



GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD

Regular Meeting Agenda

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

January 10, 2024

6:00 PM

A. Roll Call

B. Agenda Amendments

C. Approval of Minutes: December 13, 2023

D. Rules and Procedures

E. Continuance Requests

F. Old Business

None

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL: 8311 & 8315

FAIRGROVE CHURCH ROAD

Located at 8311 & 8315 Fairgrove Church Road (Guilford County Tax Parcels #128636 and #128639 in Monroe Township) approximately 4,014 feet Northeast of NC Hwy 150 and comprises approximately 17.08 acres.

This is a request to rezone the property from AG, Agricultural to RS-40, Residential.

The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential; therefore, if the request is approved, no plan amendment would be required.

Information for REZONING CASE #23-12-PLBD-00070 can be viewed by scrolling to the January 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

Evidentiary Hearing Item(s)

None

H. Election of Chair and Vice Chair

I. Other Business

Comprehensive Plan Update

J. Adjourn

Information may be obtained for any of the aforementioned cases by contacting the Guilford County Planning and Development Department at 336.641.3334 or visiting the Guilford County Planning and Development Department at 400 West Market Street, Greensboro, NC 27402.

(Insert Color Paper)

**GUILFORD COUNTY PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES
NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro NC 27405**

December 13, 6:00 PM

Call to Order

Chair Donnelly called the meeting to order at 6:00 p.m.

A. Roll Call

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

James Donnelly, Chair; Guy Gullick, Vice-Chair; Ryan Alston; Sam Stalder; Dr. Nho Bui; David Craft; Rev. Gregory Drumwright; and Jason Little

The following Board member was absent for this meeting:

Cara Buchanan

The following Guilford County 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; Avery Tew, Planner I; Jessie Baptist, Administrative Officer; Brianna Christian, Planning Technician; Michael Townsend, Assistant Fire Marshal; and, Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

None

C. Approval of Minutes: November 8, 2023

Chair Donnelly pointed out that on page 15, “Mr. Henny” should be changed to read “Mr. Henning”.

Mr. Gullick moved approval of the minutes, as corrected, seconded by Mr. Alston. The Board voted unanimously to approve the minutes. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Little, Drumwright, Craft. Nays: None. Absent: Buchanan.)

D. Rules and Procedures

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

E. Continuance Requests

None

F. Old Business

Legislative Hearing Item(s)**ROAD RENAMING CASE #23-09-PLBD-00062: WHITEROCK ROAD (TABLED AT THE OCTOBER 11, 2023 PLANNING BOARD MEETING) (APPROVED)**

Aaron Calloway, Planning Department, stated that this property is presently known as Whiterock Road, located in Monroe Township and running 0.21 miles west and 0.05 miles east from Arvid Drive, Non-State-Owned Road #NS-99778 and terminating at the western property line of Guilford County Tax Parcel #126957. This is a road renaming case initiated by government action to change the name of Whiterock Road to Dunstan Road. Mr. Calloway explained that the meeting was continued until a solution was presented, which avoided renaming the subject length of Whiterock Rd to Dunstan Rd where it would create two disconnected sections of Dunstan Rd. Mr. Calloway informed the Board that the City of Greensboro altered their request to renaming the subject length of Whiterock Rd. to East (E.) Dunstan Rd.

Chair Donnelly noted that the public hearing had been opened and closed at the October 11, 2023, meeting. Chair Donnelly asked the board if they would like to re-open the hearing.

Mr. Craft moved to open the public hearing, seconded by Dr. Bui. The Board voted unanimously in favor of opening the public hearing. (Ayes: Donnelly, Alston, Little, Bui, Gullick, Stalder, Drumwright, Craft. Nays: None. Absent: Buchanan)

Chair Donnelly asked those in favor of the request to come forward and speak, and no one came forward. Therefore, the public hearing was closed by unanimous vote. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Drumwright, Little, Craft. Nays: None. Absent: Buchanan)

Mr. Gullick moved to approve the amended Ordinance, as submitted by staff, seconded by Mr. Alston. The Board voted unanimously in favor of the motion, and the road renaming case was approved. (Ayes: Donnelly, Alston, Little, Bui, Gullick, Stalder, Drumwright, Craft. Nays: None. Absent: Buchanan)

G. New Business**Legislative Hearing Item(s)****CONDITIONAL REZONING CASE #23-10-PLBD-00067: CZ-PD-M, CONDITIONAL ZONING PLANNED UNIT DEVELOPMENT-MIXED (REF. CASE #12-05-GCPL-02033) TO CZ-PD-M, CONDITIONAL ZONING PLANNED UNIT DEVELOPMENT-MIXED AMENDED: 1458 NC HIGHWAY 61 (APPROVED AS AMENDED)**

The applicant presented proposed changes to the conditions of the application in Attachment A dated December 13, 2023. Mr. Alston moved to accept the proposed changes as presented. The motion was seconded by Dr. Bui. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Alston, Little, Bui, Gullick, Stalder, Drumwright, Craft. Nays: None. Absent: Buchanan)

Oliver Bass stated that this property is located at 1458 NC Highway 61 (Guilford County Tax Parcel #220600 and a portion of #106945 in Rock Creek Township) approximately 1.52 miles

southwest of Interstate 85 and comprises approximately 36.41 acres. The subject properties are within the Peacehaven Farm Planned Community.

This is a request to conditionally rezone the subject property from CZ-PD-M (Ref. Case #12-05-GCPL-02033) to CZ-PD-M Amended. This request would amend the current zoning conditions and the Peacehaven Farm Sketch Unified Development Plan (UDP) approved June 13, 2012, and recorded in Plat Book 182, Page 117 at the Guilford County Register of Deeds. The current CZ-PD-M zoning includes the following conditions:

USE(S): Care facility for physically and developmentally delayed handicapped residences and agricultural production of crops, livestock, and goods for onsite and offsite retail sales and solar facility.

CONDITION(S):

1. Permanent residents will have care provided 24 hours a day, 7 days a week.
2. Retail sales will be limited to 2,500 square feet of space.
3. Retail sales of non-agricultural products not grown or produced on-site shall not exceed forty percent (40%) of the total retail sales floor area.
4. Guest residential facilities will be limited to on-site operations.

The recorded Unified Development Plan (PB 182-117) allows up to 8 residential units and 92 beds within the Peacehaven Farm community. Other uses allowed include commercial and agricultural production. Agricultural production is not permitted in the PD-M district under the current UDO. This requested CZ-PD-M zoning proposes the following conditions pending:

Use Conditions: All allowable uses within the PD-M Zoning District except Rooming House (9 or more residents), Nursing and Convalescent Home, Temporary Shelter, Homeless Shelter, Country Club with Golf Course, Adult Oriented Establishments, Amusement or Water Parks, Fairgrounds, Auditorium, Coliseum or Stadium, Go Cart Raceway, Shooting Range (Indoor or Outdoor), Fraternity or Sorority, Hospital, Bank or Finance with or without drive-through, Insurance Agencies, Payday Loan Services, Hotel, Motel, Restaurant (with drive-thru), Funeral Home, Cremation or Airport.

Care facility for physically and developmentally delayed handicapped residents, goods for onsite and offsite retail sales, and solar facility will continue to be allowed as uses. Agricultural production of crops and livestock will no longer be allowed, if approved.

Development Conditions: Permanently disabled residents requiring care 24 hours a day for 7 days a week may have care provided.

The submitted Sketch UDP Plan was reviewed by the Technical Review Committee (TRC) on September 5, 2023. The Sketch UDP removes the maximum number of dwelling units and commercial square footage allowed under the recorded UDP. Density requirements for single-family residential dwellings are subject to the RS-5 zoning district dimensional requirements. Density for multi-family units is limited by the minimum density requirements established under Section 4.4.D.1 of the Guilford County Unified Development Ordinance (UDO). For

Density/Use, a minimum 20-foot separation shall be maintained between multi-family buildings, and a minimum 10-foot building separation shall be maintained between single-family detached structures. Accessory structure separations from principal structures associated with either multi-family or single-family structures shall be as determined by appropriate building codes. Section 4.4.D.1 of the UDO establishes no maximum to the area of commercial acreage that is allowed in the PD-M zoning district. While the proposed conditional rezoning is inconsistent with the Rock Creek Area Plan recommendation of AG Rural Residential updated in 2016, the County is updating its Comprehensive Plan, including Area Plans, and will consider feasible land use policies and/or classifications that promote housing options and existing development patterns.

Attorney Marc Isaacson, 804 Green Valley Road, Greensboro, NC, the attorney representing Peacehaven Farms, stated that the applicant has owned the property for some time, but the real genesis of the application is for a couple of reasons: Things have changed in this area. Brent Sievers of Fleming Engineering will explain that later on.. There is some growth in this area and utilities will be extended, and they recognize that as an organization, they needed to bring the zoning up to date to comport with the changes that are happening. The organization is looking towards its future, and you will see from the application that they have modified the conditions to comport with what they anticipate as the vision for the future. This is a unique organization and a unique property that serves this community very well for a special population. With that in mind, he turned the presentation over to the CEO of Peacehaven Farms, Phelps Sprinkle.

Phelps Sprinkle, CEO of Peacehaven Farms, 2009 Greenbrook Drive, Greensboro, NC, stated that he has been involved with this organization for about 10 years and CEO for about a year-and-a-half. He has volunteered on the Board for several years and they are committed to the vision and mission for what this organization does. They have been at the Hwy. 61 location since 2009, and it was purchased by two founding families, both of whom had children with disabilities, and they wanted to know what their child's life was going to look like when they got out of the school system. So, there is a huge need, and people with children with special needs realized that when their children leave the school system, there really isn't much available in terms of housing, social interaction and engagement, or job opportunities. Peacehaven was founded with that in mind. He has a child with disabilities and he learned about what they were doing east of Greensboro and west of Burlington in an amazingly beautiful spot. They are located right off the highway and very easy to get to. Since 2009, they have built a home where five (5) adults with intellectual development disabilities live, and they have developed a lot of different programs, many of which are centered around farming. It was intentionally founded on a farm setting because they found that digging in the dirt with people of all abilities together is a very healing peace, and it brings people together in different ways and can provide an opportunity for what they are striving to do, which is create community for this population.

One of their programs is called "Peacehaven Rides", which reaches interdependent skills and employment, and people go through that program every year, sometimes multiple times, and learn about job training skills and transferable skills, so that they can be placed into jobs and

placed into additional training opportunities for them to go out into the community to find jobs. There is also a program, called “Farm Core”, which is taking middle and high school students and paying them to work at Peacehaven in the summer. These are people that do not have disabilities but are trained to work with people who have disabilities and learn about that in a farm setting, so these students considered at-risk are getting a paid job, learning a new skill, and getting involved with the population. They are trying to create an integrated setting, so everything they do when it comes to disabilities is trying to create this integrated setting from housing to programs to employment opportunities. They want to become an example of what society really needs, which is including people with all abilities in each of these aspects of community. The NC Department of Health and Human Services estimates that there are 400,000 people with an intellectual development or disability or cognitive impairment across North Carolina. 60% of those individuals do not participate in regular community activities; 70% live with a relative(s) or in a non-community based institutional setting; and, 80% are unemployed. Those statistics are very sobering and speak for themselves. That is why Peacehaven was founded; there is just very little opportunity for this population in the area and across North Carolina. The Greensboro Builders Association came out and refurbished the barn that was on the property with the help of many residents from the surrounding community.

Neal Sharpe, 3903 Waterton Road, Summerfield, NC, stated that with regard to the amended conditions, he would ask Board members to refer to the “Attachment A”, which was provided to each Board member. He thanked Mr. Bass and Mr. Donnelly for their help and input in creating these amended proposed conditions. He hopes these proposed conditions translate to the Board and the care they have for this community. They plan to be a permanent fixture serving residents with their care, as well as their families. They also hope to be an inspiration to other organizations to also do similar things. The list represents additional limitations; no new proposed uses are included in the list. This list also further restricts what was shown in the original application for things they feel are appropriate and should not be egregious to the area but allows them to expand the operations from the 7 or 8 acres that are currently used to continue the evolution of Peacehaven. He is available to answer any questions they might have.

Mr. Gullick asked the applicant if the proposed community center would be rented for outside events? Mr. Gullick expressed concern based on similar requests with no end time for events set and if adding a condition to the application that would specify a time for closing an event would be acceptable. Mr. Gullick also stated he was concerned that if the property was ever sold there may be opportunities for abuse by future owners without such a condition.

In response to the question, Mr. Sprinkle stated that for events involving non-residents, they would agree to have a closing time limit for amplified music to end at 10:00 p.m. and the venue would close by midnight.

After a short discussion, Mr. Gullick moved to approve the additional condition to provide that “No nonresident event shall extend beyond 12:00 midnight”, seconded by Mr. Craft. The Board voted unanimously in favor of the motion and the motion was approved. (Ayes:

Donnelly, Alston, Bui, Gullick, Stalder, Little, Drumwright, Craft. Nays: None. Absent: Buchanan)

Mr. Isaacson continued by saying that letters were sent out to all the property owners within the County's notification radius and there were discussions with the neighbors. Those discussions went well, and he doesn't feel that there is anyone in attendance who objects to the proposal. In the County's ordinance, they used the test of this amendment for this application "is reasonable and in the public interest" and he has never felt so strongly that an application is in the public interest as this particular application. He appreciates the mission and purpose that this organization serves for the community and appreciates the Board's consideration.

In response to a question posed by Dr. Bui, Mr. Sprinkle stated that this is not a "gated community," but there will be welcome booths.

By common consent, the public hearing was closed. Chair Donnelly stated that because this is a Conditional Zoning request, we do have the opportunity to amend the conditions as a part of the discussion. Any motion made incorporates those conditions as a part of the final approval.

Board Discussion:

Mr. Gullick stated that he feels this is a great organization, and he supports the request. Chair Donnelly stated that he has visited the site, and he appreciates the thoughtful consideration into building a community that is integrated and appears to reflect what the applicants talked about in their presentation.

Mr. Craft moved to approve the conditional rezoning request for Case #23-10-PLBD-00067 from CZ-PDM to CZ-PDM Amended. While inconsistent with the Rock Creek Area Plan, the County recognizes the extensive growth in the area, new development patterns, and the extension of water and sewer on this site. This amendment is reasonable and in the public interest because it helps to address Goal #1 of the Guilford County Comprehensive Plan to increase housing options for special populations and recognizes the change in development conditions in this area, seconded by Rev. Drumwright. The Board voted unanimously in favor of the motion and the motion was approved. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Drumwright, Craft and Little. Nays: None. Absent: Buchanan)

REZONING CASE #23-10-PLBD-00068: CZ-PD-M CONDITIONAL ZONING (REF. CASE #12-05-GCPL-02033) TO AG, AGRICULTURAL: 1458 NC HIGHWAY 61 (APPROVED)

Oliver Bass, Planning Department, stated that this property is located at 1458 NC Highway 61 (Guilford County Tax Parcel #220601 and a portion of #106945 in Rock Creek Township) approximately 1.52 miles southwest of Interstate 85 and comprises approximately 52.64 acres. The subject parcels are within the Peacehaven Farm Planned Community.

This is a request to rezone property from CZ-PD-M to AG. The current CZ-PD-M zoning includes the following conditions which will be eliminated if the AG zoning is approved:

USE(S): Care facility for physically and developmentally delayed handicapped residences and agricultural production of crops, livestock and goods for onsite and offsite retail sales, and solar facility.

CONDITION(S):

1. Permanent residents will have care provided 24 hours a day, 7 days a week.
2. Retail sales will be limited to 2,500 square feet of space.
3. Retail sales of non-agricultural products not grown or produced on site shall not exceed forty percent (40%) of the total retail sales floor area.
4. Guest residential facilities will be limited to on-site operations.

The proposed rezoning is consistent with the Rock Creek Area Plan recommendation of AG Rural Residential; therefore, if the request is approved, a plan amendment would not be required.

Chair Donnelly opened the public hearing and asked those who wished to speak in favor of the request to come forward.

Attorney Marc Isaacson, , 804 Green Valley Road, representing the applicant, stated that in the interest of time, with the Board's permission, they would like to incorporate their prior comments and presentation from the last case (Case #23-09-PLBD-00067) heard.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request and no one came forward. Therefore, the public hearing was closed by unanimous vote, moved by Mr. Little and seconded by Rev. Drumwright. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Drumwright, Little and Craft. Nays: None. Absent: Buchanan)

Board Discussion:

None.

Mr. Stalder moved to approve the rezoning case, Case #23-10-PLBD-00068, as presented by the applicant. The amendment is consistent with the applicable plans, and the proposed rezoning is consistent with the Rock Creek Area Plan recommendation of AG-Rural Residential. Therefore, if the request is approved, a Plan amendment would not be required. The request is reasonable and in the public interest because it is consistent with the recommendation of AG-Rural Residential of the Rock Creek Area Plan. It provides agricultural opportunities for the residents of the Peacehaven Farm community; furthermore, it is supported by Goal #1, Objective 1.3 of the Future Land Use Element of the Guilford County Comprehensive Plan which states, "complement and enhance the economic vitality of rural Guilford County farms while providing for expanded economic opportunities through prudent regulations and sound land use decisions." The motion was seconded by Dr. Bui. The Board voted unanimously in favor of the motion and the motion was approved. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Drumwright, Little, Craft. Nays: None. Absent: Buchanan)

CONDITIONAL REZONING CASE #23-11-PLBD-00069: CZ-GB, CONDITIONAL ZONING-GENERAL BUSINESS (REF. CASE #22-05-GCPL-03277) TO CZ-GB, CONDITIONAL ZONING-GENERAL BUSINESS AMENDED: 413 NC HIGHWAY 150 W (DENIED)

Aaron Calloway stated that this property is located at 413 NC Highway 150 W (a portion of Guilford County Tax Parcel #139158 in Center Grove Township) southwest of the intersection with NC Highway 150 W and Spencer Dixon Road and comprises approximately 4.063 acres.

This is a request to conditionally rezone a portion of the property from CZ-GB, Conditional Zoning/General Business (Ref. Case #22-05-GCPL-03277) to CZ-GB Amended, by adding one (1) permitted use, Convenience Store (with Gasoline Pumps) as item I to the Use Condition, and two (2) additional development conditions, items 1 and 2. The existing signage condition, which allows only one sign per frontage of the whole parcel, is modified by Development Condition 4. See proposed conditions below:

Use Condition: (1) Only the following uses shall be permitted: a) Medical or Professional Office; b) Personal Service; c) Bank or Finance with Drive-Through; d) Insurance Agency; e) Laundromat or Dry Cleaner; f) Pest or Termite Control Services; g) Studio/Artist/Recording; h) Retail (General); i) Auto Supply Sales; j) Auto Rental or Leasing; k) Car Wash; l) Convenience Store (with Gasoline Pumps); m) Garden Center or Retail Nursery; n) Used Merchandise Store; o) Bakery; p) Restaurant with Drive- Through; q) Restaurant without Drive-Through; r) Wireless Communications Tower-Stealth Camouflage Design or Non-Stealth Design; s) Small Cell Wireless Tower.

Development Conditions: 1) Required street yard plantings for the single, northeastern most outparcel located at the corner of Spencer Dixon Road and NC Highway 150 W shall be doubled. 2) Any drive-through component located on this future single, northeastern most outparcel located at the corner of Spencer Dixon Rd. and NC Hwy 150 W shall be oriented away from Spencer Dixon Road. 3) All building façade materials shall consist of masonry, EIFS or similar construction, with no exposed metal. 4) The single, northeastern most outparcel at the corner of Spencer Dixon Road and NC Hwy 150 W shall have one, singular ground sign to be located on the NC Hwy 150 W frontage. 5) The applicant shall include an easement for sidewalk along its frontage of Spencer Dixon Road and shall pursue the possibility of a sidewalk with NCDOT on NC Hwy 150 W.

The proposed conditional rezoning is not consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential, but it is consistent with the Moderate Commercial Node; therefore, if the request is approved, a plan amendment would be required to replace the AG Rural Residential land use classification with the Moderate Commercial land use classification for Guilford County Tax Parcel #139158.

Chair Donnelly opened the public hearing and asked anyone wishing to speak in favor of the request to come forward. He asked a show of hands how many people were present to speak in favor of the request; there was only one. There were approximately 6 people to speak in opposition, as well as 6 people opposed who would not be speaking.

Amanda Hodierne, the attorney representing the property owners and the applicant, 804 Green Valley Road, stated that she feels that Mr. Calloway has done a great job of explaining the important features of the request. She only had a few additional points she wished to highlight. This site is just over four (4) acres for the subject area, distinguishing it from the 30-plus-acre site that is the entire contemplated development and what was heard last year. This is representative of the future corner northeastern most outparcel, which they are calling the Shaw Farm Shopping Center, that is currently under development. This is already zoned Conditional General Business District, which happened in 2022. This is a narrow request to simply amend that existing same district. They are doing so with the very intentional, specific, and narrow modifications to the conditions. The conditions are written the way they are to allow for one particular use that was not included last time and to properly mitigate that use with the correct development standards. This request does not void, roll back, or seek to undo or change anything about the existing zoning obtained in 2022, but facilitates the larger 30-acre Shaw Farm Shopping Center. This request simply hones in on that one corner outparcel and details and specifies this part of the development process now that we know what that corner parcel wants to look like. A community meeting was held in August at a local church, and there were 25-30 people in attendance. There was some solid discussion, and the Board will probably hear from some of them tonight. There was a great deal of confusion or interest in the larger shopping center as a whole. They tried to explain and provide context to that [project] and that is also going forward, and they are still excited about that.

This is simply one particular use within the broader plan. The proposed use of the outparcel would be a convenience store with fuel pumps. Since the rezoning last year, the clients have found that there is a very high interest at this location from users for that use. They were being sought out by various providers and operators of that use in the market. The major tenants of other uses that are being developed on the property are highly interested in this use being there, as they feel that it will also bring more business to their establishments because of the convenience. It would be a very beneficial element of a thriving shopping center.

Mr. Gullick asked Atty. Amanda Hodierne if a condition regarding hours of operation would be suitable for the request? She replied that she did not think it was a terrible condition to add, but she and the owner had not talked about adding such a condition and that she would need to consult with the owner. Mr. Gullick asked Atty. Hodierne if the inclusion of conditions for the hours of operation were common in the contracts between property owners and prospective renters? Atty. Hodierne replied that it was a rare practice.

Mr. Gullick asked Mr. Bell if placing a condition on hours of operation for such an establishment was common? Mr. Bell indicated that enforcement may be problematic based on hours of operation and staff availability during times outside County normal operating hours.

Chair Donnelly asked for those wishing to speak in opposition to come forward. He reminded speakers that there was a time limit of 20 minutes for all speakers.

Speaking in **opposition** to the request was Leslie Gunter, 5900 N. Church Street, Greensboro, NC, who stated that she comes as a mother who has two children at Northern High School, and as of this week there were two car accidents at this location. Last year there was a student who was out of school for almost 7 months with a hip injury because of a major accident. Her family owns the gas station located at Hwy. 150 and Church Street. Twenty years ago, the store burned down. Their store has been open since 1960 and has survived several tragedies and has also built the community. The shopping center across the street is Gunter's Crossing, and it took them 7 years to get that shopping center developed because of the watershed restrictions. She pointed out that there are four service stations within 7 miles that are individually owned. They are not franchises, they are family-owned. If another gas station is developed in this area, it will take away from the other three families that own the gas stations that built the community, and they are very involved with the local high school. She pointed out that the local Southern States farm supplier could not succeed because there was not enough business to sustain it, so it closed. There will be added vendors with big trucks delivering Coke, Pepsi, Budweiser, and other supplies, and they will be competing with the school buses on the roads. She also pointed out all the traffic that is created by the high school in this area.

Betty Stever, who owns property at 7116 Spencer-Dixon Road, stated that she wanted to point out some of the negative effects that will impact the environment if this request is approved for a convenience store with gas pumps. The groundwater will be impacted. Air quality, noise, and pollution will affect the homes in the area. It will impact the neighborhood character, the quality of life of the residents, and present other harmful effects on human health. There have been studies that show that gas stations within residential areas have been linked to childhood leukemia, cancer, various infections, low birth weight, negative impacts on wildlife, and the general safety of the surrounding residents and children due to the large trucks that will be coming in and out. Property values will be reduced. The community will lose its sense of serenity that it already provides to the residents due to light and noise pollution. The area's residents are hopeful that they can make a difference in having a better-suited business at this location that would not cause serious health hazards like those imposed on residents by gas stations. Currently, there cannot be any other restaurants because of the watershed situation. EMS and firetrucks would have a very difficult time getting to this property.

Ron Shelton, 8106 Cedar Hollow Road, stated that his mother lives across the street from this location. There are a lot of problems with trash, because people just throw trash out of the car windows. If a store is put there, it will just get worse, and it won't work. Regarding the meeting they had in August, an invitation was only sent to the people here at tonight's meeting; none of the rest of the neighborhood got any notice. They had asked for something that would show what was going to be put on the property, and they have not received anything. He stated that they had over 800 signatures on a petition against the original rezoning of the property and gave it to the Commissioners during their August 4, 2022 meeting.

Harriett Shelton, 8106 Cedar Hollow Road, stated that she would agree with all the concerns that have been mentioned. They were opposed to the original shopping center, but having a

convenience store in this location is going to cause multiple problems. They cannot get trash pick-up service because of the current amount of traffic in this area. The 2019 traffic study is outdated and no longer shows the true picture of the area related to the growth in this area. There are a lot of accidents in this area also. She feels that they do not need another gas station here.

David Stever, 409 Grantham Road and co-owner of property on Spencer Dixon Road, said that he wanted to know if the Board would consider living behind, beside, or in front of a major shopping center themselves? That is what they are contending with.

Mark Lee, 6031 N. Church Street, stated that he is a lifetime resident of this area. One thing that has not been mentioned is the Sunday morning church services. There are two churches in this area, and there is concern about all the noise that will be created during the church services. There also will be a big increase in traffic making it dangerous for their elderly members.

There were six (6) additional people in the audience who were opposed to the request but did not speak. Chair Donnelly stated that during the rebuttal period, there would be only 5 minutes for all speakers.

Rebuttal in Favor

Amanda Hodierne returned to the speaker's table and stated that the site plan being shown is not an engineered TRC-vetted site plan, but it is a conceptual drawing to be illustrative for discussion purposes. In moving forward, the application would have to go through the very rigorous Technical Review Committee (TRC) to look at turning radius and other things that were mentioned for fire and rescue vehicle access. The Applicant was trying to be very sensitive to the neighbors and the community when drafting the conceptual plan for the site, and that's why they held the meeting with residents on the mailing list that was provided by the County.

Rebuttal in Opposition

Harriett Shelton returned to the speaker's table and stated that one of the concerns is that there have been multiple requests for site drawings, but no one has received any yet. There are no water lines in this area, and there would be a major catastrophe if there happened to be a vehicle fire at the proposed gas station. The community feels that a gas station at that corner will hurt two family businesses already in the area. There are also concerns about the high school students stopping at this location.

There being no other speakers, the public hearing was closed by unanimous vote. (Ayes: Donnelly, Alston, Bui, Gullick, Stalder, Drumwright, Little, Craft. Nays: None. Absent: Buchanan).

Board Discussion

Mr. Alston stated that he could not support this request because he has concerns about the petition with over 800 signatures on it, and it seems that the property is being capitalized.

Mr. Craft stated that he did not feel this was an unreasonable request for this area.

Mr. Little stated that he is very sensitive to the AG designation, and they put in these moderate commercial nodes, and it seems they are pushing the limits of what a moderate commercial node can be. It's supposed to be a small shopping center, and a gas station takes it a little over the top, and it doesn't seem to serve the needs of the community. He will be voting against it.

Rev. Drumwright stated that in the consideration of public interest, we are talking about the public that moved out there, and 800 of those people have expressed their disinterest in the utilization of a commercial gas station. Aaron Calloway clarified that the reference to the 800 people who signed a petition last year was related to the rezoning appeal from AG to CZ-GB; that's what was presented to the Board of Commissioners.

Chair Donnelly stated that their decisions should be guided by the long-range plan in reference to where development should happen. The long-range plan identified the intersection of NC HWY 150 West and Spencer Dixon Rd. as a moderate commercial node. He stated that the request appears consistent with the moderate commercial node. Chair Donnelly also stated that many of the concerns about site planning and traffic would be handled by staff review as part of the TRC process. He stated that he understood the need to weigh reasonableness against the community interests. Chair Donnelly expressed that the market viability of any proposed commercial activity is beyond the scope of the Board.

Mr. Stalder stated that it is relevant that this commercial node is outside of the Watershed Critical Area. The proposed location seems to be the only place that really makes sense for a gas station on the property.

Dr. Bui stated that she wished all the information presented to the Board tonight had been provided to those people at the community meeting in August.

Mr. Gullick moved to approve the zoning map amendment, Case #23-11-PLBD-00069, from CZ-GB to CZ-GB Amended. The approval also would amend the Northern Lakes Area Plan land use designation. The proposed conditional zoning is not consistent with the Plan's recommendation of AG Rural Residential, but it is consistent with the moderate commercial node; therefore, if the request is approved, a Plan amendment would be required to replace the AG Rural Residential land use classification with a Moderate Commercial land use classification for Guilford County Tax Parcel #139158. The request is reasonable and in the public interest because the additional convenience store with gas pumps, as a permitted use, would fulfill the intended accommodations of retail distributive service, which serves the area beyond the immediate surroundings, as denoted by the moderate commercial node. Furthermore, the uses noted would be appropriate, as this site is located at an intersection of a major highway and a thoroughfare. The proposed development conditions improve the original conditions by requiring additional street yard plantings, which are doubled, and by orienting any drive-throughs towards NC Highway 150. Therefore, this conditional zoning would ensure development standards greater than those required by the Unified Development Ordinance, seconded by Mr. Craft. The Board voted 4-4 and this being a tie vote, the request is denied. (Ayes: Donnelly, Gullick, Stalder, Craft. Nays: Bui, Drumwright, Alston, Little. Absent: Buchanan)

Chair Donnelly announced that a tie vote constitutes a denial. There is an opportunity to appeal this to the Board of County Commissioners; that appeal needs to be filed within fifteen (15) days, and there is a processing fee.

Evidentiary Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

Leslie Bell stated that there is a tentative Board of Commissioners' workshop next Thursday, December 21st, 2023. It is a public meeting and anyone is welcome to attend.

At the January 2024 meeting, the election of Chair and Vice-Chair positions will be on the agenda.

I. Adjourn

There being no other items to be discussed, the meeting was adjourned at 9:07 p.m.

The next scheduled meeting is January 10, 2024 at 6:00 p.m.

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GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Planning Board
Rezoning
Application

CK BY OBAS 12/4/23

Date Submitted: 12/4/2023

Fee \$500.00 Receipt # REC-012613-2023 Number 23-12-PLBD-00070

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.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 RS-40 zoning district. Said property is located at 8311 & 8315 Fairgrove Church Road in Monroe Township; Being a total of: 16.99 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 128636

Tax Parcel # _____

Tax Parcel # 128639

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Check One: (Required)

- ☒ 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: (Required)

- ☒ 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: (Requires)

- ☒ 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.

A NEIGHBORHOOD MEETING IS STRONGLY ENCOURAGED PRIOR TO SUBMITTAL AND
YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

Submitted by

Property Owner Signature

TJP Investments, LLC

Name

3714 Alliance Drive #300

Mailing Address

Greensboro, N.C. 27407

City, State and Zip Code

3368343383

Phone Number

JOSEPH.PEZIK@MTJDEVELOPERS.COM

Email Address

Representative/Applicant Signature (if applicable)

JOSEPH PEZIK

Name

3714 ALLIANCE DR. #300

Mailing Address

GREENSBORO, NC 27407

City, State and Zip Code

336-834-3383

Phone Number

JOSEPH.PEZIK@MTJDEVELOPERS.COM

Email Address

COM

Additional sheets for tax parcels and signatures are available upon request.

• File an Annual Report/Amend an Annual Report• Upload a PDF Filing • Order a Document Online• Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

Limited Liability Company

Legal Name

TJP Investments, LLC

Information

SosId: 2697911

Status: Current-Active CD

Date Formed: 8/30/2023

Citizenship: Domestic

Annual Report Due Date: April 15th

CurrentAnnual **Report Status:**

Registered Agent: Pezik, Joseph P

Addresses

Mailing

3714 Alliance Dr, Ste 300
GREENSBORO, NC 27407-2060

Principal Office

3714 ALLIANCE DR, STE 300
GREENSBORO, NC 27407-2060

Reg Office

3714 Alliance Dr, Ste 300
GREENSBORO, NC 27407-2060

Reg Mailing

3714Alliance Dr, Ste 300
GREENSBORO, NC 27407-2060

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 570-3-20.

Treasurer

Matthew T Johnson
3714 Alliance Drive, Suite 300
GREENSBORO NC 27407-2060

Managing Member

Tony G Johnson
3714 ALLIANCE DR, STE 300
GREENSBORO NC 27407-2060

Managing Member

Joseph P Pezik

3714 ALLIANCE DR, STE 300

GREENSBORO NC 27407-2060

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REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL: 8311 & 8315 FAIRGROVE CHURCH ROAD

Property Information

Located at 8311 & 8315 Fairgrove Church Road (Guilford County Tax Parcels #128636 and #128639 in Monroe Township) approximately 4,014 feet Northeast of NC Hwy 150 and comprises approximately 17.08 acres.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

This is a request to rezone the property from AG, Agricultural to RS-40, Residential.

District Descriptions

The **AG, Agriculture** 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 **RS-40** district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

Character of the Area

While the subject parcels and most of the adjacent parcels are agricultural or rural residential lots, the area is comprised primarily of single-family major subdivisions at a density of less than two (2) dwelling units per acre.

Existing Land Use(s) on the Property: Single-family dwelling and agricultural

Surrounding Uses:

North: RS-30 single-family major subdivision and Agricultural and rural residential

South: Undeveloped, single-family dwelling, RS-40 single-family major subdivision

East: Low-density residential

West: RS-30 single-family major subdivision, single-family dwelling

Historic Properties: There are no inventoried Historic Properties located on or adjacent to the subject properties.

Cemeteries: No cemeteries are shown to be located on these properties, but efforts should be made to rule out potential grave sites.

Infrastructure and Community Facilities

Public School Facilities:

8311 & 8315 Fairgrove Church Rd				
Guilford County				
School Boundaries	Built Capacity 2023-24	2023-24 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students
Northern ES	760	629	3	3-5
Northern MS	1152	806	0	2-4
Northern HS	1370	1304	0	3-5
Remarks: Elementary K-3 built capacity assumes maximum reduced class sizes per applicable core academic classroom. Fourth grade, fifth grade, middle and high school built capacity assumes 30 students per core academic classroom.				

Emergency Response:

Fire Protection District: Northeast FPSD

Miles from Fire Station: Approximately 1.8 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Fairgrove Church Road is classified as a Collector Street with an Average Annual Daily Traffic (AADT) of 2,600 vehicles per the 2019 NCDOT traffic count.

Proposed Improvements: Major subdivisions are subject to NCDOT driveway permit approval.

Projected Traffic Generation: Not available

Environmental Assessment

Topography: Gently sloping and moderately sloping.

Regulated Floodplain/Wetlands: Wetlands exist on site per NWI. No regulated floodplain exist on the sites per the effective FIRM.

Streams and Watershed: Mapped streams are on site per USGS and/or Soil Survey Map of Guilford County. The properties are not within a classified Water Supply Watershed.

Land Use Analysis

Land Use Plan: Northern Lakes Area Plan (Updated in 2016)

Plan Recommendation: AG, Rural Residential

Consistency: The proposed zoning is consistent with the AG, Rural Residential land use designation. This designation is intended to accommodate agricultural (AG) uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer with densities not to exceed two (2) units per acre. Anticipated land uses include those permitted in the Agricultural (AG), RS-40 Residential Single-Family, and RS-30 Residential Single-Family districts.

Recommendation

Staff Recommendation: Staff recommends approval.

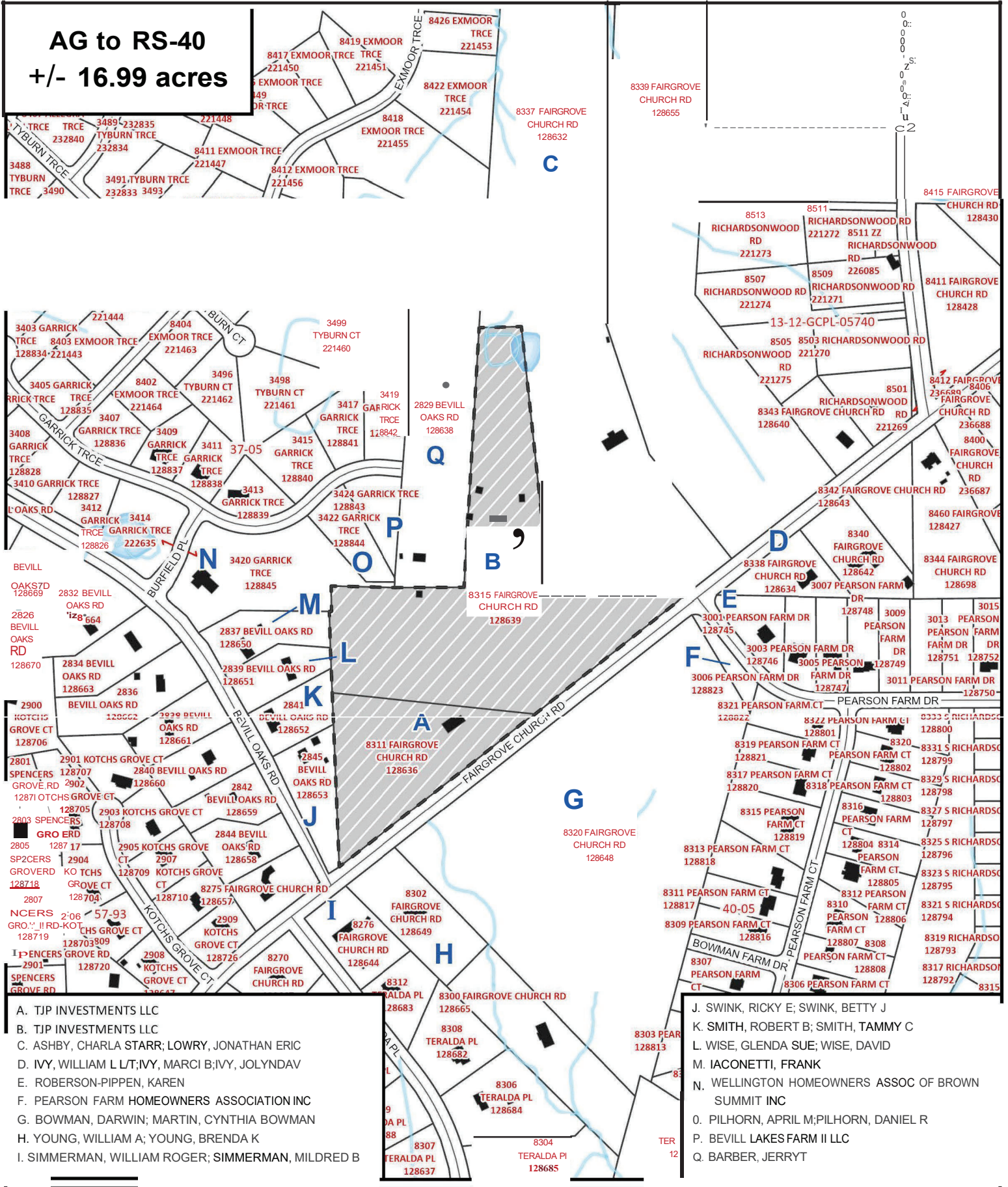
This request is reasonable and in the public interest because it is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential. The permitted uses and density in the RS-40 zoning district is comparable to existing development in the area. It will expand housing opportunities for future residents of Guilford County. Furthermore, the proposed rezoning is supported by the Guilford County Comprehensive Plan as follows:

1. Goal #1 of the Housing Element states: "Provide current and future residents of Guilford County with a variety of housing options and opportunities".
2. Goal #1, Objective 1.1 of the Future Land Use Element states: "Continue to use community-based area plans as the cornerstone for future land use and policy decisions".

Area Plan Amendment Recommendation:

The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential; therefore, if the request is approved, no plan amendment will be required.

AG to RS-40 +/- 16.99 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
23-12-PLBD-00070

Case Area:
Parcels - 128636, 128639
8311 & 8315 Fairgrove
Church Rd



Scale: 1" = 400'

AG to RS-40
+I- 16.99 acres

RS-30

AG

RS-40

13-12-GCPL-05740

37-05

RS-40

AG

RS-30

57-93

RS-40

RS-40

RS-30



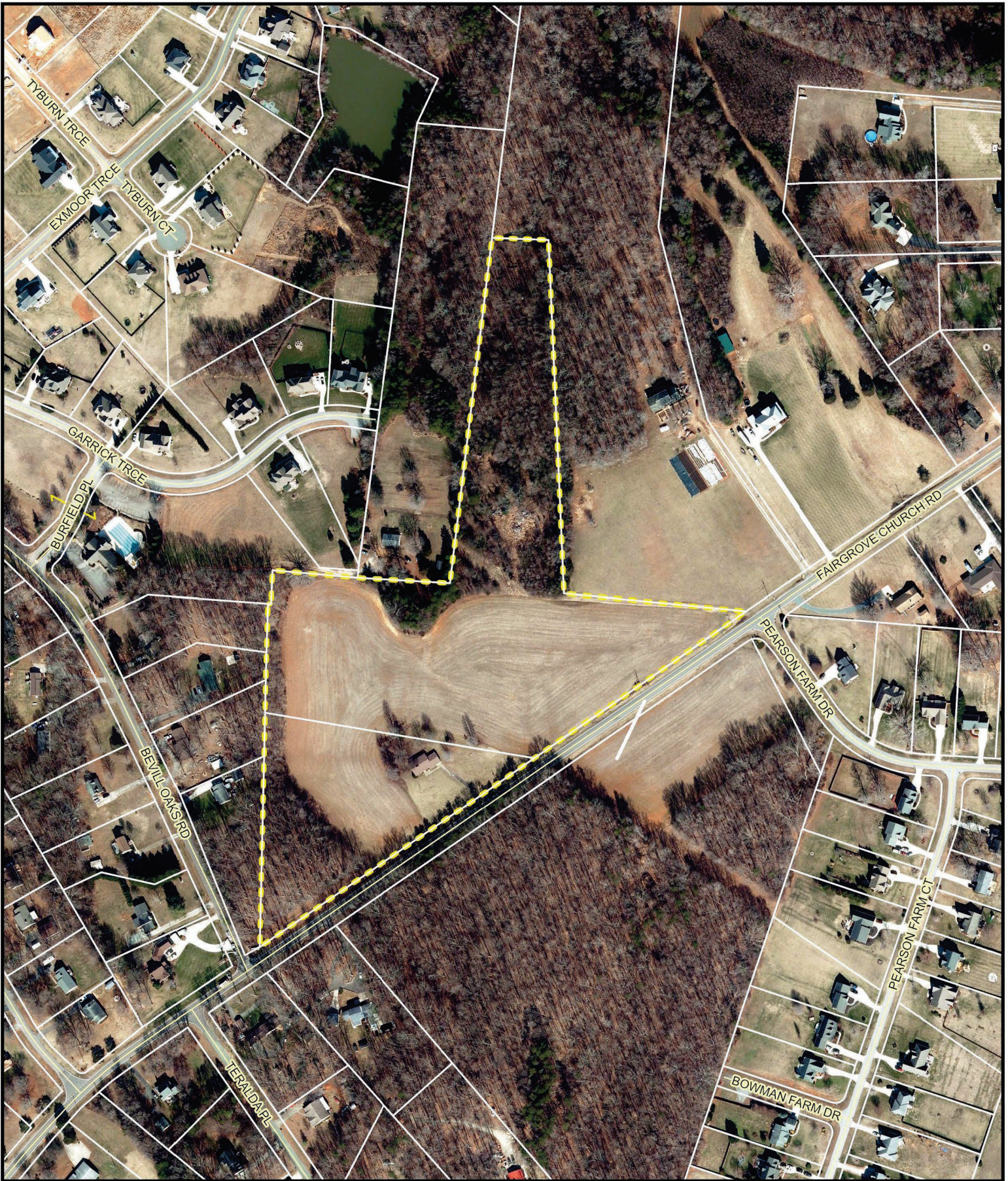
Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
23-12-PLBD-00070

Case Area:
Parcels - 128636, 128639
8311 & 8315 Fairgrove
Church Rd

Scale: 1" = 350'



Planning & Development
Department

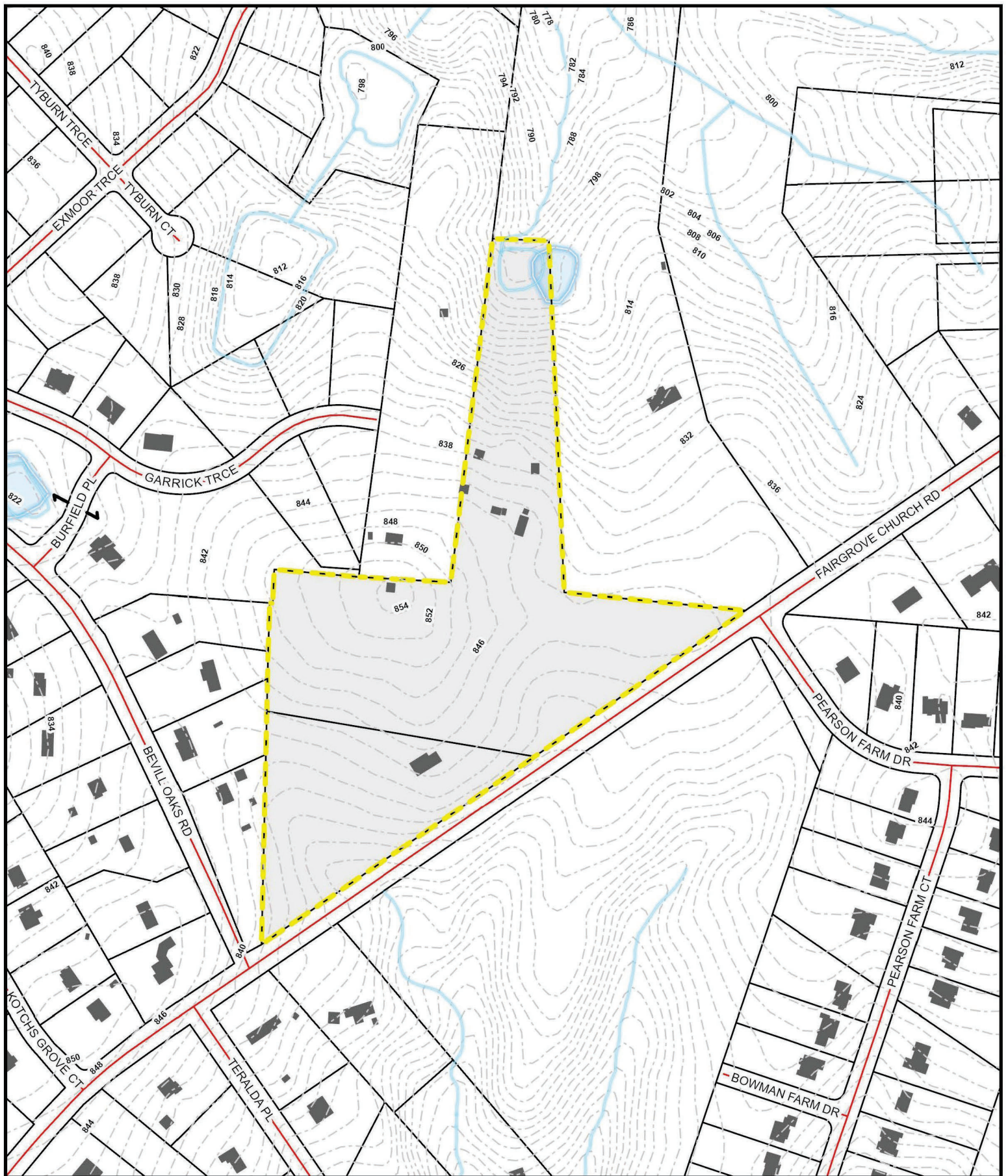
Jurisdiction:
GUILFORD COUNTY

Case Number:
23-12-PLBD-00070

Case Area:
Parcels - 128636, 128639
8311 & 8315 Fairgrove
Church Rd



Scale: 1" = 300'



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
23-12-PLBD-00070

Case Area:
Pareels - 128636' 128639
8311 & 8315 Fairgrove
Church Rd



Scale: 1" = 300'

**REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
8311 & 8315 FAIRGROVE CHURCH ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
8311 & 8315 FAIRGROVE CHURCH 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 Tax Parcels #128636 and #128639 from **AG to RS-40** Amended because:

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

[Describe elements of controlling land use plans and how the amendment is consistent.]

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.]

REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
8311 & 8315 FAIRGROVE CHURCH 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 Parcels #128636 and #128639 from **AG to RS-40** Amended 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.]

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.]

**REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
8311 & 8315 FAIRGROVE CHURCH ROAD**

**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 Parcels #128636 and #128639 from **AG to RS-40** Amended because:

1. This approval also amends the **Northern Lakes Area Plan** [Applicable element of Comp Plan].
2. The zoning map amendment and associated **Northern Lakes Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Northern Lakes 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.]

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.]

**REZONING CASE #23-12-PLBD-00070: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
8311 & 8315 FAIRGROVE CHURCH 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 Parcels #128636 and #128639 from **AG to RS-40** Amended because:

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

[Describe elements of controlling land use plans and how the amendment is consistent.]

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.]
