

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

January 10, 2024, 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; Cara Buchanan; Rev. Gregory Drumwright; and Jason Little

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; Brianna Christian, Planning Technician; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney; and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

Leslie Bell stated that there were no amendments to the Agenda.

C. Approval of Minutes: December 13, 2023

There was discussion among the Board members concerning some portions of a discussion that were not included in the minutes. Rev. Drumwright pointed out that Mr. Alston had made some statements that he felt were pertinent to the discussion and asked that this be addressed.

Chair Donnelly noted that there were a few updates to the minutes that are shaded on the members' copies to indicate the changes that were made by staff. There were some more substantial additions to the minutes to make sure that they reflected the conversations during the last meeting.

Rev. Drumwright stated that on page 12, where Mr. Donnelly's input has been updated, he asked that the comments made by Mr. Alston also be expanded upon.

At this time, Mr. Alston stated the comments he made, saying that they [applicant] may have double-backed and wanted to get the plan approved first without mentioning what they were going to do in the future with the plans for the gas station. Basically, it seems as though they left the future plans out of the full agenda which would have

been within the zoned area. So, they had the shopping center zoned and approved on Spencer-Dixon Road and then later on decided to come in with the gas station idea, which he felt if they had come in with both plans at the same time, it would have gotten even more push-back than they received. Mr. Gullick added that he thought that was a really good point.

Chair Donnelly re-stated Mr. Alston's concern in that the gas station was not included in the original proposal, and had it been known then, then the original proposal would have gotten more push-back. Mr. Alston agreed with that statement.

Chair Donnelly stated that these comments would be added to the minutes. This case is going to be appealed to the County Commissioners, and as they review this, this is the record of that conversation, and it is really important that the essence of their conversation is captured to help them be prepared.

Rev. Drumwright stated that he just remembered how much Mr. Alston's comments added to the conversation. He asked how the minutes are produced. Mr. Bell responded that there is a contract with Triad Reporting and those are her recorders sitting at each member's seat. She produces the minutes and then it is sent to staff for review before they are sent out to the members for their review. Ms. Judi Decker, Court Reporter, stated that the minutes are not a verbatim transcript, it is only a summary. She does not feel comfortable making a final decision on some of the conversation, so she leaves it up to staff to make those decisions. In response to a question from Rev. Drumwright, Ms. Decker responded that the recordings are in archives for at least five (5) years and can be obtained at any time in the future. Each recorder sitting in front of the members is downloaded to her computer, in separate files, with the names of the speaker listed on the file name for each Board member. Mr. Bell stated that staff also gets a copy of the audio recordings for their records. The audio files are not available online, but if someone wanted an audio copy, they can contact staff.

Mr. Craft stated that he thought that the December case was not an unreasonable request for the area, given that it was on a busy corner and the only other gas station in the immediate area, was grandfathered in the watershed critical area; therefore, if something happened to that gas station, this could be the only gas station for about five (5) miles going in either direction. He would like the minutes to reflect his reasoning that this was not an unreasonable request.

Mr. Gullick stated that the minutes via email came late, and that was probably because of the holidays, but if any of the members have concerns about the minutes, if those concerns could be sent in to staff before the meeting, then it keeps them from getting to this point where it is being dragged out. He thinks that would be really helpful to do that.

Counsel Mason stated that he feels they can proceed as suggested by Chair Donnelly, and it will require a motion and a second to adopt the minutes with the additions that have been discussed here this evening.

Leslie Bell responded that he will be speaking to the reporter to make sure future minutes are more complete.

Chair Donnelly stated that he appreciates the Board members' comments and feels that the minutes will be more complete in the future. He asked for a motion to approve the December minutes, as verbally amended by Mr. Craft and Mr. Alston.

Mr. Craft moved to approve the minutes as amended, seconded by Mr. Alston. The Board voted unanimously, 9-0, in favor of the motion by roll call vote. (Ayes: Donnelly, Chair; Alston; Gullick; Stalder; Bui; Craft; Buchanan; Drumwright; and Little. Nays: None.)

Mr. Little asked when the County Commissioners see the minutes. Mr. Bell responded that they are not automatically sent to the Commissioners, but they are available if they want to see them, unless there is an appeal or a reason why they would see a certain case. In this instance, because the case was denied and it was appealed, staff always includes those minutes as part of the record.

Rev. Drumwright stated that he agrees with Mr. Gullick that the Board members should take advantage of reviewing the minutes beforehand in case there are questions before they get to the meeting.

Mr. Craft asked Mr. Bell when he was advised that the Spencer Dixon conditional zoning case was to be appealed. Mr. Craft stated that his point is that if something gets appealed, maybe it is a good thing to notify the Board members so they might be a little more careful about reviewing the minutes, knowing that the minutes become part of the next case. Mr. Bell stated that he tries to let everyone know at the next available meeting, but if the members would like to know before then, he would be glad to send out an e-mail to that effect. Tentatively, the case will be heard at the February 15, 2024, Commissioner's meeting, but he would have to hear from the Clerk to the Board for confirmation. Right now, it is proposed for February 15, but he will know following the pre-agenda meeting.

D. Rules and Procedures

Chair Donnelly 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 was no continuance request for tonight's meeting.

F. Old Business

None

G. New BusinessNon-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 (APPROVED)**

The subject property is 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. Mr. Bass stated that because this is a conventional zoning, any use listed under the RS-40 district could be permitted.

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.

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.

Fire Protection District: Northeast FPSD, Miles from Fire Station: Approximately 1.8 miles;

Water and Sewer Services: Private Septic Systems and Wells

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.

Proposed Traffic Generation: Not available

Topography: Gently sloping and moderately sloping.

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

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 are 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.

Chair Donnelly opened the Public Hearing and asked the applicant and those in favor of the request to come to the speaker's table, sign in, and state their names and addresses for the record.

Tony Johnson, 3714 Alliance Drive, Suite #300, Greensboro, NC, stated that he is a general partner in TJP and a general contractor and has been doing business for about 40 years in Guilford County. They are planning to build single-family homes, and they are limited on what they can do due to the shape of the property, and there is also a petroleum gas line that is not shown on the map, but it runs through the property. No roads or anything else can cross those gas lines. The houses will be priced at about one-half million dollars but they are trying to make them as affordable as possible. This property would be in the Northern School District. They are asking for approval so that they can develop the property into lots sized between an acre and three acres. The section in the back, is very limited, so that will be an estate lot. The buyer would have a little more land back there.

Mr. Bell pointed out that because this is a conventional rezoning request, the Board should consider all of the uses in the RS-40 district.

Chair Donnelly asked if it is relevant to the conversation to point out where that petroleum line is located? Mr. Johnson responded that it basically runs right through the middle and to the north is Wellington Subdivision, which has smaller lots, and it then crosses through into Summit Lakes and possibly Pearson Farms, and they are also RS-40. So, these lots will be bigger than all the adjoining development lots. Mr. Craft asked how many houses are proposed to be built on the property. Mr. Johnson stated that they are planning on eleven (11). There was one that was built in the late 1950s or early 1960s, and they have cleaned it up and updated the electrical services, and they are currently renting it. Then there would be ten (10) additional lots that they would like to develop on the property. Rev. Drumwright asked what would be the average size of the lots? Mr. Johnson stated that the lot would have to be at least RS-40, so basically, an acre to three (3) acres.

Joseph Stutts, Stutts Surveyors, 303 E. Bessemer Avenue, Greensboro stated that they have submitted a sketch plan to the County. There are eleven (11) lots, and they have gotten comments back from staff, and there are no major concerns, and they may require NCDOT permits for the driveways. The wetlands on the property are in the extreme north corner, which is not going to affect anything as far as housing. There is also a stream buffer that attaches to it, which will be away from any house sites. He agrees with staff, and he would recommend approval of the request.

Mr. Bass wished to clarify that staff did receive a sketch plan, but that was not considered in this presentation because it is a conventional zoning rather than a conditional zoning.

Chair Donnelly asked for those who wished to speak in opposition to the request to come forward, sign in, and state their name and address.

Chad Muhlestein, 3402 Garrick Trace, stated that the road he lives on is shown on the map presented. He is not so much in opposition, but he has a general safety concern about this area. As the area continues to develop and grow, the number of cars on Fairgrove Church Road increases, and where it joins up with Highway 150 is on a curve, and it is already difficult and dangerous to go from Fairgrove Church Road onto Highway 150. As the developments continue to come into the area, there is more and more traffic. This road also serves as a feeder from Rockingham County and is a long straight shot that will allow excessive speed. He is encouraged to hear that these are going to be larger lots, but he wanted to voice his concern about the safety issues, so that as development moves forward, the Board will continue to hear from him about these safety concerns, and he wondered how it would be addressed.

Chair Donnelly asked Mr. Muhlestein if he has had any conversations with NCDOT, because the road system is in their purview. Mr. Muhlestein responded that he has, and he has gotten them to do some repairs and widen the road. These roads were not originally designed for this kind of traffic. He thinks it is important for the Board to hear these concerns as representatives of the citizens.

Rev. Drumwright asked Mr. Muhlestein what other ideas he would bring to the Planning Department? Mr. Muhlestein stated some of the conversations that he has had included if a traffic light may be appropriate there. He clarified that the S-curve in the road he is talking about is on Highway 150, and people cannot see well because of the trees. It is now getting dangerous. Mr. Muhlestein stated that he would like to see a stop light at Fairgrove Church Road and Hwy 150.

In response to a question from the Chair, Oliver Bass stated that based on his experience and discussions with NCDOT, the applicant will submit a plan to NCDOT for driveway permits, and NCDOT will study the plan and make recommendations, considering traffic safety, turn lanes, and that would require widening of the road, depending on the results of the Traffic Engineering Study.

Rev. Drumwright asked where Mr. Muhlestein should go to for an appeal for a traffic light or other solutions to the safety issues he is concerned about? Oliver Bass responded that NCDOT has a Division 7 Office on Yanceyville Road, so Mr. Muhlestein could request the traffic study to see if a traffic light is warranted in the area, and they would make a decision.

There being no other speakers, Chair Donnelly closed the Public Hearing by unanimous consent.

Board Discussion

Mr. Alston stated that he heard that in the traffic study that came in previously in 2019, there were 2,100 – 2,300 people that travel that road. He asked if there was some type of regulation or process when there is a new development such as this request requiring them to do another traffic study automatically, or is it just done by request? Oliver Bass stated that depending on the size of the project, and these are usually

large-scale projects, they would require a Traffic Impact Analysis. As of right now they will use that information from 2019 and keep the same information and just allow it to go through with this project. The 2019 study was a real-time traffic count study over a select period of time in 2019. They periodically conduct traffic counts, maybe once every few years, and that is normal for that section of roadway.

Chair Donnelly added that in his conversations with the District Engineer, the likelihood of a new traffic study for ten (10) or eleven (11) homes is not very likely. They will look at what needs to be done to provide access to Fairgrove Church Road, but he would be shocked if there would be a study for a development of this size.

Ms. Buchanan stated that it is more likely to be a traffic study as a result of the new phases in other neighborhoods than to have these ten (10) or eleven (11) houses affect anything on Fairgrove Church Road.

Chair Donnelly stated that he would entertain a motion.

Ms. Buchanan moved to approve the rezoning Case #23-12-PLBD-00070 and approve the zoning map amendment located on the Guilford County Tax Parcels #128636 and #128639 from AG to RS-40. The amendment is consistent with applicable plans because properties are surrounded by other properties with a similar nature, and it is already a residential area. The amendment is reasonable and in the public interest because it will extend housing opportunities for future residents of the County and supports the Guilford County Comprehensive Plan, seconded by Mr. Craft. The Board voted unanimously, 9-0, in favor of the motion by roll call vote. (Ayes: Donnelly, Chair; Alston; Gullick; Stalder; Bui; Craft; Buchanan; Drumwright; and Little. Nays: None.)

Evidentiary Hearing Item(s)

None

H. Election of Chair and Vice Chair

Mr. Craft nominated Mr. Donnelly to serve as Chair and Mr. Gullick to serve as Vice Chair for a one-year term, seconded by Ms. Buchanan. There being no other nominations, the Board voted unanimously, 9-0, in favor of the motion by roll call vote. (Ayes: Donnelly, Chair; Alston; Gullick; Stalder; Bui; Craft; Buchanan; Drumwright; and Little. Nays: None.)

I. Other Business

Comprehensive Plan Update

Leslie Bell stated that there was a presentation by Design Workshop and staff to the Board of County Commissioners at its December 21 Work Session. Staff received some very good comments and feedback from that, and Design Workshop will be moving forward in terms of preparation of the next presentation. There is a meeting scheduled with the City of High Point, which is concurrently doing its Comprehensive

Plan primarily applicable to the city limits for the City of High Point. Staff will be meeting with them in February. In addition to that, staff will start reviewing drafts of the Guilford County Comprehensive Plan, and staff is interested in seeing what the public input is from the City of High Point and that portion of the County. Then staff will continue to work with the Steering Committee and make those portions of the document available to the Planning Board as well for any input the members may have.

Mr. Craft stated that he thinks it is important for the members to remember that they are appointed by Commissioners, and it is good to communicate with their Commissioner periodically. Part of the reason they exist is to take part of the load off the Commissioners so they can deal with the larger issues of the County government. If things get appealed, it is good to communicate with your Commissioner your feelings about the particular project, and if it gets appealed and overturned, it is also good to communicate with the Commissioner and get feedback from them on, maybe, why they overturned it.

Chair Donnelly responded that there have certainly been cases that have both been upheld and overturned by the Commissioners. He thanked Mr. Craft for his comments.

J. Adjourn

There being no further business before the Board, the meeting adjourned at 6:57 p.m.

The next scheduled meeting is March 13, 2024.