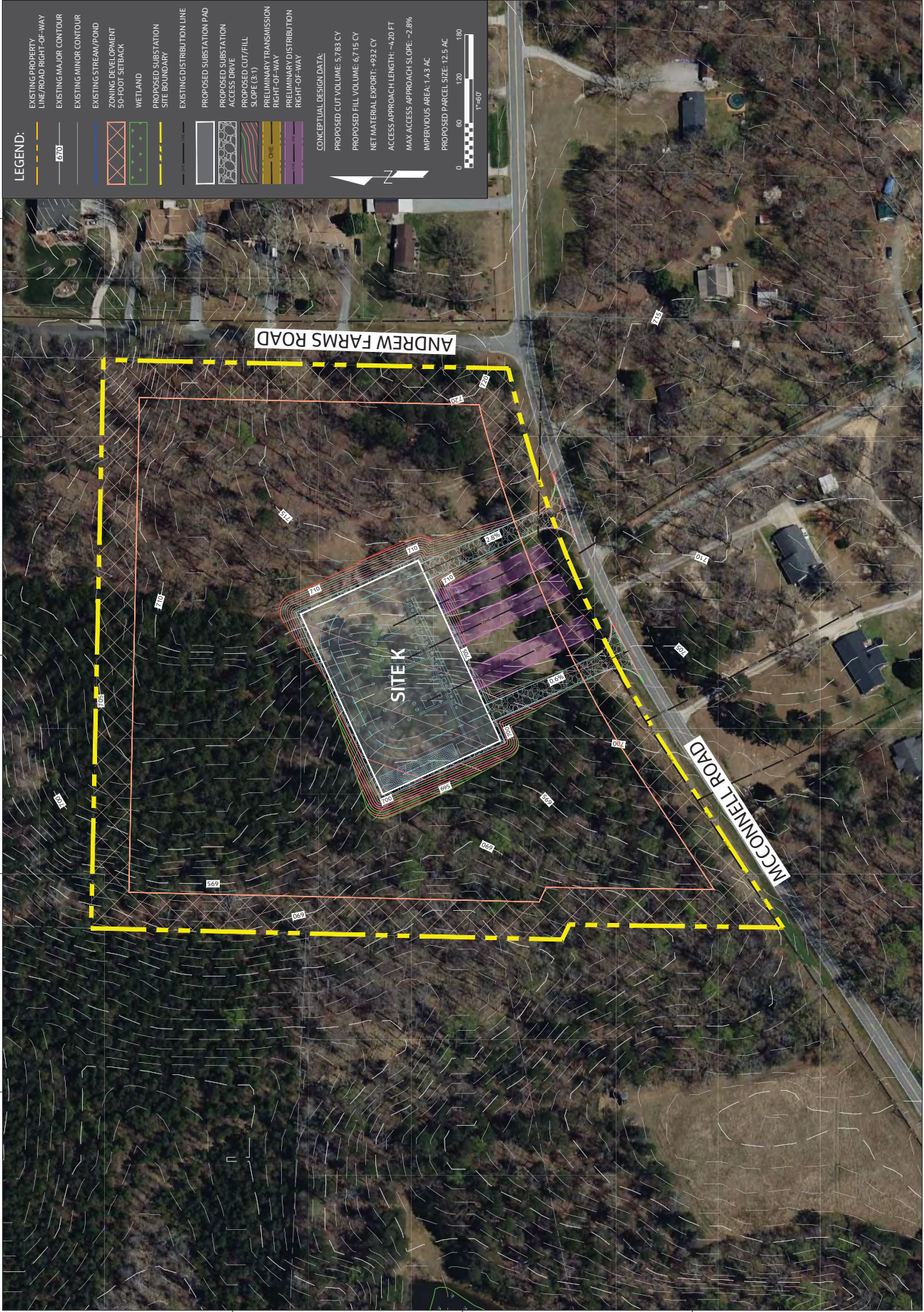
State Plane North Carolina  
NAD 1983 (2011)  
1:5,500  
1 inch = 458 feet

February 15, 2023

Guilford County, NC

Greensboro

North Carolina



NO.

DATE

BSGN

DR

CHK

REVISION

APVD

BY

APVD

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DUKE ENERGY-CAROLINAS WEST

526 SOUTH CHURCH STREET

CHARLOTTE, NORTH CAROLINA 28202

VERIFICATION SCALE

1" = 40'

BAR SCALE INCHES

ORIGINAL SCALE

DATE

MARCH 2023

PROJ

D3710600

DWG

C-01

SHEET

1 OF 2

GUILFORD COUNTY, NC

JEFFERSON TOWNSHIP

DRAFT 3/3/2023

DUKE STEWART MILL SUBSTATION SPECIAL USE PERMIT

REUSE OF DOCUMENTS

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FILENAME: DukeStewartMill\_SiteK.dwg PLOT DATE: 3/2/2023 PLOT TIME: 7:58:41 PM



## First Amendment to Contract to Sell and Purchase Real Estate

This First Amendment to Contract to Sell and Purchase Real Estate (“**Amendment**”) is entered into as of November 30, 2022 (“**Amendment Date**”) between **Deborah G. Jones and spouse, William Shannon Jones** (collectively, “**Seller**”), and **Duke Energy Carolinas, LLC**, a North Carolina limited liability company (“**Buyer**”).

**A.** Seller and Buyer are parties to the Contract to Sell and Purchase Real Estate with an effective date of June 3, 2022 (“**Contract**”), under which Seller has agreed to sell to Buyer, and Buyer has agreed to purchase from Seller, certain real property located in Guilford County, North Carolina, as more particularly set forth in the Contract. Any capitalized term used, but not defined, in this Amendment has the meaning given in the Contract.

**B.** Seller and Buyer desire to amend the Contract as set forth in this Amendment.

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Buyer and Seller amend the Contract as follows:

**1. Investigation Period.** The Investigation Period currently expires on November 30, 2022. As of the Effective Date, the Investigation Period is extended and shall expire on March 30, 2023.

**2. Purchase Price.** In consideration of Seller’s agreement to extend the Investigation Period:

[REDACTED]

[REDACTED]

**3. Closing Date.** Paragraph 8 of the Contract is hereby amended to delete “December 29, 2022” and to replace it with “the date that is thirty (30) days after the final day of the Investigation Period.”

**4. No Further Changes.** Except as amended hereby, the Contract shall remain in full force and effect. To the extent any of the terms of the Contract conflict with this Amendment, this Amendment shall control. This Amendment may be executed in one or more counterparts and may be signed electronically. Signed counterparts transmitted by email shall constitute originals.

[Signature Page Follows]

Seller and Buyer have executed this Amendment as of the Amendment Date.

**Seller:**

DocuSigned by:

*Deborah G. Jones*

700770A226AA4F9...

**Deborah G. Jones**

DocuSigned by:

*William Shannon Jones*

700770A226AA4F9...

**William Shannon Jones**

**Buyer:**

**Duke Energy Carolinas, LLC,**  
a North Carolina limited liability company

DocuSigned by:

By: *Eric J. Rouse*

113179373B39419...

**Eric J. Rouse**

Director, Land Services

**SPECIAL USE PERMIT CASE #23-03-PLBD-00039: ENERGY SUBSTATION (MAJOR UTILITY); 1872 ANDREWS FARM RD**

## **Property Information**

Located at 1872 Andrews Farm Road (Guilford County Tax Parcel #229086 in Jefferson Township), at the northwest intersection of McConnell Road, and comprises approximately 12.53 acres. The subject parcel is zoned AG, Agricultural.

**Zoning History of Denied Cases:** There is no history of denied cases.

## **Nature of the Request**

This is a request for approval of a Special Use Permit for an Energy Substation and the associated Sketch Site Plan. Energy substations are allowed as a Major Utility in the AG district pursuant to the Guilford County Unified Development Ordinance.

## **Character of the Area**

The subject parcel is in an area that is mainly single-family residential on subdivided lots and includes a major residential subdivision off Andrews Farm Road. A 95-acre tract west of the site is undeveloped but has an approved Special Use Permit for a Solar Collector Principal.

**Existing Land Use(s) on the Property:** Undeveloped

**Surrounding Uses:**

North: Undeveloped

South: Single-family dwellings on subdivided lots of 1 or more acres

East: Single-family residential subdivision with lots of 1 acre or less

West: Undeveloped land, single-family dwelling on more than 10 acres, and a 95-acre undeveloped tract that is part of an approved SUP (Case #21-05-GCPL-04192) for a Solar Collector Principal on approximately 470 acres

**Historic Properties:** There are no inventoried historic landmarks located on or adjacent to the subject property.

**Cemeteries:** No cemeteries are shown to be located on the subject property, but efforts should be made to rule out the potential of unknown grave sites.

## **Infrastructure and Community Facilities**

**Emergency Response:**

Fire Protection District: Mount Hope FPSD

Miles from Fire Station: Approximately 3.9 miles

**Water and Sewer Services:**

Provider: Individual well and septic

Within Service Area: No

Feasibility Study or Service Commitment: No

**Transportation:**

Existing Conditions: Minor thoroughfare, 1,000 Average Annual Daily Traffic (AADT) on McConnell Road east of Mt. Hope Church Rd.

Proposed Improvements: NCDOT Commercial Driveway Permit will be required

Projected Traffic Generation: No data available

**Environmental Assessment**

**Topography:** Gently sloping

**Regulated Floodplain/Wetlands:**

There is no regulated floodplain on the property. There are no mapped wetlands on the property.

**Streams and Watershed:**

This property is located in the Lake Mackintosh (Big Alamance Creek) WS-IV Water Supply Watershed in the General Watershed Area. There are no mapped streams on the property.

**Land Use Analysis**

**Land Use Plan:** Rock Creek Area Plan

**Plan Recommendation:** AG Rural Residential

**Consistency:**

The zoning designation for the subject parcel is AG, Agricultural. The AG district is recognized as consistent with the AG Rural Residential designation in the Rock Creek Area Plan. Electric substations are major utilities and are allowed in the AG district with an approved Special Use Permit.

**Review Factors: Article 3.Q.G from the Guilford County UDO**

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency. **Per the associated sketch plan in this application, access will be from McConnell Road. An NCDOT commercial driveway permit will be required during the official commercial site plan review process.**

2. **Parking and Loading:** Location of off-street parking and loading areas. **Parking for an Energy Substation is subject to Section 6.1.D, Table 6-1-1: Parking Requirements for Major Utilities under the Utilities & Communications Use Category of the Guilford County UDO.**
3. **Service Entrances and Areas:** Locations of refuse and service areas with adequate access for services vehicles. **Locations of service areas will be reviewed to allow for adequate access for all service vehicles when the official site plan is submitted for review per Section 6.1 in the Guilford County UDO. An approved NCDOT Commercial Driveway Permit is required as part of the site plan review process.**
4. **Lighting:** Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area. **A lighting plan, if required, will be presented when the official site plan is submitted for review per Section 6.3 of the Guilford County UDO.**
5. **Utilities:** Location and availability of utilities (public or private). **Septic evaluation will be regulated by the Guilford County Environmental Health Department upon site plan review by TRC or appropriate staff. Utility easements will be reviewed at TRC or by appropriate staff.**
6. **Open Spaces:** Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable). **Landscape requirements will be reviewed at TRC or by appropriate staff per Article 6.2 of the Guilford County UDO.**
7. **Environmental Protection:** Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features. **Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Section at TRC or by appropriate staff to meet all environmental regulations per Article 9 of the Guilford County UDO.**
8. **Landscaping, Buffering & Screening:** Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate. **A landscape buffer in the form of a Type C Planting Yard (min. width 15', avg width 20', max width 40') will be required per Section 5.14 (D) in the Guilford County UDO and shown on the official site plan.**
9. **Effect on Nearby Properties:** Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic. **Lighting plan requirements will be required and reviewed at TRC or by appropriate staff per Article 6.3 of the Guilford County UDO.**
10. **Compatibility:** The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties. **Energy Substations (Major Utility) as a nonresidential use and being surrounded by residentially-zoned properties (which include Agricultural) are required to have Type C landscape buffers along the perimeter of the facility. The adjacent Parcel 120643 fronting on Mt. Hope Church Road is a 95-acre tract that is part of Special Use Permit Case #21-05-GCPL-04192, which is approved for a Solar Collector Principal on approximately 470 acres.**

## Staff Comments

During 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, **Energy Substation (Major Utility)** subject to the submitted Sketch Site Plan along with the following proposed conditions: (as presented or agreed to by applicant), 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 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; and
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 for Planning Board consideration:**

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (GCUDO).
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. Added conditions if applicable.
5. 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.

<b>TRC Comments on 1872 ANDREWS FARM Road Sketch Plan Duke Energy Transfer Station</b>
----------------------------------------------------------------------------------------

**Planning Comments: (Oliver Bass, 641-3578)**

1. Specify the proposed use as "Energy Transfer Station (Major Utility" in the application and on the site plan. A Special Use Permit is required in any district, including the AG district.
2. Major utilities must comply with Development Standards under Section 5.14.D of UDO.
3. Show location of at least 6' high fence around the facility on SUP site plan.
4. As a nonresidential use, minimum Type C planting yard required along adjacent AG zoned properties. Site is subject to 8' street planting yard requirements.
5. Any proposed condition must be noted or illustrated on SUP sketch plan.
6. After SUP is approved by Planning Board, applicant must submit a formal detailed major site plan for review before any development permits can be issued.
7. TRC comments do not constitute a recommendation of approval on the SUP request to the Planning Board.

**Building Comments: (Jim Lankford, 641-3321)**

1. No comments at this time.

**Watershed Comments: (Brent Gatlin, 641-3753)**

1. Water Supply Watershed = Lake Mackintosh WS-IV, GWA
  - a. Max Allowable BUA (low density) = 24%
  - b. Max Allowable BUA (high density) = 70% (SCM required)
  - c. Gravel areas are considered BUA (impervious).
  - d. The site as shown on sketch is considered low-density development and will not require a Stormwater Control Measure (SCM) if the SUP applies to the entire parcel and BUA remains below 24%. Note, some SUPs only apply to a portion of a parcel and in those cases the % BUA would need to be calculated based on defined SUP area.
2. Include BUA calculations on Site Plan and results on the Guilford County Site Plan Cover Sheet - Stormwater Management / Watershed Protection information. Sign/seal Cover Sheet and Site Plan set when submitted.
3. No new Drainage Easements are anticipated based on GIS/LIDAR topo.
4. There are no mapped/buffered streams per USGS or Soil Survey Map on the site.
5. There is no regulated floodplain on the site.

**Community Services Comments:** (Clyde Harding, 641-3792)

No Comments

**Environmental Health Comments:** (John Nykamp, 641-4807)

No comments

**Fire Marshal Comments:** (Michael Townsend, 641-6541)

No comments

**NCDOT Comments:** (Bobby Norris, 487-0100)

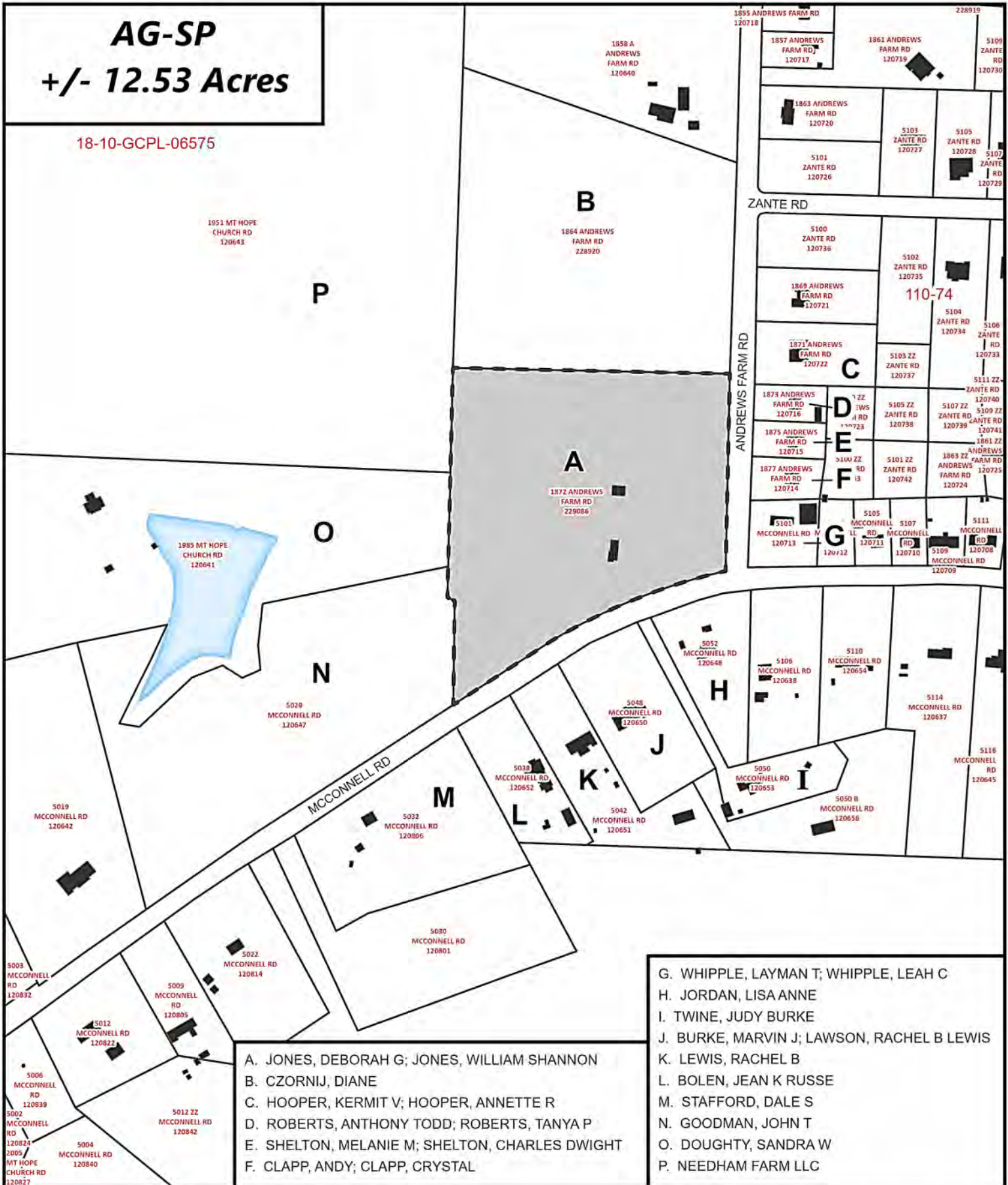
Commercial driveway permit will be required.

**Addressing Comments:** (Melissa Jones, 641-4877)

- The existing address 1872 Andrews Farm Road will need to be changed to reflect the new access from McConnell Road.
- The new address will be 5049 McConnell Road.

# AG-SP +/- 12.53 Acres

18-10-GCPL-06575



Planning & Development  
Department

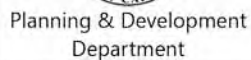
Jurisdiction:  
GUILFORD COUNTY

Case Number:  
SUP 23-03-PLBD-00039

Case Area:  
229086



Scale: 1" = 350'

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**SUP Case #21-05-GCPL-04192**  
**Solar Collector Principal**

### Proposed Energy Substation

**CASE # 23-03-PLBD-00039**

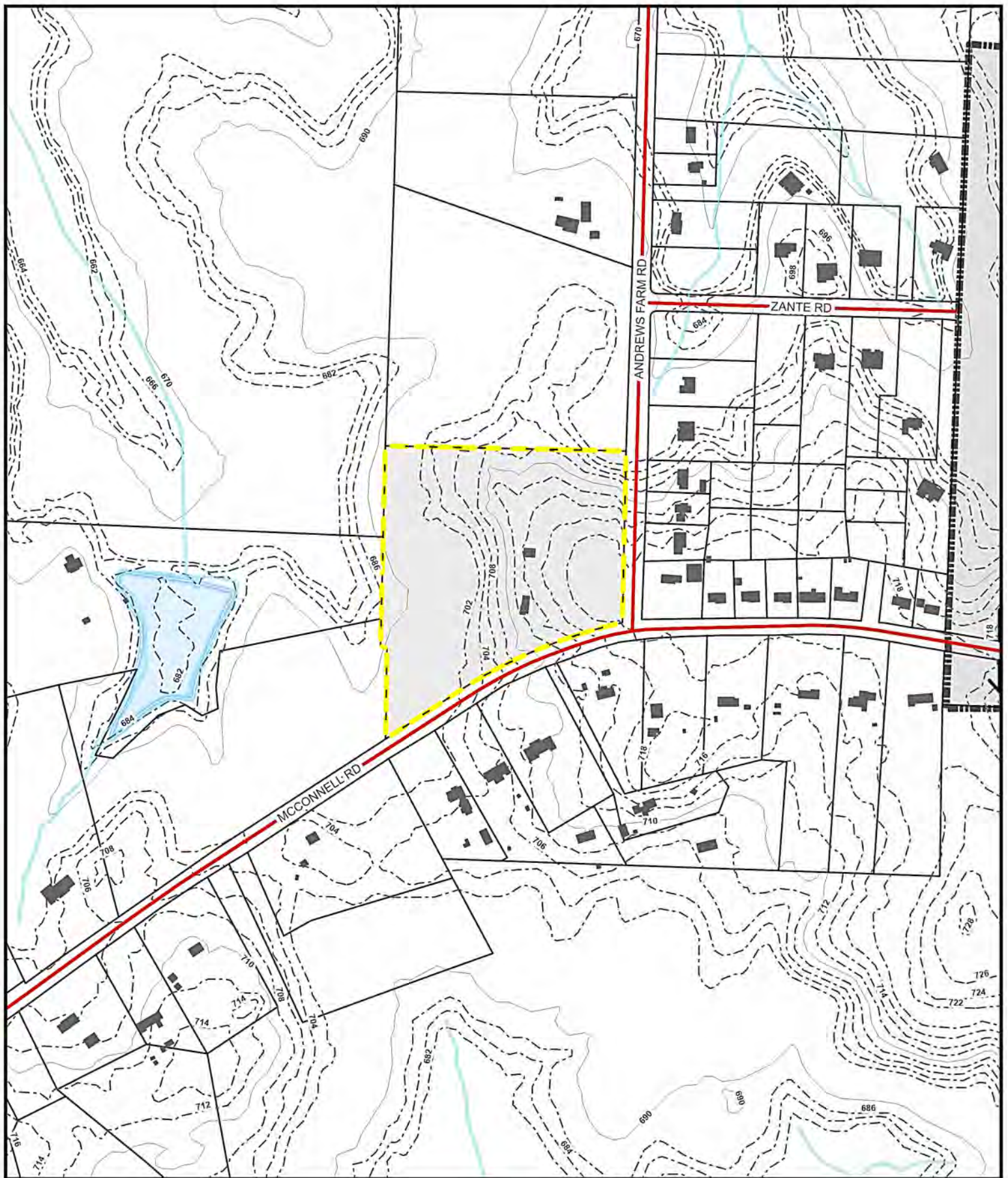
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**Case: 23-03-PLBD-00039**

Scale: 1" = 400 '





**Case: 23-03-PLBD-00039**

Scale: 1" = 400'



**GUILFORD COUNTY PLANNING BOARD  
ORDER (GRANTING/DENYING) A SPECIAL USE PERMIT**

The Guilford County Planning Board, having held an Evidentiary Hearing on April 12, 2023, to consider a request for a Special Use Permit for an Energy Substation (Major Utility) subject to the submitted Sketch Site Plan along with the following proposed conditions (no conditions listed, list if subsequently presented and accepted) for the property located at 1872 Andrews Farm Road (Guilford County Tax Parcel #229086 in Jefferson Township) at the northwest intersection of McConnell Road and comprises approximately 12.53 acres, having heard all of the evidence and arguments presented at the Evidentiary Hearing, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. A written application was submitted and **[is/is not]** complete in all respects.
2. That the use **[will/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 Evidentiary Hearing which shows the following:

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3. The use, an Energy Substation (Major Utility), for which the Special Use Permit is sought, **[is/is not]** 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 Evidentiary Hearing which shows the following:

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4. That the location and character of the use, if developed according to the plan submitted, **[will/will not]** be in harmony with the area in which it is to be located and **[is/is not]** 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 Evidentiary Hearing which shows the following:

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5. The use **[will/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 Evidentiary Hearing which shows the following:

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THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for an Energy Substation (Major Utility) be **[denied/granted]** subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Unified Development Ordinance (UDO).
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. Added conditions, if applicable.
5. 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.