



GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD

Regular Meeting Agenda
Old Guilford County Courthouse
Carolyn Q. Coleman Conference Room
301 W. Market St., Greensboro NC 27401
April 10, 2024
6:00 PM

- A. Roll Call**
- B. Agenda Amendments**
- C. Approval of Minutes:** March 13, 2024
- D. Rules and Procedures**
- E. Continuance Requests**
- F. Old Business**

Legislative Hearing Item(s)

**REZONING CASE #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40, RESIDENTIAL:
7603 ROYSTER ROAD (CONTINUED FROM MARCH 13, 2024)**

Located at 7603 Royster Road (Guilford County Tax Parcel #138436 in Center Grove Township) approximately 2,208 feet southeast of NC Highway 150 W and comprises approximately 14.26 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 will be required.

Information for **REZONING CASE #24-01-PLBD-00072** can be viewed by scrolling to the April 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

CONDITIONAL REZONING CASE #24-02-PLBD-00073: AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL: 209 E SHERATON PARK ROAD

Located at 209 E Sheraton Park Road (Guilford County Tax Parcel #142734 in Sumner and Fentress Township) approximately 2,923 feet east of Randleman Road and comprises approximately 48.76 acres.

This proposed request is to conditionally rezone property from AG to CZ-LI with the following conditions:

Use Conditions- Permitted uses shall include all uses allowed in the LI, Light Industrial Zoning District, **except** for the following: (1) Homeless Shelter; (2) Country Club with Golf Course; (3) Golf Course; (4) Swim and Tennis Club; (5) Amusement or Water Park, Fairgrounds; (6) Auditorium, Coliseum or Stadium; (7) Go Cart Raceway; (8) Shooting Range, Indoor; (9) Daycare Center in Residence (In-Home) 12 or less; (10) Daycare Center (Not-In-Home); (11) Fraternity or Sorority (University or College Related); (12) Bank or Finance without Drive Through; (13) Bank or Finance with Drive Through; (14) Furniture Stripping or Refinishing (including Secondary or Accessory Operations); (15) Kennels or Pet Grooming; (16) Motion Picture Production; (17) Pest or Termite Control Services; (18) Research, Development, or Testing Service; (19) Studios Artist and Recording; (20) Garden Center or Retail Nursery; (21) Manufactured Home Sales; (22) Cemetery or Mausoleum; (23) Truck Stop; (24) Beneficial Fill Area; (25) Bus Terminal and Service Facilities; (26) Taxi Terminal; (27) Construction or Demolition Debris Landfill, Minor; (28) Land Clearing & Inert Debris Landfill, Minor; (29) Recycling Facilities, Outdoor; (30) Laundry or Dry-Cleaning Plant Laundry; (31) Dry-Cleaning Substation

Development Conditions - None offered.

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential. If the request is denied, a plan amendment would not be required. If the request is approved, a plan amendment to Light Industrial would be required.

Information for **CONDITONAL REZONING CASE #24-02-PLBD-00073** can be viewed by scrolling to the April 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

CONDITIONAL ZONING CASE #24-02-PLBD-00074: LB, LIMITED BUSINESS TO CZ-GB, CONDITIONAL ZONING-GENERAL BUSINESS: 6000 OSCEOLA-OSSIPEE ROAD

Located at 6000 Osceola-Ossipee Road (Guilford County Tax Parcel #100966 in Washington Township) southeast of the intersection of High Rock Road and Osceola-Ossipee Road and comprises approximately 0.91 acres.

This is a request to conditionally rezone the property from LB, Limited Business to CZ-GB, Conditional Zoning - General Business, with the following conditions:

Use Condition – Uses of the property shall be limited to the following uses: (1) Automobile Repair Services; (2) Car Wash.

Development Condition – (1) The business will not operate past 8:00 PM on any day.

The proposed rezoning is inconsistent with the Guilford County Northeast Area Plan recommendation of Light Commercial. If the request is approved, a land use plan amendment to Moderate Commercial will be required.

Information for **CONDITIONAL REZONING CASE #24-02-PLBD-00074** can be viewed by scrolling to the April 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-06-PLBD-00053: AN AMENDMENT TO ARTICLE 3, SECTION 3.1.D, TABLE 3.1 (DEVELOPMENT REVIEW PROCEDURES), SECTION 3.2, TABLE 3.2 (PUBLIC NOTICE PROCEDURES), SECTION 3.2.A (NOTICE REQUIREMENTS), SECTION 3.2.B (LEVEL 1-PUBLISHED NOTICE), SECTION 3.2.C (LEVEL 2-MAILED NOTICE), SECTION 3.2.D (POSTED NOTICE), AND SECTION 3.2.E (ACTUAL NOTICE) TO ALIGN NOTICE REQUIREMENTS FOR TEXT AMENDMENTS WITH NCGS 160D AND LOCAL LEGISLATION SPECIFIC TO GUILFORD COUNTY

The Planning staff prepared amendments to adjust public notice requirements specified for Text Amendments under Article 3 of the County Unified Development Ordinance (Referenced as Subsection 3 in Chapter 15 of the County Code of Ordinances) consistent with G.S 160 and local legislation for Guilford County. The proposed amendments will revise Section 3.1.D, Table 3.1 to remove Level 2, Mailed Notice as required for Text Amendments, and make a technical correction to Footnote 1; revise Section 3.2, Table 3.2 to add Optional as a Type of Public Notification and change the Type of Published Notice required for the Planning Board for Text Amendments to “Optional”, change the Type of Mailed Notice and Posted Noted required for the Planning Board and Board of Commissioners to “Optional”, and make a technical correction to Footnote 2; and revise Sections 3.2.A through 3.2.D align with the statutory requirements of GS 160D and local legislation specific to Guilford County.

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with ~~strikethrough~~.

Information for **UDO TEXT AMENDMENT CASE #23-06-PLBD-00053** can be viewed by scrolling to the April 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the proposed text amendment also is included under the **MEETING CASE INFORMATION** section at the link above.

Evidentiary Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

- May 2, 2024, 2PM - 5PM – Joint Steering Committee/Planning Board Meeting
- May 22, 2024, 5:30PM - 8:30PM – Planning Board Special

Both meetings will be in person and available via Zoom

I. 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

March 13, 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; Ryan Alston; Sam Stalder; Dr. Nho Bui; David Craft; Cara Buchanan; and Rev. Gregory Drumwright

The following members were absent from this meeting:

Guy Gullick, Vice-Chair; 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; and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

Leslie Bell stated that there were no amendments to tonight's agenda.

C. Approval of Minutes: January 10, 2024

Chair Donnelly pointed out a minor typo on Page 9 of the minutes.

Mr. Alston moved to approve the minutes of the January 10, 2024 Planning Board Regular Meeting, as corrected, seconded by Mr. Craft. The Board voted unanimously (7-0) in favor of the motion. (Ayes: Donnelly, Craft, Bui, Buchanan, Stalder, Drumwright, 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.

Chair Donnelly stated that the Chief Deputy County Attorney, Matthew Mason, is with the Board this evening and is going to share a statement about rezoning case(s) scheduled for the Board's consideration this evening.

Attorney Matthew Mason stated that he will share a brief statement that his boss gets credit for. She shared this with the Board of Commissioners before their last zoning decision. Attorney Mason stated that tonight the Board is going to hear a rezoning application, and he wanted to remind everyone that when the Planning Board considers rezoning applications, its determinations are based on the land uses that are allowed under the zoning district proposed in the application. It is important to know that the Planning Board is not here to determine all the details of a development. That involves staff input and evaluation that goes beyond the scope of the Planning Board's work. Many site-specific development features such as management of storm water, to name one, are evaluated through the Technical Review Committee (TRC), rather than through the Planning Board meeting. Lastly, concerns that are not related to land use are not relevant to the Board's consideration of rezoning applications. For example, generalized concerns about crime rates, economic impact to surrounding businesses, and questions of who might own or occupy a subject property are not for the Planning Board's consideration. If there are questions about matters that are not addressed here this evening, those can be referred to the Planning Department or the TRC, as appropriate.

Chair Donnelly thanked Attorney Mason for this information and stated that the Board members would have an opportunity to discuss this in more detail later in the meeting. Staff have shared some information received from the UNC School of Government and that information was included in the Board members' packages.

E. Continuance Requests

Leslie Bell stated that there were no requests for continuance.

D. Old Business

None

E. New Business**Non-Legislative Hearing Item(s)**

None

Legislative Hearing Item(s)**REZONING CASE #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40, RESIDENTIAL: 7603 ROYSTER ROAD (CONTINUED TO APRIL MEETING)**

Oliver Bass stated that this property is located at 7603 Royster Road (Guilford County Tax Parcel #138436 in Center Grove Township) approximately 2,208 feet southeast of NC Highway 150 W and comprises approximately 14.26 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 will be required. There is no history of denied cases.

Under a conventional rezoning, the Planning Board must consider all uses permitted in the RS-40 district as listed in Table 4-3-1, Permitted Use Schedule in the Guilford County Unified Development Ordinance. Uses allowed under the proposed zoning include single-family detached dwellings, major residential subdivisions (6 or more lots), and certain recreation, institutional, and utility uses. 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 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. Conservation subdivisions may be developed in this district.

This request is in an area of mostly low-density residential parcels and agricultural uses. Several single-family residential subdivisions have developed nearby under the RS-40 zoning standards. The existing lot is mostly undeveloped land or agricultural use.

Surrounding Uses:

North: Single-family residential

South: Low-density single-family residential

East: Three undeveloped lots subdivided out of the parent tract of the subject parcel in March of 2022

West: Single-family residential subdivision (zoned RS-40).

There are no inventoried historic resources located on or adjacent to the subject property.

There are no cemeteries shown to be located on or adjacent to the subject property, but efforts should be made to rule out potential grave sites. The Fire Protection District

is Summerfield FPSD, approximately 2.0 miles. Water and Sewer Services are private septic systems and wells.

Royster Road is a collector street under the 2005 Greensboro MPO Collector Street Plan NCDOT Average Annual Daily Traffic Count is not available near the subject parcel. The property is gently sloping and moderately sloping. There is no regulated floodplain existing on the site per the Effective FIRM. No mapped wetlands exist on site per the National Wetlands Inventory. Mapped streams are on site per USGS and/or Soil Survey Map of Guilford County. The property is in the Greensboro WS-III General Watershed.

The property is located within the Northern Lakes Area Plan (Updated in 2016) and the Plan Recommendation is AG, Rural Residential. The requested zoning is consistent with the recommendation of the Northern Lakes Area Plan. The AG, Rural Residential (AGRR), 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) dwelling units per acre. Anticipated land uses include those permitted in the RS-40 Residential Single-Family zoning districts including, but not limited to, institutional and recreational uses.

Staff recommends that the requested action is reasonable and in the public interest because it is consistent with the recommendation of the Northern Lakes Area Plan. It would extend housing opportunities to future residents at densities supported under the AG, Rural Residential land use designation. The development patterns in the vicinity are consistent with standards applicable to the RS-40 zoning designation.

The requested action is within the policy framework established in the adopted Comprehensive Plan as follows:

- 1. Goal #1**, Objective 1.1, Policy 1.1.1 of the Future Land Use Element states that "Planning staff will continue to utilize the future land uses depicted on citizen-based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations." The rezoning matrix for the AGRR designation lists RS-40 as a compatible zoning district.
- 2. Goal #1** of the Housing Element states "Provide current and future residents of Guilford County with a variety of housing options and opportunities." The RS-40 district allows single-family residential development at low densities as supported under the AGRR designation.

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 asked if there were any questions from the Board members for staff, and no questions were posed at this time. Chair Donnelly pointed out that the three

(3) lots that were shown as being undeveloped in 2022 now each have houses on them, as reflected in the photos.

Chair Donnelly asked if there was anyone wishing to speak on this matter.

Helen Williams stated that she lives next door to this property, and she does not have any issues with the rezoning request, but she just wanted to come and see the process. She asked if the RS-40 zoning could be changed at some point to be a higher density by the person that owns the subject property? Chair Donnelly stated that any rezoning request like that would come back before the Board and would have to go through the same review process. An individual property owner has the ability to apply for a designation that they think is appropriate. As Mr. Bass described, there is a long-range plan in place that provides some guidance; there are some areas not far from this location that are already zoned as RS-30, so it would not be out of the question if someone chose to do that. Ms. Williams stated that she is the only person that lives on her road, and it is a private road. How many dwellings can be developed before it has to have a County road installed? Mr. Bass responded that every lot has to have access to a public road or frontage on a public road. If there is an existing road that qualifies to have direct frontage, then they would not have to construct a road. There is no real maximum; it just depends on the design or shape of the lot and traffic on the street. If Royster Road was a thoroughfare, they would have to install a street before they could create new lots. Ms. Williams pointed out that there is not currently a road that accesses the area that they want to rezone. Mr. Bass stated that it depends on how the owner wants to develop the site.

Chair Donnelly stated that the anticipation would be that if they were to develop this as a residential lot, they would use that strip of land that connects to Royster Road and put a street in, and then they would have lots that use that street as access. Ms. Williams' question was how many houses would have to be built before the road would be something other than just a gravel road. Mr. Bass responded that if it is a minor subdivision up to five (5) lots the road can be gravel, and more than five (5) lots would require a paved road.

Chair Donnelly asked if there was anyone else wishing to speak on this matter, and no one came forward. The legislative hearing was closed by unanimous consent.

Discussion:

Ms. Buchanan asked that the topography map be shown on the overhead. She commented on the number of houses brought up by the speaker, and she pointed out that there are just a few houses on these lots because of the topography. Unless it was zoned for something smaller, like townhomes, which probably happens in that area, there would probably only be four (4) or five (5) houses based on the size of the lot.

Mr. Craft asked if they could do a private drive to service four (4) to six (6) houses or would it have to be a public street. Mr. Bass responded that a road could be public or private, But if it is five (5) or less, they wouldn't have to pave it; it could be gravel.

Rev. Drumwright asked what is the process of making it a private road. Mr. Bass stated that they would have to have it designed by an engineer to NCDOT standards. They (the engineer) would have to certify that it is designed and built to NCDOT standards, then it would be recorded with a maintenance agreement by HOA or owners who would sign it, and it would be recorded. Rev. Drumwright asked if that would be at the owner's expense. Mr. Bass responded that was correct. If it is dedicated as a public road, it has to be approved by NCDOT. Once the road is built, NCDOT would inspect it, certify that it is built to their standards, and there would have to be four (4) homes there before it can be taken over for maintenance by the State. The developer is responsible for the building of the road, and once it is built, the developer would petition NCDOT to take it over for maintenance. In the meantime, it would have to be maintained by the property owners.

Chair Donnelly thanked Mr. Bass for that clarification. He stated that he wondered if there was an opportunity for a cluster development. The regulations for a cluster development requires that there is public sanitary sewer. Since it is on a septic system, the cluster development that is permitted under R-40 would not be an option on this property.

Chair Donnelly stated that he would be happy to entertain a motion.

Mr. Craft stated that he would make the motion, reluctantly, because the applicant is not at the meeting to answer questions and there were questions by the members. He feels that is a little disappointing. Chair Donnelly stated that the Board has the opportunity to say if the Board is not comfortable with the applicant not being in attendance to answer questions. The Board can certainly continue this request to a future meeting. Mr. Craft pointed out that the plat provided is not really relevant to the rezoning. It shows the other three (3) lots but doesn't really provide any information for this particular parcel. He wants to make sure the minutes reflect that.

Chair Donnelly stated that this is a general RS-40 zoning classification, so they really can't look at that. Mr. Craft stated that he is just pointing out that the plat that was provided does not really provide any information relevant to this rezoning request.

Mr. Bass added that this plat is the one that was recorded earlier. Mr. Craft stated that the plat provided is not what the Board is considering at this time. They are considering something called "Knight Acres," which is behind the property shown on the plat.

Rev. Drumwright asked if it is a requirement that the applicant show up for the meeting? Mr. Bass stated that they do request that the applicant attend the meeting when they are sent the notice. Chair Donnelly asked if staff had met with the applicant,

Mr. Knight, and gone over anything. Mr. Bass responded that they did meet with the applicant and discussed the process.

Mr. Bell added that the application does say that the applicant or their representative should be at the meeting. Mr. Bass added that he does send notice specifically to the applicant letting them know they are required to attend the meeting.

Attorney Mason stated that in looking at the Ordinance, he does not see a requirement for the applicant to attend, so he doesn't think that putting it on the application has the force of law, so to speak. He does think the Board has the option of whether it wants to proceed on the substance of the application without the applicant being here. He added that if it is the Board's will to wait in order to have the applicant present, he would suggest to the Board that the public hearing be reopened, just so it is opened, then continue it so that there are no issues around Notice of the Public hearing when it comes back to the Board.

Chair Donnelly stated that, if the Board were to take a vote to continue it, could they then reopen the hearing afterwards, or would the public hearing on this particular case remain open until it comes back to the Board for consideration? Attorney Mason stated that a way that they can proceed tonight is to vote now to reopen the public hearing; once they have taken that vote, they then deal with a motion to continue the application. If the majority agrees to continue it, then the Board would be all right on the public hearing part. It would not have to be readvertised.

Mr. Stalder stated that he does not have any problem with the land use, but he likes the idea of not setting the precedent that developers don't show up to the meetings and still get their applications approved.

Chair Donnelly stated that he would entertain a motion to reopen the public hearing.

Mr. Stalder moved to reopen the public hearing, seconded by Dr. Bui. The Board voted unanimously by voice vote to re-open the hearing.

Rev. Drumwright moved to continue this matter to the April 10, 2024 Planning Board meeting, seconded by Mr. Craft.

Mr. Alston asked what type of questions will be brought up and what kind of concerns will the Board have once the applicant does come to the meeting. Mr. Craft stated that there is a nearby resident that has questions, and he thinks there should be someone here to answer her questions. Another question is whether it is his intention to develop it with six (6) or more lots which is consistent with RS-40 zoning, because if he wants to develop it with less, then he wouldn't really need to rezone it. He is trying to get into the need for the rezoning.

Chair Donnelly stated that it is his understanding that the property still would need to be rezoned, even if it was five (5) lots. Mr. Bell stated that if it is five (5) because the

same lot size is the same for RS-40 or for AG at 40,000 square feet. It is just that in a minor subdivision, it is five (5) or less; whereas a major subdivision is six (6) or more. He could go in as AG and do five (5) lots. Mr. Craft pointed out that this is a whole new parcel, and those previous three (3) lots are not relevant. What the Board is now looking at doesn't include the three (3) lots, so they are not to consider those lots. Mr. Bell stated that it does because somebody could come in and keep doing minor subdivisions, and then they would exceed the five (5) lots. Mr. Craft said that at this point, to stay as a minor subdivision, he could do two (2) more lots. Mr. Bell stated that was correct.

Rev. Drumwright asked the resident where she lives in relation to the subject property. Ms. Williams stated that she is lot "D" shown on the map. Her address is 1512 Knightway Lane, at the very end.

Chair Donnelly pointed out that one of the questions the Board usually asks the applicant is if they have spoken to other residents in the community. Ms. Williams stated that the applicant had some discussion about the rezoning.

After a short discussion, the Board voted unanimously (7-0) by roll call to continue this matter. (Ayes: Donnelly, Craft, Bui, Buchanan, Stalder, Drumwright, Alston. Nays: None.)

Thereupon, the application was continued to the April 10, 2024 regular meeting with the hearing open, and they do not need to have notice for that meeting, and will communicate to the applicant that without his presence, he cannot expect any affirmative action on the case.

Evidentiary Hearing Item(s)

None

H. Other Business

School of Government Reference Information for Legislative Development Decisions

Leslie Bell stated that as Attorney Mason mentioned earlier, this was something that was provided to the Board of Commissioners when they heard the Spencer-Dixon Highway 150 appeal. In keeping with sharing this same information, the first article from the School of Government deals with **Considerations for Legislative Development Decisions** and is a summary of what the Board went through during your orientation and the mid-year training. It gives a framework or a guide based on Statute as to what considerations are relevant for legislative hearings (e.g., rezonings). This gives you sort of a box that you can work within with those considerations where the Board actually may serve two (2) roles – as Planning Board and Governing Board – and you don't know if you serve both roles until after fifteen

(15) days. So, as a Planning Board, you make a determination whether or not the case you are hearing is consistent with the Comprehensive Plan or any other land use plan. The other article discusses **Impermissible Considerations for Legislative Development Decisions**. Due to special legislation, the Governing Board is required to also issue a statement of reasonableness. Because rezoning decisions currently are delegated to the Planning Board, based on special legislation from the 1980s by the Board of Commissioners (Governing Board), the Planning Board's decision may be final after fifteen (15) days, if not appealed, or if the motion receives at least 75% vote in favor. He asked that those members who are not comfortable with making a motion, what would you request of him, on behalf of staff, that they could do to get you to that place of being comfortable? He asked if another mid-year training would be helpful.

Rev. Drumwright stated that he did not gain a whole lot from the School of Government training. It just wasn't very thorough, and he just didn't benefit from it as much as he had hoped. Mr. Bell asked if it would help if a member asked specific questions as it relates to the matrix and focus on specifics? Rev. Drumwright stated that he hasn't given up on it, and he did ask questions that the moderator/presenter did not have answers for and eventually he just felt he wasn't getting anywhere. There were a lot of people attending in Kernersville, but it was just very dry.

Chair Donnelly asked if his questions were for both legislative action and Special Use Permits, or only one or the other. Rev. Drumwright stated that he thought the School of Government was robust because there were Planning Board folks, and there was also another group present. Mr. Bell stated that he could do another mid-year training, as groups, or they can do one-on-one. They will set a time for the members to come in, and they will run through this again. Rev. Drumwright stated that he thinks what was lacking was the actual practice, so there is a lot of training – “this is what you do – this is what you do,” lots of slides and all that, but in neither session was there any, “Okay, now let's do it.” The application of it would probably be useful. Mr. Bell restated that some practical information would be better.

Ms. Buchanan stated that being put in a situation where you are forced to say, “I move to approve this” does put pressure on a person. Mr. Craft stated that he usually finds the matrix on one case, that is pretty simple, and kind of sketches it out ahead of time and maybe shares it with somebody. The initial training is pretty dry, but until you are in a meeting and see how it works, it's really hard to kind of connect all those dots. It took him about two (2) years to really feel pretty comfortable about making a motion, and when he made his first motion on a Special Use Permit, he drove it into the ditch, but he has recovered since then. Rev. Drumwright stated that was his hope because he has heard several Board members say it took them a while also. He just wanted to give it time, but he probably should have said something earlier to get some practice.

Mr. Craft suggested that staff could plan out the case they will hit next time and do some practice with it. Mr. Alston stated that he does that, and he has done probably two or three motions since he has been on the Board. Actually, he reads it at home and sketches out a possible motion, but when they get in the meeting, somebody might jump in front of him, and he just gives in on it and lets them do it. Sometimes he is unsure of how to word things, and he gets uncomfortable. He likes the one-on-one idea. Ms. Buchanan said that she finds that it helpful to take notes when someone is making a motion on the matrix and then going home and reviewing it. Mr. Donnelly pointed out that staff does a lot of the work ahead of the Board meeting, and a lot of it is already written out. If a member is going along with the staff recommendation, it's especially easy. Mr. Alston pointed out that it is easy to read until you get to the part that says, "because . . . ," and then he doesn't know what all to say. When other things are thrown in, it just sort of makes things confusing.

Mr. Bell stated that the Board members are not bound by staff's recommendation. When they mention the land use plan, they are looking at the same thing, so it is really a transparent process, and the general public also has access to the same information. That information is available online, where it zooms in on that specific parcel, and it will label what that land use designation is for that particular parcel. Board members can do the one-on-ones and we can go through the digital and electronic tools as well. In the packet, everyone is getting the paper copy, but the same information also is on the website.

Mr. Alston asked if it is possible to let the Chairman know that a person wants to make the motion on a particular case because they have already made their notes and feel comfortable making the motion? The Chairman could then call on that person to make the motion. Mr. Bell stated that there are some jurisdictions that those tasks are assigned upfront, and they prepare what they are going to say regarding the motion. So yes, that can certainly be done. He doesn't want anyone to misconstrue what he said about being assigned; he means that the one variable that the Board doesn't have coming into the meeting is the legislative hearing portion, which is as much of the process as any other element of the process. It is not meant that this is the way that a particular Board member has to vote.

Chair Donnelly stated that one of the things that he thinks is important is that they all are comfortable making motions on different cases. There may be aspects of a case that particularly speak to a Board member, and so in the motion where they can capture those effectively, sometimes the person who has those thoughts in their head can articulate that in the motion. This may make it easier, both as the Board reviews it and if it gets appealed. As the County Commissioners review it, the motion concerns are identified."

Mr. Bell stated that just because one of the members says they want to make the motion on a case before the meeting doesn't mean that everybody else has to fall in

line with that. So, don't come in with an already fixed position necessarily on the request. It's about whether that person would be attentive and can see if there is anything else that needs to be added and are they willing to make the motion.

Att. Mason stated that, first to Mr. Alston's question, there would be no problem with him alerting the Chair before the meeting to the fact that he would be willing and able to make a motion on a specific item. That said, the legislative hearing is there for a reason and the whole Board needs to hear what is brought to them for consideration before someone comes up with a fixed conclusion. What then would happen is when the legislative hearing is closed and it's time for a motion, the Chair is the one who recognizes whoever is willing to make the motion for that case. So, whoever gets recognized would have the first opportunity to make a motion, and it could be that the Chairman says a different member wants to make a motion and pave the way. But it is kind of a parliamentary procedure thing, and it's just whichever Board member gets recognized and would be in a position to make the motion.

Chair Donnelly added that on a Special Use Permit, if you have an applicant that has done a really thorough application and they have done a lot of work on it, if you read it, it would be easy to be able to word the motion correctly. There was a case previously where the Board member read information provided because the applicant covered everything. Not every SUP comes to the Board as prepared, which means that the Board members then have to sort through the information to create the proper motion.

Mr. Bell stated that he would contact the members and find out if they wanted to have a small group or one-on-one. Whichever way is fine with him, and then they will set up a time so it will be more individualized. He feels that may be helpful.

In Guilford County right now, it gets a little tough sometimes because they are dealing with a lot of infill development, where there is development around it. Thus, folks that are around that area are accustomed to the way that it is, and the Board is not always asked to make decisions on things on the fringes. The Board will be hearing things like people do not want a "Mom & Pop" to have the competition from a corporate store. Ownership is not anything that the Board should be considering. The Board is only looking at the use because it is not necessarily recognizing specific corporations. The other thing is, sometime in particular with infill development, no one really wants that area to change. So, the Board really needs to be careful with that and when considering something like that, one of the things in looking at the literature is you can't make it based on race, religion, ethnicity, or other protected classifications. If it is because a group of people don't want it in their neighborhood, sometimes it helps if you drill down into the Comprehensive Plan and try to base it on some aspect of the Plan. This is no different than when staff references specific goals and objectives from the Comprehensive Plan in the staff report to support why it is reasonable and in the public interest. The Board may hear something during the legislative hearing that can be added. Mr. Bell reminded the Board that he had given them statutory information

during their orientation and those sections are referenced in the article where it talks about reasonableness and consistency.

Chair Donnelly stated that for a long time, the Board has not had many decisions that ended up going in front of the County Commissioners. More recently there have been some that did go before the Commissioners, and that provided the Board an opportunity for some collaboration. He suggested that the Board members watch some of those meetings because it is a great way to understand the nuances of where land use applications are. There was a case about two (2) years ago where there was an infill development, and the Board denied the case because they felt that the density was inconsistent with the area surrounding it, and the County Commissioners upheld that case as it was very clearly tied to a specific land use. He thinks this would be a great opportunity for everyone to continue to learn.

Mr. Bell stated that the first article says, "...but if a community finds that the Governing Board frequently takes action in contrast to the plans and recommendations, that would be an indication the community needs to update the area plans (which were done in 2016 and is being done with the Comp. Plan), or reconsider the expectations of review by the Planning Board and staff." He reiterated that staff make their recommendations and it is all transparent. Just as a frame of reference, look at calendar years 2022 and 2023; there have been a number of cases that have either been appealed by one side or the other, or because it didn't receive the 75% vote, have gone to the Board of Commissioners. While it is a small percentage of the total of the ones that have gone since 2022, six (6) of them have been overturned. There also have been some that have been upheld by the Board of Commissioners.

Chair Donnelly stated that having watched the Board of Commissioners' meetings, he has heard them speak, and they take the Planning Board's actions very seriously, and in their considerations, that is one of the things that they have often mentioned. If there is not something compelling, they are hesitant to act in opposition to what the Board decided.

Mr. Alston stated that he spoke to a particular County Commissioner in the past on dealings the Board has dealt with. It is interesting that the Board listens to the public speakers, but if the Board's decision is not in their favor, the citizens just feel like, "Well, that's just the way it is because of the recommendation." Mr. Bell responded that that may be an opportunity where he may get comfortable making a motion.

Att. Mason stated that he has several thoughts on the discussion, and one is that this Board is sworn to make their decisions here, but the fact that the Commissioners may, on occasion, disagree with the decision of the Board is not problematic at all. This Board is an independent decision-maker, and that is what they are supposed to do. When it comes to community sentiment, the mere fact that twenty (20) people are opposed to it and no one other than the applicant is in favor of it, that in and of itself

does not speak to anything land-use related. But most of the time, community members will raise a mixture of concerns; but typically some of those are valid considerations in a land use decision. The Board has to listen closely as to what the concerns are because some of them are likely going to be valid concerns that the Board can consider, and some of them probably are not.

Mr. Alston stated that if there are no safety concerns, but the Board has heard that the proposal would impact the "Mom & Pop" store down the street, in his past conversations, is it more about money and revenue for the "Mom & Pop" store? Is it out of bounds for him to state that he realizes there are a large number of people who are opposed to the case, but he has to agree with the application because it fits the criteria of the land use? However, if the concerns are about the proposed use taking out the "Mom & Pop" store, he would recommend that they come together as a community and make sure they do everything they can to support the "Mom & Pop" store. Is that something that would be inappropriate for him to say during the meeting? Mr. Bell responded that is why it is a framework. He read a couple of sentences from one of the School of Government articles that speaks to that: *"Land use decisions or regulations must not be based on ownership status. Land use decisions are about land use, not about the former ownership of the development."* Mr. Bell stated that he thinks everyone has a feeling or emotion about "Mom & Pop" stores, but it says what it says.

Chair Donnelly stated that his perception is that as they deliberate and share their rationale, that it is reasonable to say, "Hey, I recognize that your concern may not be based on land use, and I understand your concern and certainly appreciate that you, as a community may be able to do things to support that business owner." That is not within our purview here, but making that comment is okay. Having that as a basis for the decision is not appropriate.

Attorney Mason stated that the way Chairman Donnelly responded to that is great. He would be careful to answer Mr. Alston's question specifically, sitting here right now, because the Board members are public officials, and he would be careful about advocating that the community should support Business "A" rather than Business "B." He stated that the members can observe and state to the audience members that the requirements must be followed.

Mr. Bell encouraged the members to take a look at the articles and read through them. It is not unusual to have strong feelings when folks come out about something because it's changing the area where they live.

Chair Donnelly stated that he would like to comment that it has been his experience that he has found success learning enough so he can really argue that what he thinks is truly in the best interest and pull from that data on both sides, for development and against it. That is the advantage of being able to make a motion and digging into this

enough, as it allows him to draw from the resources that are there in making a decision and trying to balance those interests.

Mr. Craft stated that he has been on the Board for 3 ½ years and they have probably rezoned ten (10) parcels in that Northern High School area, and just by seeing all that and going out there regularly, it is in his mind that it isn't unreasonable to have another gas station and another shopping center in that area.

Rev. Drumwright added that one of the things that was difficult for him on that case was just the lack of transparency, and that was what the community was saying. It makes him uneasy because they were representing it before both the Planning Board and the Commissioners, that they are being entirely transparent, but it seemed through the testimony on both sides that there was a lot of transparency, and that was a cause to pause.

Mr. Bell stated that if the Board feels that there hasn't been transparency, then the Board can request that that effort be revisited again in order to be transparent, and can request that more information is given. The Board members asking for more information need to make it clear what they are looking for. He thought it was interesting that there were two (2) people speaking at one meeting; one said there were "x" # of people there, and the other said it was not that many people there.

Attorney Mason stated one important clarification he would like to make. He thinks that that is right in the legislative decision context. In the quasi-judicial context, he would advise this Board against that because whether somebody has met with the neighbors or not, it is not going to be a valid consideration.

Mr. Craft stated that in the interest of transparency, he wants to make sure that everyone is talking about the same thing regarding that case. It got approved a year or two ago without a gas station, and they came back. He wondered if it was a bait and switch, and they were thinking, "Let's get it approved without a gas station and we'll come back a year later and ask for the gas station." He asked if that was pertinent or relevant or even provable?

Attorney Mason responded that the question before the Board in that kind of situation is going to have to do with the appropriateness of the gas station, at that point, rather than whether it is done sequentially.

Dr. Bui asked Mr. Bell to elaborate a little bit on the difference between public interest and private interest. Per one of the articles, Mr. Bell stated that in NCGS 160D, it spells out what a conflict of interest is, for example, familial relationships. You also can look in the Rules of Procedure, and it has been drilled down a little bit more; if there is a conflict of interest, it calls for a member to recuse themselves from that case. In the

context of the article, Mr. Bell responded that it also is talking about different forms of ownership.

Chair Donnelly stated that the Board would now hear from Mr. Bell concerning the Comprehensive Plan.

Comprehensive Plan Update

Consider the following as part of the 2040 Comprehensive Plan Process:

- May 1st or 2nd – 1PM or 3PM: Joint steering committee – Planning Board?
- May 15th: Special Planning Board meeting?

Mr. Bell stated that staff is at the point now where they are starting to see daylight at the end of the tunnel, and one of the things the members got in their packages is the path forward for completion of the Comprehensive Plan. Staff put this together working with the Design Workshop, and it has been sent to the steering committee. He mentioned that the process is a bit more important than these specific dates. What is being proposed here is on April 11th at 3:00, there will be a steering committee to review the 90% document. On April 15th, the draft document will open for public comment for either two (2) or four (4) weeks (four weeks if needed). It will be put out there on the website and there may be other ways to get that information out. Then on May 1st or 2nd, either at 1pm or 3pm, there will be a joint steering committee meeting with the Planning Board. That would be a special meeting, and if they have more than a quorum, they would need to advertise. The purpose of that is the transition of handing it off from the steering committee to the Planning Board as a precursor for it going to the Board of Commissioners. The Planning Board is not required to have a public hearing on it, but they are required to make a recommendation because it is a land use plan document. The two members that represent the Planning Board are not available on May 15th, so in working with the Design Workshop, they have indicated that May 22nd would be an alternative date. The timing just didn't work out to have the Planning Board's recommendation at the May 8th regular meeting. To avoid the public hearing for the FY24/25 Budget on June 6, we are trying to send the Comprehensive Plan to the Board of Commissioners on June 20.

Chair Donnelly stated that he feels that the Board members' availabilities would have some influence on when that meeting is held that day. Mr. Bell stated that they are more concerned about what is beside the dates rather than the actual dates themselves. He will keep the Board members updated on the meetings and dates, as they may change.

Chair Donnelly asked if there was any other business anyone would like to bring before the Board and no one spoke up. Therefore, he would entertain a motion to adjourn by consent vote.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:38 p.m.

The next scheduled meeting is April 10, 2024.

(Insert Color Paper)



03-11/6/24

**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Rezoning
Application**

Date Submitted: 1/16/24 Fee \$500.00 Receipt # REC-013624-2024 Case Number 24-01-PLBD-00072

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 7603 ROYSTER ROAD
in CENTER GROVE Township; Being a total of: 14.26 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 138436 Tax Parcel # _____

Tax Parcel # _____ 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

Frank C. Knight
Property Owner Signature

FRANK C. KNIGHT

Name

809 N.C HWY 150 W

Mailing Address

GREENSBORO, NC 27455

City, State and Zip Code

336-643-3679

Phone Number

Email Address

Representative/ Applicant Signature (if applicable)

Name

Mailing Address

City, State and Zip Code

Phone Number

Email Address

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

REZONING CASE #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40, RESIDENTIAL SINGLE-FAMILY: 7603 ROYSTER ROAD

Property Information

Located at 7603 Royster Road (Guilford County Tax Parcel #138436 in Center Grove Township) approximately 2,208 feet southeast of NC Highway 150 W and comprises approximately 14.26 acres.

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

Nature of the Request

This is a request to rezone the subject property from AG to RS-40. Under a conventional rezoning, the Planning Board must consider all uses permitted in the RS-40 district as listed in Table 4-3-1, Permitted Use Schedule in the Guilford County Unified Development Ordinance. Uses allowed under the proposed zoning include single-family detached dwellings, major residential subdivisions (6 or more lots), and certain recreation, institutional, and utility uses.

District Descriptions

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 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

This request is in an area of mostly low-density residential parcels and agricultural uses. Several single-family residential subdivisions have developed nearby under the RS-40 zoning standards.

Existing Land Use(s) on the Property: Undeveloped land and agricultural use.

Surrounding Uses:

North: Single-family residential

South: Low-density single-family residential

East: Three undeveloped lots subdivided out of the parent tract of the subject parcel in March of 2022.

West: Single-family residential subdivision (zoned RS-40)

Historic Properties: There are no inventoried historic resources located on or adjacent to the subject property.

Cemeteries: No cemeteries are shown to be located on or adjacent to the subject property, but efforts should be made to rule out potential grave sites.

Infrastructure and Community Facilities

Public School Facilities:

Guilford County				
School Boundaries	Built Capacity 2023-24	2023-24 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students
Northern ES	760	629	3	1-3
Northern MS	1152	806	0	1-3
Northern HS	1370	1304	0	1-3
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: Summerfield FPSD

Miles from Fire Station: Approximately 2.0 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Royster Road is a Collector Street under the 2005 Greensboro MPO Collector Street Plan. NCDOT Average Annual Daily Traffic Count is not available near the subject parcel.

Proposed Improvements: N/A

Projected Traffic Generation: Not available

Environmental Assessment

Topography: Gently sloping and moderately sloping

Regulated Floodplain/Wetlands: No regulated floodplain exists on the site per the Effective FIRM. No mapped wetlands exist on site per the National Wetlands Inventory.

Streams and Watershed: Mapped streams are on site per USGS and/or Soil Survey Map of Guilford County. The property is in the Greensboro WS-III Watershed.

Land Use Analysis

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

Plan Recommendation: AG, Rural Residential

Consistency:

The requested zoning is consistent with the recommendation of the Northern Lakes Area Plan. The AG Rural Residential (AGRR) 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 RS-40 Residential Single-Family zoning districts including, but not limited to, institutional and recreational uses.

Recommendation

Staff Recommendation: Staff recommends approval.

The requested action is reasonable and in the public interest because it is consistent with the recommendation of the Northern Lakes Area Plan. It would extend housing opportunities to future residents at densities supported under the AG, Rural Residential land use designation. The development patterns in the vicinity are consistent with standards applicable to the RS-40 zoning designation.

The requested action is within the policy framework established in the adopted Comprehensive Plan as follows:

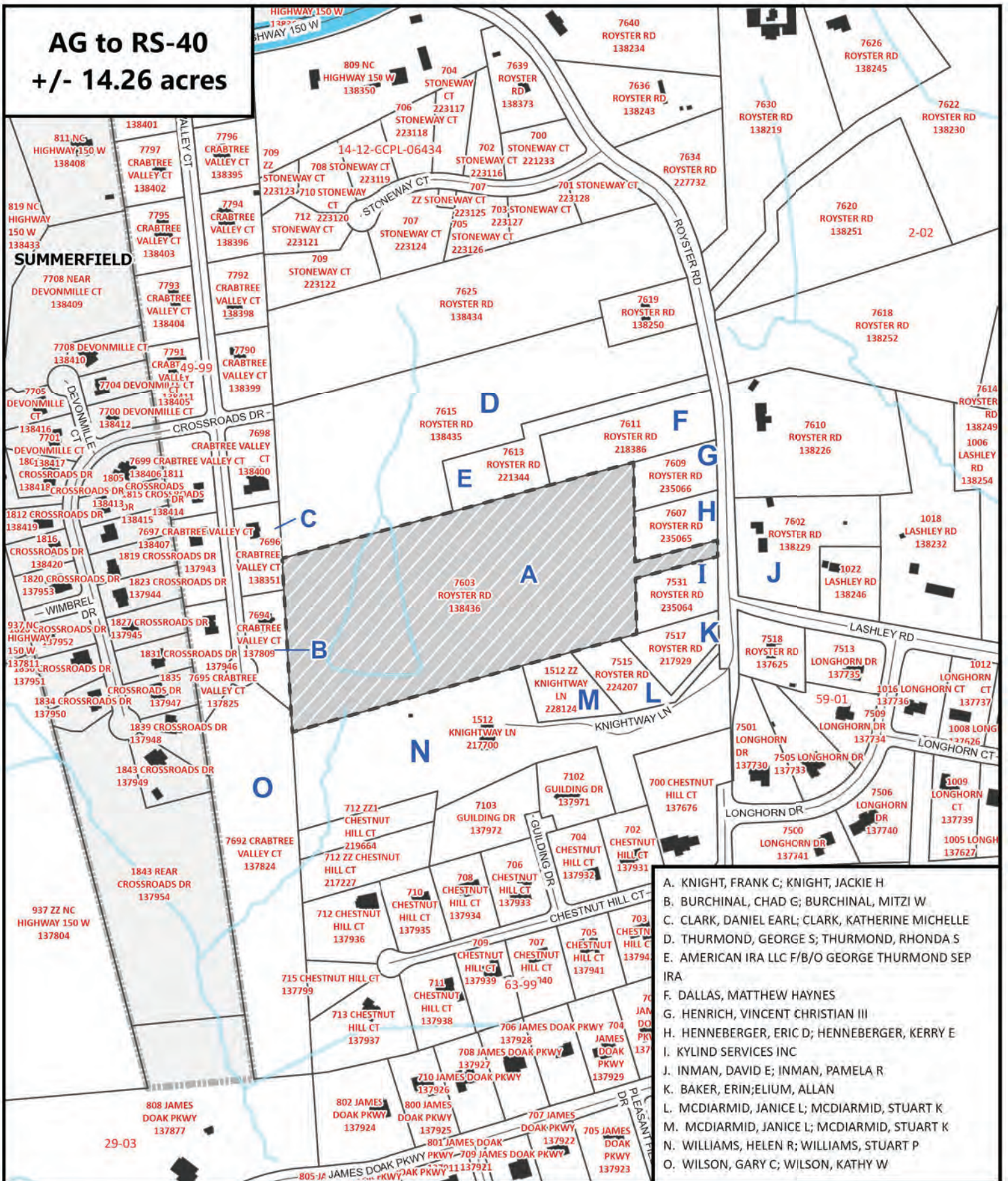
1. Goal #1, Objective 1.1, Policy 1.1.1 of the Future Land Use Element states that “Planning staff will continue to utilize the future land uses depicted on citizen-based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations.” The rezoning matrix for the AGRR designation lists RS-40 as a compatible zoning district.
2. Goal #1 of the Housing Element states “Provide current and future residents of Guilford County with a variety of housing options and opportunities.” The RS-40 district allows single-family residential development at low densities as supported under the AGRR designation.

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.

DRAFT

AG to RS-40 +/- 14.26 acres

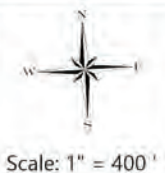


Planning & Development
Department

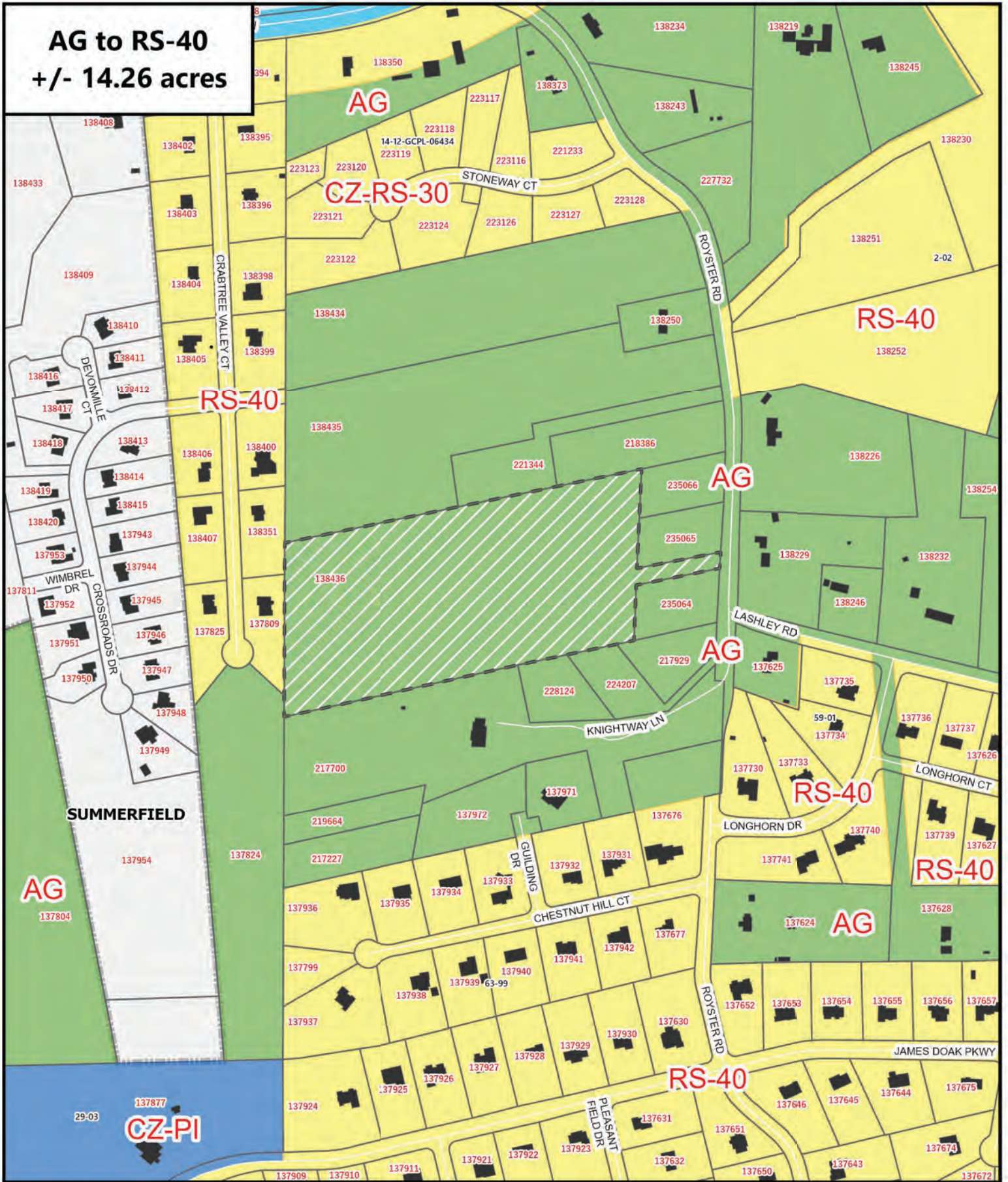
Jurisdiction:
GUILFORD COUNTY

Case Number:
24-01-PLBD-00072

Case Area:
Parcels - 138436
7603 Royster Rd



AG to RS-40
+/- 14.26 acres



Planning & Development
 Department

Jurisdiction:
 GUILFORD COUNTY

Case Number:
 24-01-PLBD-00072

Case Area:
 Parcels - 138436
 7603 Royster Rd



Scale: 1" = 400'

AG to RS-40
+/- 14.26 acres

SUMMERFIELD

CASE # 24-01-PLBD-00072
7603 Royster Road
SCALE: 1" = 1,000'

**AG to RS-40
+/- 14.26 acres**

**CASE # 24-01-PLBD-00072
7603 Royster Road
SCALE: 1" = 1,000'**

**AG to RS-40
+/- 14.26 acres**

**CASE # 24-01-PLBD-00072
7603 Royster Road
SCALE: 1" = 1,000'**

**AG to RS-40
+/- 14.26 acres**

**CASE # 24-01-PLBD-00072
7603 Royster Road
SCALE: 1" = 1,000'**

AG to RS-40
+/- 14.26 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

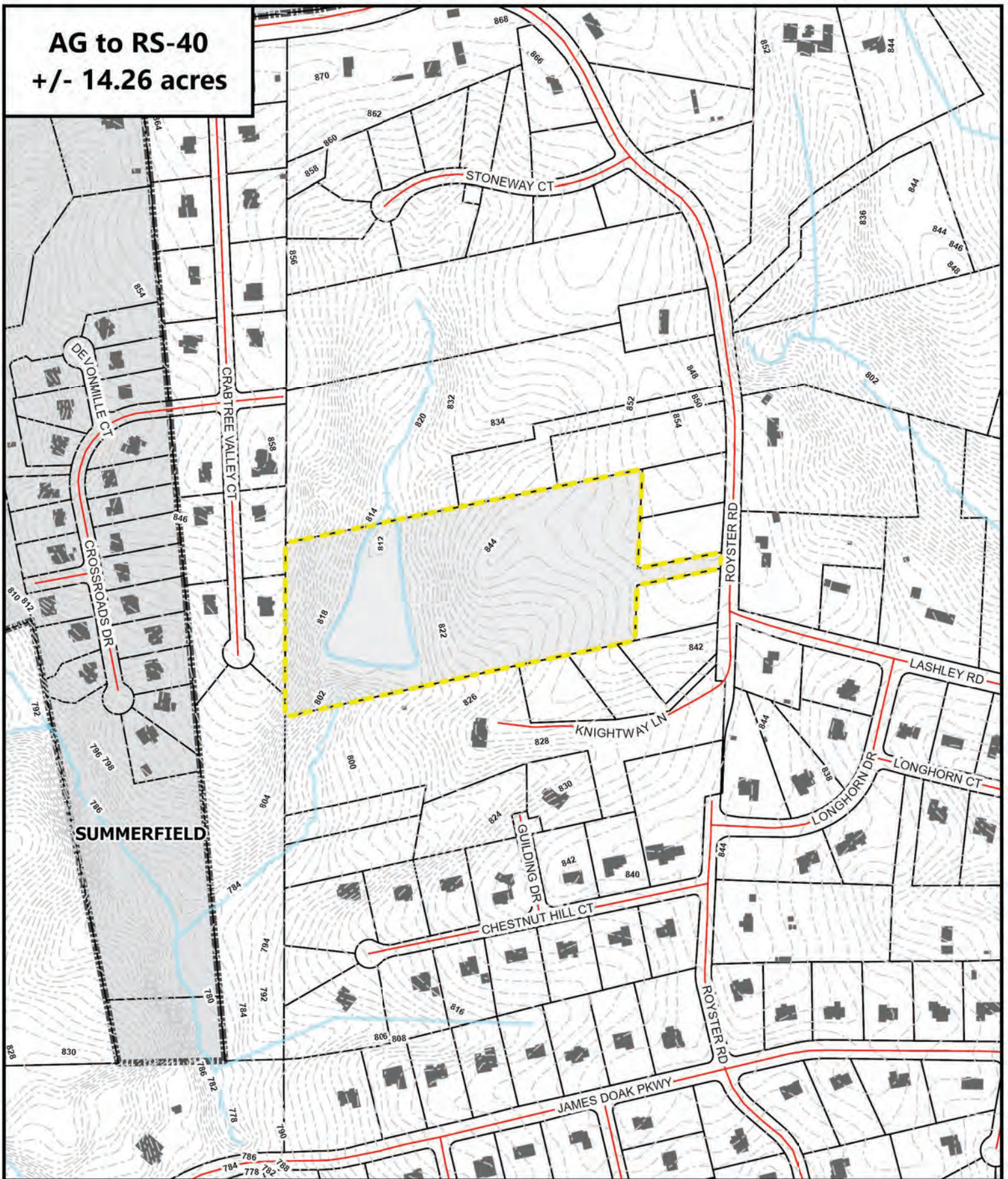
Case Number:
24-01-PLBD-00072

Case Area:
Parcels - 138436
7603 Royster Rd



Scale: 1" = 400'

AG to RS-40
+/- 14.26 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
24-01-PLBD-00072

Case Area:
Parcels - 138436
7603 Royster Rd



Scale: 1" = 400'

**REZONING CASE #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40,
RESIDENTIAL: 7603 ROYSTER ROAD**

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

DECISION MATRIX

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

**REZONING CASE #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40,
RESIDENTIAL: 7603 ROYSTER ROAD**

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

**DECISION #1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #138436,
from **AG** to **RS-40** 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 #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40,
RESIDENTIAL: 7603 ROYSTER 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 #138436 from **AG to RS-40** 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 #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40,
RESIDENTIAL: 7603 ROYSTER 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 #138436 from **AG to RS-40** 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 #24-01-PLBD-00072: AG, AGRICULTURAL TO RS-40,
RESIDENTIAL: 7603 ROYSTER ROAD**

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

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #138436, from **AG** to **RS-40** 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.]

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Conditional Rezoning
Application**

Date Submitted: 2/13/24 Fee \$500.00 Receipt # REC-014602-2024 Case Number 24-02-PLBD-00073

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 Guilford County Planning & Development Department.

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 CZ-LI zoning district.

Said property is located at 209 E Sheraton Park Road, Greensboro, NC 27406

in Sumner and Fentress Township; Being a total of: +/- 48.76 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 142734

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Additional sheets for tax parcels are available upon request.

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.

Conditional Zoning Requirements:

- ☐ Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information may be included for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- ☒ Zoning Conditions. At least one (1) use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Conditional Zoning
Application**

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) See Exhibit A attached hereto and incorporated by reference.

2)

3)

4)

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)

2)

3)

4)

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

A Conditional Zoning Application must be signed by 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,

Ronald Craig Carls, Jr.
Property Owner Signature

Sheraton Park Investors, LLC

Name

Mailing Address

201 N. Elm Street, Suite 201
City, State and Zip Code Greensboro, NC, 27401

Phone Number

Email Address

Michael S. Fox
Owner/Representative Applicant Signature (if applicable)

Michael S. Fox

Name

400 Bellemeade Street, Suite 800

Mailing Address

Greensboro, NC 27401

City, State and Zip Code

(336) 271-5244

Phone Number

mfox@tuggleduggins.com

Email Address

Additional sheets for conditions and signatures are available upon request.

EXHIBIT “A”
to
APPLICATION FOR CONDITIONAL REZONING
(PROPOSED CONDITIONS)

To Chairman, Guilford County Planning Board:

The undersigned respectfully requests that the Guilford County Planning Board, pursuant to Article 2 of the Unified Development Ordinance, recommend that a Conditional Zoning District be approved for the following use(s) subject to the following condition(s):

CONDITION(S):

- a. Permitted uses shall include all uses allowed in the LI, Light Industrial Zoning District, except for the following:
 1. Homeless Shelter
 2. Country Club with Golf Course
 3. Golf Course
 4. Swim and Tennis Club
 5. Amusement or Water Park, Fairgrounds
 6. Auditorium, Coliseum or Stadium
 7. Go Cart Raceway
 8. Shooting Range, Indoor
 9. Daycare Center in Residence (In Home) 12 or less
 10. Daycare Center (Not-In-Home)
 11. Fraternity or Sorority (University or College Related)
 12. Bank or Finance without Drive Through
 13. Bank or Finance with Drive Through
 14. Furniture Stripping or Refinishing (including Secondary or Accessory Operations)
 15. Kennels or Pet Grooming
 16. Motion Picture Production
 17. Pest or Termite Control Services
 18. Research, Development or Testing Service
 19. Studios Artist and Recording
 20. Garden Center or Retail Nursery
 21. Manufactured Home Sales
 22. Cemetery or Mausoleum
 23. Truck Stop
 24. Beneficial Fill Area

- 25. Bus Terminal and Service Facilities
- 26. Taxi Terminal
- 27. Construction or Demolition Debris Landfill, Minor
- 28. Land Clearing & Inert Debris Landfill, Minor
- 29. Recycling Facilities, Outdoor
- 30. Laundry or Dry-Cleaning Plant Laundry
- 31. Dry-Cleaning Substation

ATTACHMENT #1
Parcel Map



ATTACHMENT #2
Deed

08/05/2003 GUILFORD CO. NC
 1 DEEDS 743640 \$12.00
 12 DEEDS ADDN PGS \$36.00
 1 PROBATE FEE \$2.00

RECORDED - 743640
 KATHERINE LEE PAYNE
 REGISTER OF DEEDS
 GUILFORD COUNTY, NC
 BOOK: 5895
 PAGE(S): 1659 TO 1672
 08/05/2003 10:46:19

GUILFORD COUNTY 8/ 5/2003
 NC REAL ESTATE EXTJ \$290.00

Excise Tax \$290.00

Recording Time, Book and Page

Tax Lot No.: _____ Parcel Identifier No. _____
 Verified by _____ County on the _____ day of _____, 20____
 by _____

Mail after recording to: Desmond Sheridan
 17/4 Isaacson Isaacson & Sheridan, LLP
 101 West Friendly Ave., Suite 400, Greensboro, NC 27401
 P. O. Box 1888, Greensboro, NC 27402

This instrument was prepared by: **Rayburn Cooper & Durham, P.A.**

Brief description for the Index: 209 Sheraton Park Rd.

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 31st day of July, 2003, by and between

GRANTOR

Oakwood Mobile Homes, Inc.
 formerly Oakwood Land Development Corporation
 7800 McCloud Road
 Greensboro, NC 27409-9634

GRANTEE

Sheraton Park Investors, LLC
 P. O. Box 9846
 Greensboro, NC 27401

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Sumner and Fentress Townships, Guilford County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and incorporated by reference.

Grantor is a debtor in a bankruptcy proceeding. See Exhibit B for approval of this transaction by the Bankruptcy Court.

{00097256 v 1}

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-13B

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3674, page 1234 in the Guilford County Register of Deeds.

A map showing the above-described property is recorded in Plat Book _____, page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All matters of public record, including valid and enforceable easements, restrictions and rights of way of record, if any, and unpaid taxes for 2003. The property is being sold in as "As Is" condition, on a "where is" basis with all faults as of the closing date.

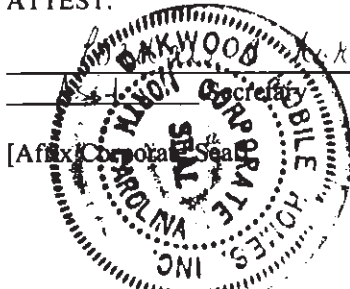
The property is being sold in an "AS IS" condition, on a "WHERE IS" basis and "WITH ALL FAULTS" as of the Closing Date.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Oakwood Mobile Homes, Inc.

ATTEST:

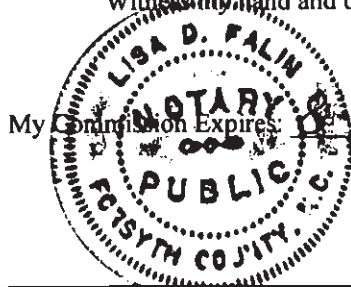
By: Ms. Amy J. [Signature] President



STATE OF NORTH CAROLINA COUNTY OF Guilford

I, Lisa D. Falin, a Notary Public for said County and State, do hereby certify that Barbara C. Norcom personally came before me this day and acknowledged that she is ASST. Secretary of Oakwood Mobile Homes, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by her as its ASST. Secretary.

Witness my hand and official stamp or seal, this 31st day of July, 2003.



Lisa D. Falin
NOTARY PUBLIC

[NOTARIAL SEAL]

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

EXHIBIT A

LAND DESCRIPTION
FOR
OAKWOOD MOBILE HOMES, INC.

48.757 ACRE TRACT
PROPERTY ON E. SHERATON PARK ROAD
TAX MAP ACL-9-633-621-PORION OF LOT 2
DEED BOOK 3674, PAGE 1234
SUMNER AND FENTRESS TOWNSHIPS
GUILFORD COUNTY, NORTH CAROLINA
April 8, 2003

Beginning at an iron pipe on the southern terminus of Bridgeview Drive. Said iron pipe being located S26°07'00"E, 169.97 feet from an iron pipe at the PT of a curve having a 20 foot radius at the intersection of Bridgeview Drive and Greywood Drive as shown on the Final Plat of Greybridge, Section 2, Phase B, recorded in Plat Book 106, page 26 in the Guilford County registry. Thence from said point of BEGINNING and with the southern line of lots 105 and 106, Greybridge, Section 2, Phase B, N63°53'00"E, 133.00 feet to an iron pipe; Thence with the southern line of lots 107 through 118, Greybridge Section One and Section 2, Phase A, recorded in Plat Book 94, page 63, Plat Book 95, page 76, and Plat Book 101, page 97, the following courses and distances, S63°25'36"E, 555.00 feet to an iron pipe; S81°55'36"E, 230.00' to an iron pipe; And N73°54'37"E, 250.00 feet to an iron pipe; Thence along the western bank of a lake, S16°10'13"W, 88.86 feet to a point; Thence S12°25'23"W, 152.07 feet to a point; Thence S36°27'19"W, 81.54 feet to a point; Thence S26°39'46"W, 89.55 feet to a point; Thence S16°50'20"E, 106.28 feet to a point; Thence S08°21'00"E, 50.99 feet to a point; Thence S06°46'27"W, 150.33 feet to a point; Thence S50°09'46"W, 73.59 feet to a point; Thence S60°57'17"W, 94.34 feet to a point; Thence S02°57'36"W, 100.00 feet to a point; Thence S31°15'20"E, 60.47 feet to a point; Thence S13°44'21"E, 52.20 feet to a point; Thence S19°39'33"W, 52.20 feet to a point; Thence S47°57'36"W, 141.42 feet to a point; Thence S06°46'27"W, 150.33 feet to a point; Thence S15°22'03"W, 102.39 feet to a point; Thence S02°57'36"W, 50.00 feet to a point; Thence S05°00'34"E, 50.49 feet to a point; Thence S35°25'52"W, 65.19 feet to a point; Thence S72°24'14"W, 42.72 feet to a point; Thence S61°59'47"W, 58.31 feet to a point; Thence S02°57'36"W, 122.10 feet to a point; Thence leaving said bank of lake, N77°12'12"W, 189.68 feet to a point; thence S12°47'48"W, 268.77 feet to a point on the northern margin of the Right-of-Way of E. Sheraton Park Road, N.C.S.R. 3426, (60 foot Right-of-Way); Thence with said margin, N79°05'49"W, 700.88 feet to an iron pipe on the eastern line of Kenneth L. Squires, recorded in Deed Book 3304, page 867; Thence with said eastern line, N04°02'43"E, 532.66 feet to an iron pipe; Thence with the eastern lines of Larry G. Coleman, recorded in Deed Book 4101, page 2156, and Ronald L. Cox, recorded in Deed Book 3666, page 2131 and Deed Book 3429, page 1014, N03°45'07"E, 1230.44 feet to a point on the southeastern corner of lot 100, Greybridge, Section 2, Phase B, recorded in Plat Book 106, page 26; Thence with lots 100 through 103 and crossing the terminus of Bridgeview Drive, N05°53'00"E, 40.00 feet to a point; Thence N63°53'00"E, 283.73 feet to the POINT of BEGINNING.

Containing 48.757 Acres and being a portion of that property recorded in Deed Book 3674, page 1234 in the Guilford County registry.

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EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:)	Chapter 11
OAKWOOD HOMES CORPORATION,)	Case No. 02-13396 (PJW)
et al.,)	Jointly Administered
Debtors.)	

CERTIFIED:
AS A TRUE COPY:

ATTEST:

DAVID D. BIRD, CLERK
U.S. BANKRUPTCY COURT

BY:

Deputy Clerk (3002)

**ORDER AUTHORIZING AND APPROVING SALE OF CERTAIN OF
DEBTORS' REAL PROPERTY LOCATED IN FENTRESS TOWNSHIP,
NORTH CAROLINA FREE AND CLEAR OF LIENS, CLAIMS AND
ENCUMBRANCES (Re: D.L. 96W)**

Upon the Motion Of Oakwood Mobile Homes, Inc. For Authority And Approval Of The Sale, Subject To Better And Higher Offers, Of Certain Of The Selling Debtor's Real Property Located In Fentress Township, North Carolina To Sheraton Park Industries, LLC Free And Clear Of Liens, Claims And Encumbrance (the "Motion"); and upon the Court's ruling at the hearing held on the Motion (the "Sale Approval Hearing"); and upon the Sale and Purchase Agreement, dated March 7, 2003, attached to the Motion as Exhibit "A", and all agreements referred to or related thereto, between Oakwood Mobile Homes, Inc., as seller (the "Selling Debtor"), and Sheraton Park Investors, LLC ("Sheraton" or the "Buyer"), as buyer (the "Agreement"); the Court (a) having reviewed the Motion and all pleadings relating thereto and (b) having heard the statements of counsel regarding the relief requested in the Motion at a hearing before the Court (the "Hearing"); the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (c) notice of the Motion was sufficient under the circumstances and no other or further notice being necessary or required; and the Court having determined that the

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legal and factual bases set forth in the Motion and at the Sale Approval Hearing establish just cause for the relief granted herein; and it appearing to the Court, based upon the Motion, the evidence presented at the Sale Approval Hearing, and the full record of these cases, that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and other parties in interest, and that the Motion should therefore be granted; and after due deliberation, and sufficient cause appearing therefor, it is

HEREBY FOUND, that

A. Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.

B. The Court has jurisdiction to hear and determine the propriety of entering this Order pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding in this District is proper pursuant to 28 U.S.C. § 1409. The Motion and Sale Approval Hearing constitute core proceedings pursuant to 28 U.S.C. §§ 157(b)(2)(A), (N) and (O). The statutory predicates for the relief requested herein are sections 105, 363(b), 363(f), 363(m), and 1146(c) of Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), as supplemented by Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") 2002 and 6004.

C. Proper, timely and sufficient notice of the Motion and the Sale Approval Hearing was provided, and such notice was properly served on all required persons and entities, including, but not limited to, all persons claiming any interest in the Fentress Property.

D. Notice of the Motion and the Sale Approval Hearing was provided in conformity with Bankruptcy Rules 2002 and 6004. No other or further notice of the Motion, the Sale Approval Hearing, or the entry of this Order is necessary.

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E. A reasonable opportunity to object or be heard regarding the relief requested in the Motion has been afforded to all interested parties and entities, including, without limitation, all parties who have asserted Liens (as defined below), if any, against the Fontress Property.

F. The Selling Debtor has full corporate power and authority to execute the Agreement with Sheraton and all other documents contemplated thereby, and the sale of the Fontress Property has been duly and validly authorized by all necessary corporate action of each Debtor. Subject to the entry of this Order, the Selling Debtor has the corporate power and authority necessary to consummate the transactions contemplated by the Agreement and no consent or approvals, other than those expressly contemplated by the Agreement, are required for the Selling Debtor to consummate such transaction. The Fontress Property is all property of the estate of the Selling Debtor.

G. Neither the execution and delivery of the Agreement and the other documents contemplated thereby nor the consummation by the Selling Debtor of the transactions contemplated thereby will constitute any violation or breach of or conflict with: (a) the Certificate of Incorporation, Certificate of Formation, Limited Liability Agreement or By-Laws of the Selling Debtor; or (b) applicable law.

H. Sufficient business justification exists, pursuant to sections 105 and 363 of the Bankruptcy Code, for the sale of the Fontress Property in accordance with the terms of the Agreement. In light of the continuing expense associated with the Fontress Property, the adequacy of the notice of the Motion and the marketing effort for the Fontress Property, and the good faith arms' length nature of the sale, there is good cause and sound business reason to conduct and approve a sale of the Fontress Property.

I. All of the transactions contemplated by the Agreement are properly authorized under §§ 105 and 363 of the Bankruptcy Code.

J. The Agreement represents the highest and otherwise best offer for the Pentress Property following a period of active and thorough and open solicitation process reasonably calculated to yield the highest or otherwise best offer for the Pentress Property, and the execution of the Agreement and the sale of the Pentress Property are in the best interests of the Debtors, their creditors and estates.

K. The consideration to be paid pursuant to the terms of the Agreement in respect of the Pentress Property constitutes adequate and fair value for the Pentress Property.

L. As a condition to the purchase of the Pentress Property, the Buyer requires (except as set forth in the Agreement or this Order) that such Pentress Property be sold free and clear of all liens, if any, and that the Buyer not have any liability for any liabilities of the Debtors or their estates. The Selling Debtor may sell the Pentress Property free and clear of any and all liens, security interests or encumbrances, if any, because either: (a) applicable non-bankruptcy law permits such a sale free and clear; (b) the applicable creditors consented to the sale as proposed in the Motion; (c) the aggregate value to be received in consideration of the sale of the Pentress Property to Shoraton exceeds the value of the liens upon and security interests in the Pentress Property; (d) such security interests or liens, if any, are the subject of a bona fide dispute; or (e) applicable creditors could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such security interests or liens, if any.

M. Shoraton has available all necessary cash and other resources required to consummate the transaction contemplated under the Agreement.

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N. The Agreement was (a) negotiated, proposed and accepted in good faith, from arms' length bargaining positions, by the parties; and (b) constitutes the highest and otherwise best offer for the Fentress Property. The Buyer is not an insider of the Debtors. Sheraton is a good faith purchaser pursuant to section 363(m) of the Bankruptcy Code and entitled to the protections thereunder. No party has engaged in any conduct that would permit the avoidance of the sale of the Fentress Property to the Buyer, the recovery of excess value and other costs or the imposition of punitive damages, pursuant to section 363(n) of the Bankruptcy Code.

O. The sale of the Fentress Property, which will maximize the value of the Debtors' estates, is being undertaken in contemplation of the confirmation of a plan of reorganization and therefore is necessary to the confirmation and consummation of any plan of reorganization. Accordingly, such sale is "under a plan" within the meaning of section 1146(c) of the Bankruptcy Code and such sale is a transaction described in and subject to the provisions of section 1146(c) of the Bankruptcy Code.

P. It is necessary and appropriate, in order to ensure the validity of the sale contemplated hereby and to ensure compliance with this Order, for this Court to retain jurisdiction to: (a) interpret and enforce the provisions of the Agreement, the Motion and this Order, (b) protect the Buyer, and any of the Fentress Property, against any Lien; (c) compel delivery to the Buyer of Fentress Property in the possession of parties other than the Debtors, including determinations that any of the Fentress Property was property of the estates as of the relevant closing dates; (d) resolve any disputes arising under or relating to the Agreement, the Motion and this Order; (e) determine the validity, extent and priority of (alleged) pre-closing Liens, if any, from which the Fentress Property has been sold free and clear, on the Fentress Property and the proceeds of the sale contemplated hereby; and (f) hear contested matters.

IT IS THEREFORE ORDERED that:

1. The findings set forth above and conclusions of law stated herein shall constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent any findings of fact later shall be determined to be a conclusion of law, it shall be so deemed, and to the extent any conclusion of law later shall be determined to be a finding of fact, it shall be so deemed.

2. The Motion is granted to the extent provided in this Order.

3. The Agreement is approved in all respects, and the sale of the Fontress Property and performance of other obligations under the Agreement, all pursuant to the terms of the Agreement and this Order, is hereby authorized under sections 105 and 363(b) of the Bankruptcy Code. The Debtors are authorized and empowered to execute and deliver such documents, take or perform such acts, and do such other things, including, without limitation, paying all sums, as may be necessary to effectuate the terms of the Agreement, all transactions related thereto and this Order.

4. The Selling Debtor is authorized and empowered to consummate the Agreement.

5. Except to the extent otherwise provided in the Agreement, upon the occurrence of the Closing, each of the Debtors' creditors is authorized and directed to execute such documents and take such other action as may be necessary to release its Liens upon, if any, or security interests, if any, in the Fontress Property, as may have been recorded or may otherwise exist. On the Closing Date, Sheraton is granted immediate and unfettered access to the Fontress Property. On the Closing Date, the Debtors and their officers, agents and employees

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who have access to and control over any of the Pentress Property will cease exercising control over the Pentress Property, and such parties will not interfere with Sherraton's removal, use and control of the Pentress Property.

6. This Order is and shall be effective as a determination that, upon the Closing Date, all Liens, if any, existing as to the Pentress Property prior to the Closing Date have been unconditionally released, discharged and terminated, and that the conveyances described herein, in the Agreement have been effected.

Release of Liens and Attachment to Proceeds

7. Pursuant to sections 105(a) and 363(f) of the Bankruptcy Code, the Pentress Property shall be sold, and, upon the closing of the sale of such Pentress Property pursuant to the Agreement, shall be free and clear of all mortgages, security interests, conditional sale or other title retention agreements, pledges, liens, judgments, demands, encumbrances or charges of any kind or nature (collectively, the "Liens"), with all such Liens, if any, to attach to the proceeds of the sale of the Pentress Property in the order of their priority, and with the same validity, priority, force and effect which they now have as against the Pentress Property; provided, however, that nothing contained herein shall be deemed to be an acknowledgment or consent by the Debtors as to the amount, priority or allowance of any Claim or validity, force and effect, or immunity from avoidance, of any Lien, except to the extent such matters have been previously stipulated to by the Debtors or otherwise by order of the Court.

8. All persons or entities holding Liens with respect to the Pentress Property shall be, and they hereby are, forever barred from asserting such Liens, if any, against any purchaser of such Pentress Property, its successors and assigns or such Pentress Property.

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9. This Order is and shall be binding upon and govern the acts of all entities and persons, including without limitation, all filing agents, filing officers, title agents, title companies, recorders of mortgages, recorders of deeds, registrars of deeds, administrative agencies, governmental departments, secretaries of state, federal, state, and local officials, and all other persons and entities who may be required by operation of law, the duties of their office, or contract, to accept, file, register or otherwise record or release any documents or instruments, or who may be required to report or insure any title or state of title in or to any of the Pentress Property ("Recording Officers").

10. If any person or entity that has filed financing statements or other documents or agreements evidencing Liens in the Pentress Property shall not have delivered to Sheraton on or after the Closing Date, in proper form for filing and executed by the appropriate parties, termination statements, instruments of satisfaction, releases of all Liens or other interests which the person or entity has with respect to such Pentress Property, then after ten (10) days' prior notice to the person or entity that has not provided such documents, the Debtors and Sheraton are hereby authorized to execute and file such statements, instruments, releases and other documents on behalf of such person or entity with respect to the Pentress Property to which such documents relate.

11. This Order is deemed to be in recordable form sufficient to be placed in the filing or recording system maintained by any Recording Officer.

Miscellaneous

12. The provisions of this Order shall be self-executing and each and every federal, state or local agency, department or governmental authority shall be, and it hereby is, directed to accept this Order as authorizing the Selling Debtor and its agents to consummate the

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transactions authorized and approved hereby, including the sale of the Fentress Property, and no other or further approval, consent, license, record keeping, notice, and the like of such federal, state or local agency is required to effectuate, consummate, and implement the transactions authorized and approved hereby, including the sale of the Fentress Property.

13. Pursuant to section 1146 of the Bankruptcy Code, the sale of the Fentress Property at the Closing is exempt from any stamp taxes or similar taxes, and all filing officers shall be, and they hereby are, directed to accept for recording or filing, and to record or file those documents by which the Fentress Property will be assigned and conveyed that are intended to be recorded or filed and which are presented to them for recording or filing, immediately upon presentation thereof, without payment of such taxes.

14. The failure specifically to include any particular provisions of the Agreement in this Order shall not diminish or impair the efficacy of such provisions, it being the intent of the Court that the Agreement be authorized and approved in its entirety.

15. No bulk sales law, or similar law of any state or other jurisdiction shall apply in any way to the transactions contemplated by the Agreement, the Motion and this Order.

16. This Order shall be effective immediately upon entry pursuant to Bankruptcy Rules 9014 and 7062. The stays provided for by Bankruptcy Rules 6004(g) are lifted. No automatic stay of execution applies with respect to this Sale Order.

17. Sheraton is not a successor in interest to the Debtors.

18. The Agreement and this Order are binding upon and enforceable against the Debtors, and any successors, including a Chapter 11 trustee or Chapter 7 trustee, and shall not be altered, amended or modified by, and shall survive, each of (a) the dismissal of Debtors' Chapter 11 cases, or of any subsequent Chapter 7 cases (b) the conversion of Debtors' Chapter 11 cases

to cases under Chapter 7, (c) the confirmation of a plan of reorganization or liquidation in Debtors' Chapter 11 cases, or (d) the dissolution of the Debtors.

19. This Court retains jurisdiction to:

- a. Interpret, implement and enforce the terms and provisions of this Order (including the injunctive relief provided herein) and the Agreement, any subsequent amendments to, modifications of, consents relating to, or waivers thereof or any related documents, including any escrow provisions and agreements established in connection with the transactions contemplated thereby;
- b. Protect the Buyer, and the Pentress Property, against any Lien;
- c. Compel delivery to the Buyer of Pentress Property in the possession of parties other than the Debtors, including determinations that the Pentress Property was property of the estates as of the relevant closing and that there was consent to the assumption and assignment of any executory contract or unexpired lease that is included in the Pentress Property;
- d. Resolve any disputes arising under or relating to the Agreement, the Motion and this Order;
- e. Resolve contested matters; and
- f. Adjudicate all issues concerning (alleged) pre-closing Liens on, and the proceeds of the sale of, the Pentress Property.

Dated: April 23 2003


CHIEF UNITED STATES BANKRUPTCY JUDGE

341288

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KATHERINE LEE PAYNE, REGISTER OF DEEDS
 GUILFORD COUNTY
 201 SOUTH EUGENE STREET
 GREENSBORO, NC 27402

* * * * *

State of North Carolina, County of Guilford

The foregoing certificate of Lisa D. Salin

A Notary (Notaries) Public is/are certified to be correct. This instrument and this certificate are duly registered at the date and time shown herein.

KATHERINE LEE PAYNE, REGISTER OF DEEDS

By: Peggy H. Boone
 Deputy - Assistant Register of Deeds

* * * * *

**This certification sheet is a vital part of your recorded document.
 Please retain with original document and submit when re-recording.**

ATTACHMENT #3
Sheraton Park Investors, LLC
NC Secretary of State Annual Report



AMENDED LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Sheraton Park Investors, LLC

SECRETARY OF STATE ID NUMBER: 0683795

STATE OF FORMATION: NC
AMENDING DOC ID # _____

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only
E - Filed Annual Report
0683795
CA202326300390
9/20/2023 11:00

☐ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Carlock, Ronald C

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

201 N Elm Street, Suite 201

201 N Elm Street, Suite 201

Greensboro, NC 27401 Guilford County

Greensboro, NC 27401

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Property Management

2. PRINCIPAL OFFICE PHONE NUMBER: (336) 274-8531

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

201 N Elm Street, Suite 201

201 N Elm Street, Suite 201

Greensboro, NC 27401-2447

Greensboro, NC 27401-2447

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Roy E Carroll

NAME: Ronald C Carlock

NAME: Ronald C Carlock

TITLE: Manager

TITLE: Chief Operating Officer

TITLE: Chief Operating Officer

ADDRESS: _____

ADDRESS: 201 N Elm St

ADDRESS: 201 N Elm St

P.O. Box 9846

Ste 201

Ste 201

Greensboro, NC 27429

Greensboro, NC 27401

Greensboro, NC 27401

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Ronald C Carlock

9/20/2023

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Ronald C Carlock

Chief Operating Officer

Print or Type Name of Company Official

Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200.00

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

SECTION E: ADDITIONAL COMPANY OFFICIALS

NAME: <u>Ronald C Carlock</u>	NAME: _____	NAME: _____
TITLE: <u>Chief Operating Officer</u>	TITLE: _____	TITLE: _____
ADDRESS: <u>201 N Elm St</u>	ADDRESS: _____	ADDRESS: _____
<u>Ste 201</u>	_____	_____
<u>Greensboro, NC 27401</u>	_____	_____

NAME: _____	NAME: _____	NAME: _____
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TITLE: _____	TITLE: _____	TITLE: _____
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
_____	_____	_____
_____	_____	_____

Use Category	LI Allowable Uses	(P) Permitted by Right (D) Individual Development Standards (S) Special Use Permit Required
Agriculture/Animal Services Household Living	Animal Services (Livestock)	P
	Animal Services (Other)	P
	Horticultural Specialties	P
Household Living	Caretaker Dwelling (Accessory)	D
Recreation and Entertainment Light	Homeless Shelter	D
	Athletic Fields	P
	Batting Cages	D
	Country Club with Golf Course	D
	Golf Course	D
	Paintball Field	D
	Public Park (including Public Recreation Facility)	D
	Swim and Tennis Club	D
Recreation and Entertainment (Heavy)	Amusement or Water Parks, Fairgrounds	D

	Auditorium, Coliseum or Stadium	P
	Go-cart Raceway	P
	Physical Fitness Center	P
	Shooting Range, Indoor	D
Other Recreation and Entertainment Uses	Other Outdoor Uses Not Listed	P
Civic, Educational, and Institutional	Place of Worship	P
	Vocational, Business or Secretarial School	P
	Daycare Centers in Residence (In-Home) 12 or less	D
	Daycare Center (Not In-Home)	D
	Emergency Services	P
	Fraternity or Sorority (University or College Related)	P
	Government Office	P
	Post Office	P
Business, Professional, and Personal Services	Office	P

	Medical or Professional Office	P
	Personal Service	P
	Advertising, Outdoor Services	P
	Bank or Finance without Drive-through	P
	Bank or Finance with Drive-through	P
	Boat Repair	P
	Building Maintenance Services	P
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	P
	Insurance Agency (Carriers and On-Site Claims Inspections)	P
	Kennels or Pet Grooming	P
	Landscape and Horticultural Services	P
	Motion Picture Production	P
	Pest or Termite Control Services	P
	Research, Development or Testing Service	P

	Studios Artists and Recording	P
Retail Trade	Automobile Rental or Leasing	P
	Automobile Repair Services	P
	Car Wash	P
	Building Supply Sales (with Storage Yard)	P
	Convenience Store (with Gasoline Pumps)	P
	Equipment Rental and Repair, Light	P
	Fuel Oil Sales	P
	Garden Center or Retail Nursery	P
	Manufactured Home Sales	P
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	P
	Service Station, Gasoline	P
	Tire Sales	P
Food Service	Restaurant (Without Drive-thru)	P

Funeral and Internment Services	Cemetery or Mausoleum	D
Transportation, Warehousing, and Wholesale Trade	Wholesale Trade-Heavy	S
	Wholesale Trade-Light	P
	Automobile Parking (Commercial)	P
	Automotive Towing and Storage Services	D
	Equipment Rental and Leasing (No Outside Storage)	P
	Equipment Rental and Leasing (with Outside Storage)	P
	Equipment Repair, Light	P
	Truck Stop	P
	Truck and Utility Trailer Rental and Leasing, Light	P
	Truck Tractor and Semi-Rental and Leasing, Heavy	P
	Beneficial Fill Area	D
	Bus Terminal and Service Facilities	P
	Courier Service, Central Facility	P

	Courier Service Substation	P
	Heliport	S
	Moving and Storage Service	P
	Railroad Terminal or Yard	P
	Taxi Terminal	P
	Trucking or Freight Terminal	P
Utilities and Communication	Communication or Broadcasting Facility	P
	Wireless Communication Tower – Stealth Camouflage Design	D
	Wireless Communication Tower – Non-Stealth Design	D
	Small Cell Wireless Tower	S
	Radio or TV Station	P
	Utilities, Major	S
	Utilities, Minor	P
	Solar Collectors Principal	S

	Utility Company Office	P
	Utility Equipment and Storage Yards	P
Waste-Related Uses	Construction or Demolition Debris Landfill, Minor	D
	Land Clearing & Inert Debris Landfill, Minor	D
	Recycling Facilities, Outdoors	P
	Septic Tank Services	P
General Industrial	Warehouse (General Storage, Enclosed)	P
	Warehouse (Self-Storage)	P
	Laundry or Dry Cleaning Plant	P
	Laundry or Dry Cleaning Substation	P
	Welding Shops	P
Manufacturing Light	Manufacturing Light	P
Temporary Events/Uses	Temporary Event/Uses	D

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Limited Liability Company

Legal Name

Sheraton Park Investors, LLC

Information

SosId: 0683795

Status: Current-Active ⓘ

Date Formed: 7/21/2003

Citizenship: Domestic

Annual Report Due Date: April 15th

Current**Annual Report Status:**

Registered Agent: Carlock, Ronald C

Addresses

Mailing

201 N Elm Street, Suite 201
Greensboro, NC 27401-2447

Principal Office

201 N Elm Street, Suite 201
Greensboro, NC 27401-2447

Reg Office

201 N Elm Street, Suite 201
Greensboro, NC 27401

Reg Mailing

201 N Elm Street, Suite 201
Greensboro, NC 27401

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Chief Operating Officer

Ronald C Carlock
201 N Elm St Ste 201
Greensboro NC 27401

Chief Operating Officer

Ronald C Carlock
201 N Elm St Ste 201
Greensboro NC 27401

Chief Operating Officer

Ronald C Carlock
201 N Elm St Ste 201
Greensboro NC 27401

Manager

Roy E Carroll

P.O. Box 9846

Greensboro NC 27429

CONDITIONAL REZONING CASE #24-02-PLBD-00073: AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL: 209 E SHERATON PARK ROAD

Property Information

Located at 209 E Sheraton Park Road (Guilford County Tax Parcel #142734 in Sumner and Fentress Township) approximately 2,923 feet east of Randleman Road and comprises approximately 48.76 acres.

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

Nature of the Request

This proposed request is to conditionally rezone property from AG to CZ-LI with the following conditions:

Use Conditions- Permitted uses shall include all uses allowed in the LI, Light Industrial Zoning District, **except** for the following: (1) Homeless Shelter; (2) Country Club with Golf Course; (3) Golf Course; (4) Swim and Tennis Club; (5) Amusement or Water Park, Fairgrounds; (6) Auditorium, Coliseum or Stadium; (7) Go Cart Raceway; (8) Shooting Range, Indoor; (9) Daycare Center in Residence (In-Home) 12 or less; (10) Daycare Center (Not-In-Home); (11) Fraternity or Sorority (University or College Related); (12) Bank or Finance without Drive Through; (13) Bank or Finance with Drive Through; (14) Furniture Stripping or Refinishing (including Secondary or Accessory Operations); (15) Kennels or Pet Grooming; (16) Motion Picture Production; (17) Pest or Termite Control Services; (18) Research, Development, or Testing Service; (19) Studios Artist and Recording; (20) Garden Center or Retail Nursery; (21) Manufactured Home Sales; (22) Cemetery or Mausoleum; (23) Truck Stop; (24) Beneficial Fill Area; (25) Bus Terminal and Service Facilities; (26) Taxi Terminal; (27) Construction or Demolition Debris Landfill, Minor; (28) Land Clearing & Inert Debris Landfill, Minor; (29) Recycling Facilities, Outdoor; (30) Laundry or Dry-Cleaning Plant Laundry; (31) Dry-Cleaning Substation

Development Conditions- None offered.

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 **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.

Conditional Zoning is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

Character of the Area

The subject parcel is in a predominantly residential area. Development in the area includes a manufactured home park, a manufactured home subdivision, and manufactured homes on individual lots.

Existing Land Use(s) on the Property: The subject parcel is undeveloped.

Surrounding Uses:

North: Residential subdivision with manufactured homes on individual lots

South: Agricultural and single-family dwelling

East: Woodlake wastewater discharge facility (NPDES Permit #NC0023299) for the adjacent manufactured home park

West: Single-family dwellings on lots of 2 or more acres

Historic Properties: There are no inventoried historic resources located on or adjacent to the subject property.

Cemeteries: No cemeteries are shown to be located on or adjacent to the subject property, but efforts should be made to rule out potential grave sites.

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact.

Emergency Response:

Fire Protection District: Pleasant Garden FPSD

Miles from Fire Station: Approximately 2.7 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: According to the 2005 Greensboro MPO Collector Street Plan, Sheraton Road is classified as a Collector Street. The 2021 NCDOT traffic count reports an annual average of 2300 vehicles per day near the intersection of Randleman Road.

Proposed Improvements: New developments require an NCDOT Driveway Permit.

Projected Traffic Generation: Not available

Environmental Assessment

Topography: Nearly flat, gently sloping, and moderately sloping.

Regulated Floodplain/Wetlands: No wetland on the site per the National Wetlands Inventory. A regulated floodplain runs along the eastern boundary of the subject parcel.

Streams and Watershed: No mapped streams on site per USGS Map for Guilford County. The site is within the Polecat Creek WS-III General Watershed Area.

Land Use Analysis

Land Use Plan: Southern Area Plan

Plan Recommendation: Rural Residential

The LI district is inconsistent with the Southern Area Plan recommendation of Rural Residential. The Rural Residential designation is intended to accommodate agricultural uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer with densities generally up to two (2) dwelling units per acre. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, and RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts. Uses typically permitted in the LI district are not anticipated in Rural Residential designated areas.

Recommendation

Staff Recommendation: Staff recommends denial.

The recommendation to deny the requested zoning is reasonable and in the public interest because the LI zoning district is inconsistent with the recommendation of the Southern Area Plan. The area is mostly zoned and used for residential purposes and has consistently developed with single-family dwellings and manufactured homes. The LI district would be the lone industrial zoning in the immediate area. Industrial use of a large tract of land and the resultant traffic can adversely impact the adjacent and nearby residential communities.

This recommendation is consistent with Objective 1.1 and Policy 1.1.1 of the Future Land Use Element of the Comprehensive Plan adopted on September 21, 2006, which are as follows:

Objective 1.1: Continue to use community-based area plans as the cornerstone for future land use and policy decisions.

Policy 1.1.1: Planning staff will continue to utilize the future land uses depicted on citizen-based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations.

Area Plan Amendment Recommendation:

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential. If the request is denied, a plan amendment would not be required. If the request is approved, a plan amendment to Light Industrial would be required.

DRAFT

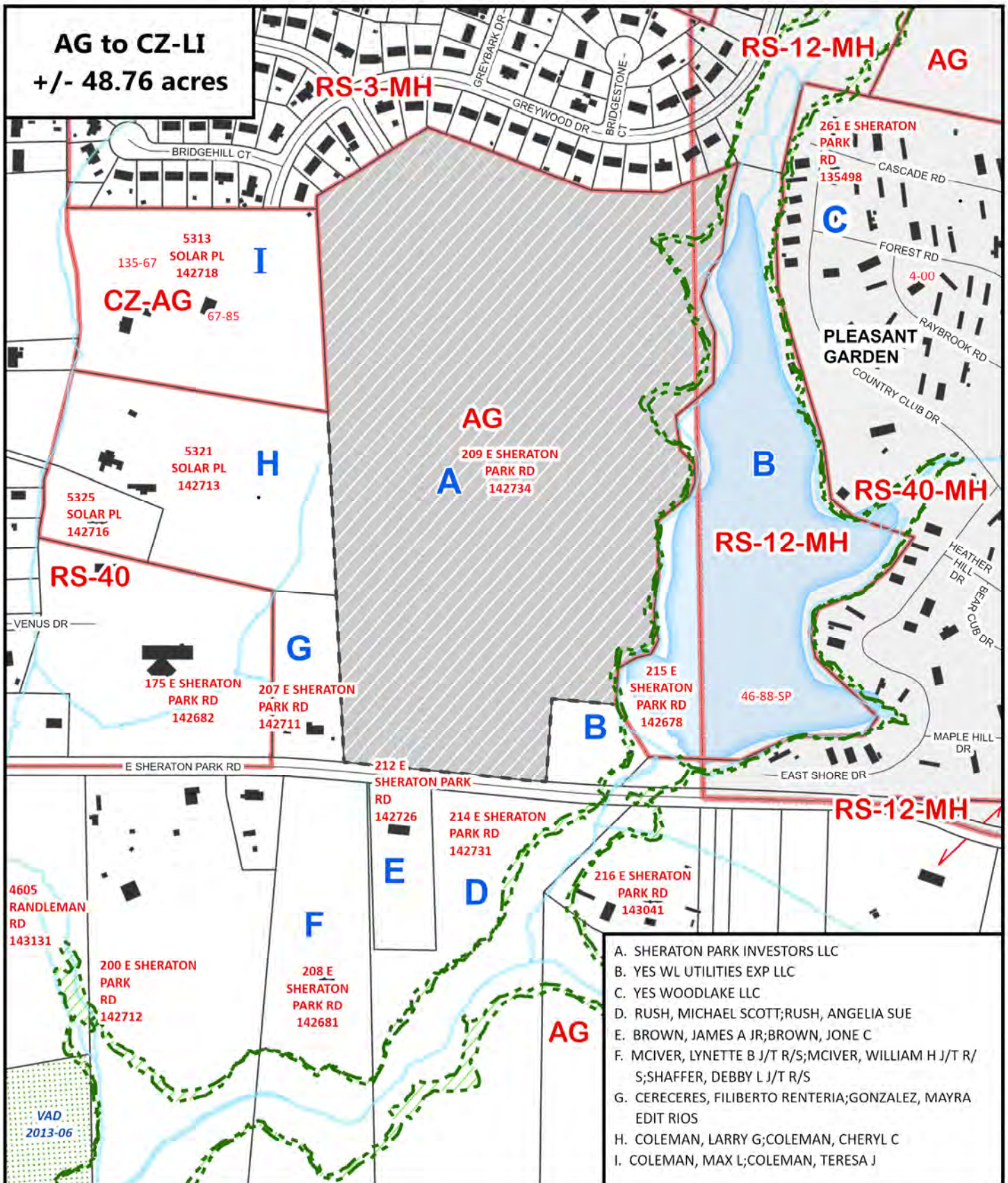
TABLE 6 2 2: PLANTING YARD CHART^{1, 2, 3, 4}

Zoning Classification of Site	Zoning Classification of Adjacent Site					
	AG	All RS Districts	All RM Districts	PI, LO, MXU, LB, NB	GB, HB, CP	LI, HI
AG	N/A	N/A	N/A	B	A	A
All RS Districts	D	N/A	C	B	A	A
All RM Districts	C	D	N/A	C	B	A
PI, LO, MXU, LB, NB	B	B	B	D	C	B
GB, HB, CP	A	A	B	C	D	C
LI, HI	A	A	A	B	C	D

Notes:

1. A proposed nonresidential use in an AG Zoning District locating next to vacant property shall be required to install a Type D planting yard. Where a proposed non-residential use (i.e., a change in Use Category per Table 4-3-1 – Permitted Use Schedule) in a residential zoning district (includes Agricultural Zoning District) abuts a single-family or two-family dwelling along any property line, a Type B planting yard is required.
2. A non-residential or multi-family residential with 8 or more units adjacent to an AG or RS zoning district shall be required to install a Type C planting yard.
3. Use of a vacant parcel with a valid preliminary plat or site plan shall be considered developed for the approved use.
4. Single-family detached dwelling or two-family dwellings on individual lots are exempt from installing planting yards requirements.

AG to CZ-LI
+/- 48.76 acres



Planning & Development
 Department

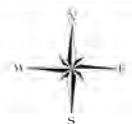
Jurisdiction:
 GUILFORD COUNTY

Case Number:
 24-02-PLBD-00073

Case Area:
 Parcels - 142734
 209 E. Sheraton Park Rd



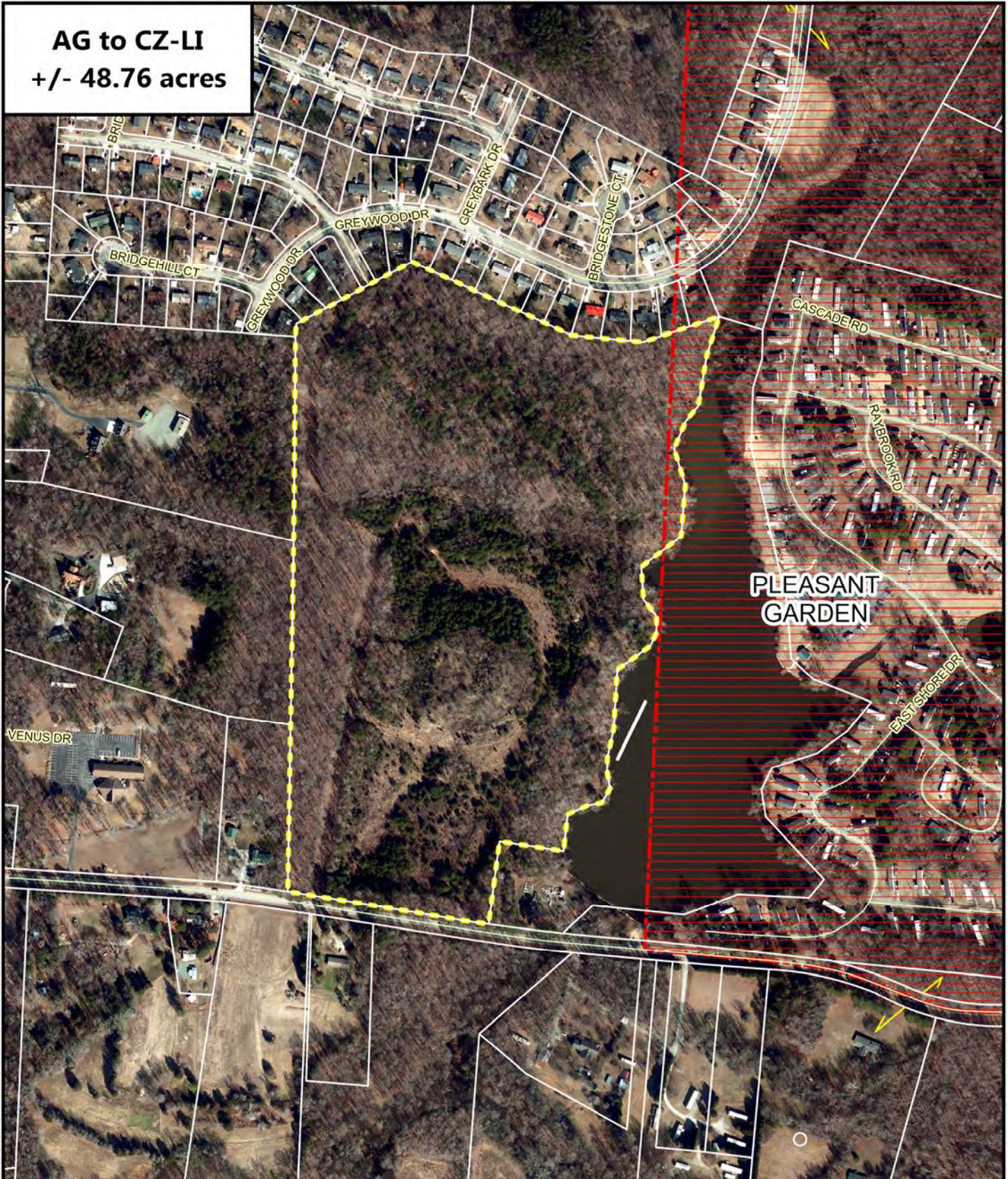
Scale: 1" = 400'



GREENSBORO

SCALE: 1" = 1,000'

AG to CZ-LI
+/- 48.76 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

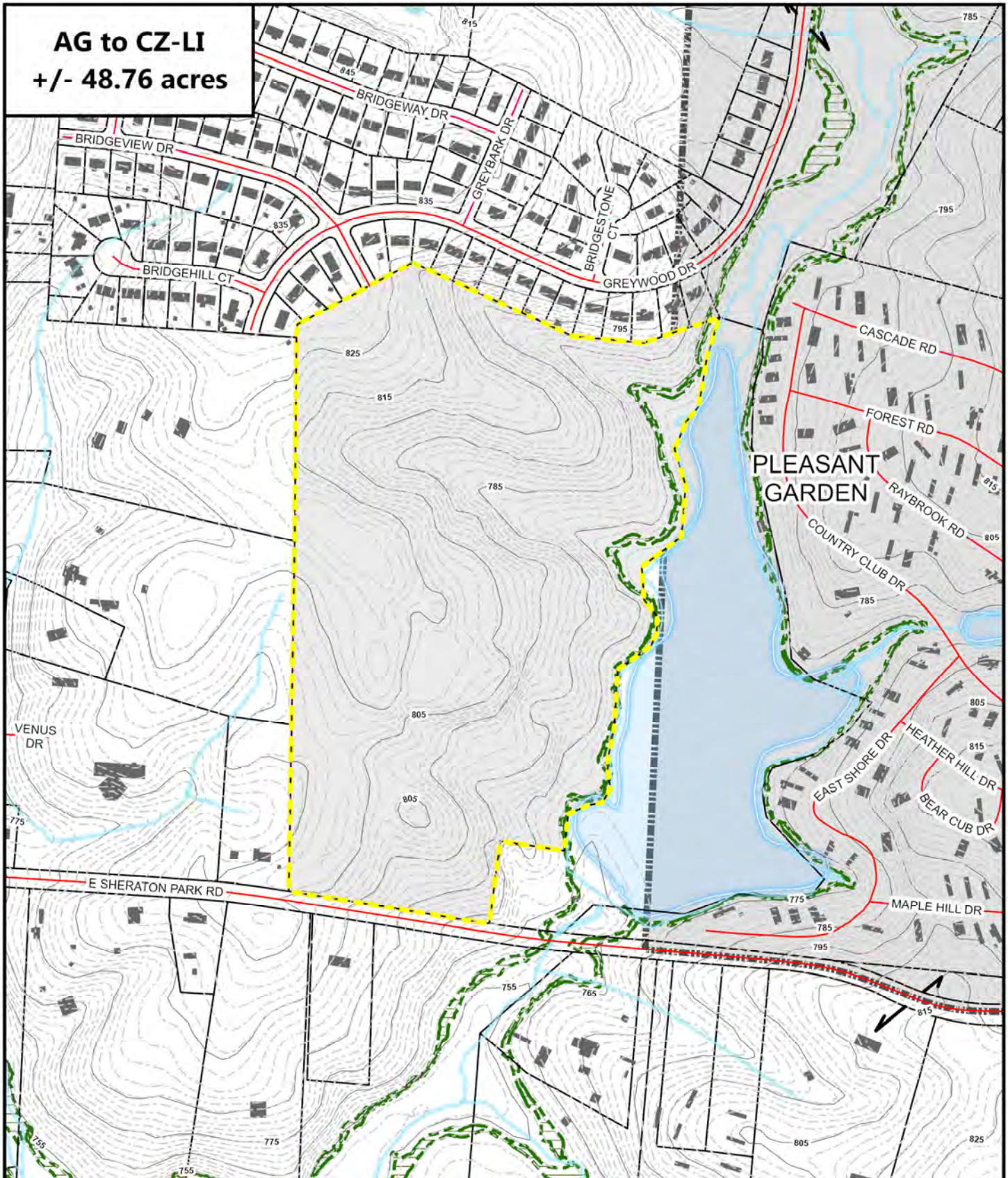
Case Number:
24-02-PLBD-00073

Case Area:
Parcels - 142734
209 E. Sheraton Park Rd



Scale: 1" = 400'

AG to CZ-LI
+/- 48.76 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
24-02-PLBD-00073

Case Area:
Parcels - 142734
209 E. Sheraton Park Rd



Scale: 1" = 400'

**CONDITIONAL REZONING CASE #24-02-PLBD-00073: AG, AGRICULTURAL TO CZ-LI,
CONDITIONAL ZONING-LIGHT INDUSTRIAL: 209 E SHERATON PARK 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

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 #142734 from **AG to CZ-LI** 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.]

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 #142734 from
AG to CZ-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.]

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.]

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 #142734 from **AG to CZ-LI** because:

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

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 #142734 from **AG to CZ-LI** 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.]

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Conditional Rezoning
Application**

Date Submitted: 2/22/24 Fee \$500.00 Receipt # REC-014889-2024 Case Number Case Number 24-02-PLBD-00074

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 Guilford County Planning & Development Department.

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 LB zoning district to the CZ-GB zoning district. Said property is located at 6000 Osceola Ossipee Rd. Browns Summit, NC 27214 in Washington Township; Being a total of: 0.91 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 100966

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Additional sheets for tax parcels are available upon request.

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.

Conditional Zoning Requirements:

- ☐ Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information may be included for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- ☒ Zoning Conditions. At least one (1) use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Planning Board
Conditional Zoning
Application

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) Automobile Repair Services

2) Car Wash

3)

4)

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) The business will not operate past 8:00 PM on any day.

2)

3)

4)

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

A Conditional Zoning Application must be signed by 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

Steven Kyle Hines

Name

8445 Running Creek Rd

Mailing Address

Gibsonville, NC 27249

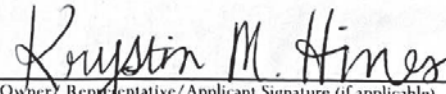
City, State and Zip Code

336.380.0579

Phone Number

hinessteve@yahoo.com

Email Address



Owner/ Representative/ Applicant Signature (if applicable)

Krystin Michelle Hines

Name

8445 Running Creek Rd

Mailing Address

Gibsonville, NC 27249

City, State and Zip Code

336.389.7730

Phone Number

hineskrystin@icloud.com

Email Address

Additional sheets for conditions and signatures are available upon request.



Environmental Health Division Water Quality Section

400 W Market St.
Greensboro, NC 27401
(336) 641-7613

Improvement Permit

Address: 6000 OSCEOLA-OSSIPEE RD
BROWNS SUMMIT, NC 27214

Permit Number: 24-01-SNHC-00018

This Improvement Permit shall be valid for 5 Years from the date issued upon a satisfactory showing to the health department that the site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater characteristics are not increased, and that the wastewater system can be installed to meet the following requirements that were in effect on the date the Improvement Permit was issued.

Design Flow: 100

Facility Type: Business

Conditions: **This IP is pursuant to 15A NCAC 18E.** Property approved for a commercial 3-bay garage with a maximum of 5 employees. The facility is sized at 16 gallons/employee for a 10 hour shift for a total of 80 gallons/day. The minimum design daily flow for any facility is 100 gallons per day. No floor drains to be in garage, no laundry, and no showers. The facility will only generate domestic strength effluent. The facility will utilize a conventional initial with a LTAR of 0.3 and a conventional repair with a LTAR of 0.275. The usable soil depth for the initial system is 44 inches and the repair is 45 inches. The minimum trench depth for the initial is 22 inches and the maximum trench depth is 32. The minimum trench depth for the repair is 22 inches and the maximum trench depth is 33 inches.

Property does not have a wellsite or water source when the existing well is abandoned.

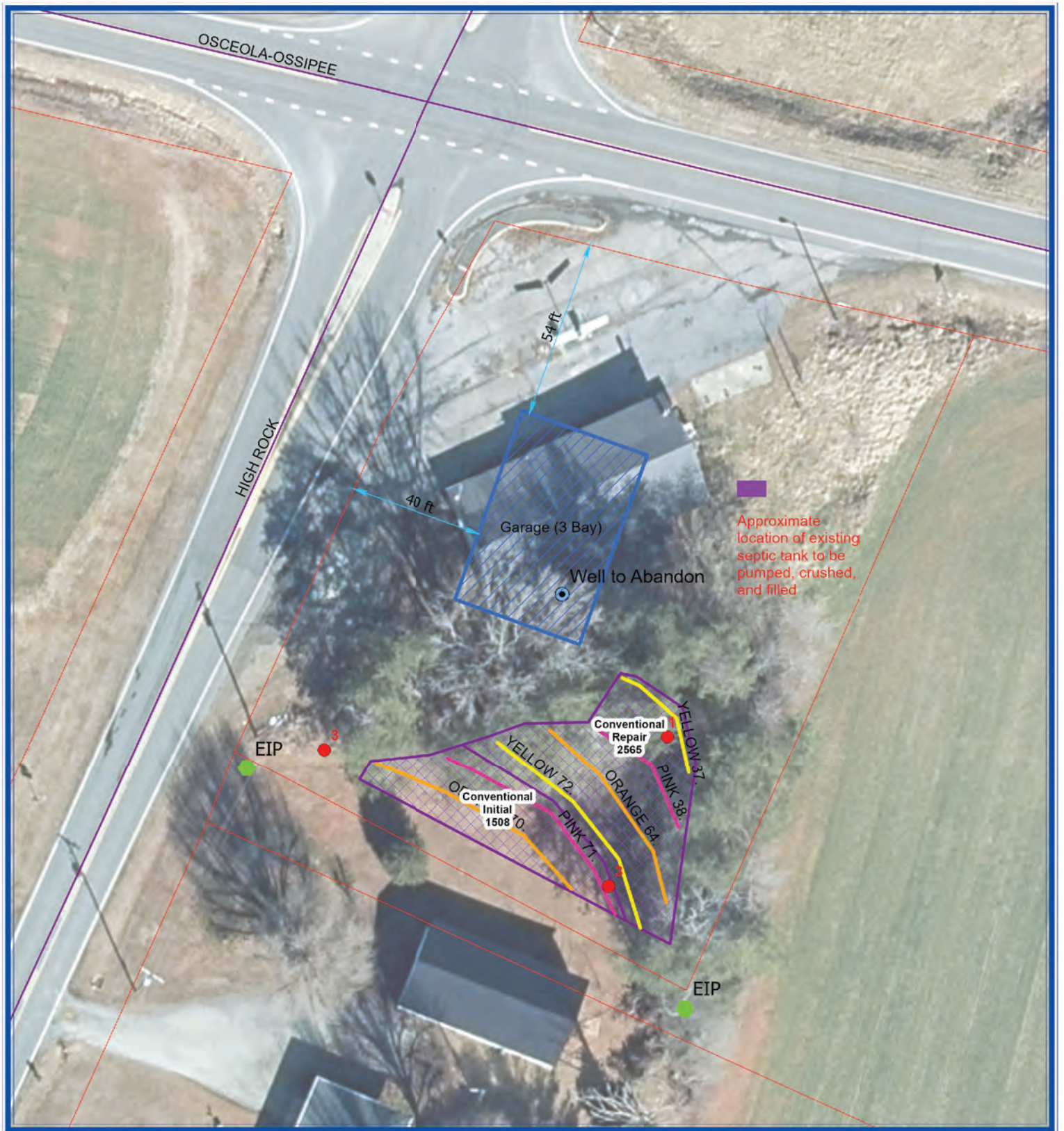
Do not grade or disturb the approved area. Disturbance of this area, change of site plan, or change of intended use could result in the suspension or revocation of this permit. This is not an Authorization to Construct a Wastewater System. The authorization for wastewater system construction with system specifications must be completed before any building permits or system installation can commence.

Permit Issued: Eric Dobbins REHS
Environmental Health Specialist

Date Issued: 02/13/2024



Diagram



Address: 6000 Osceola-Ossipee Rd
Permit #: 24-01-SNHC-00018
Issuer's Initials: EGD
Date: 2/13/2024

0 20 40 60 Feet

1 inch = 40 feet

DISCLAIMER:
The data shown in this map is for public use. Guilford County makes no warranty to its accuracy; all data sets and maps are for geographical representation only.

CONDITIONAL ZONING CASE #24-02-PLBD-00074: LB, LIMITED BUSINESS TO CZ-GB, CONDITIONAL ZONING-GENERAL BUSINESS: 6000 OSCEOLA-OSSIPEE ROAD

Property Information

Located at 6000 Osceola-Ossipee Road (Guilford County Tax Parcel #100966 in Washington Township) southeast of the intersection of High Rock Road and Osceola-Ossipee Road and comprises approximately 0.91 acres.

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

Nature of the Request

This is a request to conditionally rezone the property from LB, Limited Business to CZ-GB, Conditional Zoning - General Business, with the following conditions:

Use Condition – Uses of the property shall be limited to the following uses: (1) Automobile Repair Services; (2) Car Wash.

Development Condition – (1) The business will not operate past 8:00 PM on any day.

District Descriptions

The **LB, Limited Business District** is intended to accommodate low-intensity office and retail services in a rural setting. This district serves nearby neighborhoods with basic convenience goods and services. It is typically located at the intersection of local collectors or thoroughfares. Pedestrian and vehicular access should be provided.

The **GB, General Business District** is intended to accommodate moderate to large-scale retail, business, and service uses along thoroughfares and at key intersections. The district is characterized by minimal front setbacks, off-street parking. Quality design, shared access, and shared parking are encouraged.

The **CZ, Conditional Zoning District** is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU, **CZ-GB**, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

Character of the Area

The area is predominantly active farmland interspersed with residential parcels. The lot directly opposite the subject property, across Osceola-Ossipee Road, is vacant. The

remaining lots north of the intersection are residential in use. The parcels north of Osceola-Ossipee Road are zoned RS-30, Residential. The parcel east of the subject site is zoned RS-30 and is agricultural. The residential lot directly abutting the subject property to the south is zoned RS-30. Further south is an 11-acre farm. Across High Rock Road to the west is a 21.59-acre farm which is split zoned RS-30 and LB southwest of the intersection of High Rock Road and Osceola-Ossipee Road.

Existing Land Use(s) on the Property: Vacant commercial building.

Surrounding Uses:

North: Single-family residential and undeveloped

South: Single-family residential and agricultural

East: Agricultural

West: Agricultural

Historic Properties: There are no inventoried historic resources located on or adjacent to the subject property.

Cemeteries: No cemeteries are shown to be located on or adjacent to the subject property, but efforts should be made to rule out potential grave sites.

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact.

Emergency Response:

Fire Protection District: Northeast FPSD

Miles from Fire Station: Approximately 5 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Osceola-Ossipee Road and High Rock Road are major thoroughfares under the 2005 Greensboro MPO Thoroughfare Plan. The annual average daily traffic (AADT) of Osceola-Ossipee Road is 2100 vehicles and the AADT of High Rock Road is 700 vehicles per the 2023 NCDOT traffic count.

Proposed Improvements: There are currently no proposed road improvements in the area. New development would be subject to an NCDOT driveway permit.

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Moderately sloping.

Regulated Floodplain/Wetlands: No regulated floodplain exists on the site per the Effective FIRM. No mapped wetlands exist on site per NWI.

Streams and Watershed: No mapped streams on site per USGS and/or Soil Survey Map of Guilford County. A small portion of the Haw River WS-IV General Watershed runs along the northern edge of the subject property.

Land Use Analysis

Land Use Plan: Northeast Area Plan

Plan Recommendation: Light Commercial

Consistency: The proposed rezoning is not consistent with the recommendation of Light Commercial under the Northeast Area Plan.

The **Light Commercial, LC**, designation is intended to recognize land currently zoned, or recommended to be zoned, Limited Business (LB), Neighborhood Business (NB), and Limited Office (LO).

The **Moderate Commercial, MC**, designation is intended to recognize land currently zoned, or recommended to be zoned, General Office-Medium (GO-M) which was updated to Mixed Use (MXU), and a range of moderate intensity uses in land currently zoned Highway Business (HB) and General Business (GB).

Recommendation

Staff Recommendation: Approval

The request to conditionally rezone the subject parcel from LB to CZ-GB is reasonable and in the public interest because of the limitation of uses will help preserve the rural character of the area. Furthermore, the development condition limiting commercial activities to 8:00 PM daily will minimize disruptions to adjoining residential properties. The intersection of two major thoroughfares will provide sufficient infrastructure capacity for the intended uses.

The request is consistent with Objective 1.5 and Policy 1.4.3 of the Future Land Use Element of Guilford County's Comprehensive Plan which state:

- Objective 1.5 - Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities.
- Policy 1.4.3 - Reference adopted Land Use Plans and recommended uses and densities/intensities, when applicable, in conjunction with rezoning staff reports presented to the Planning Board.

Area Plan Amendment Recommendation:

The proposed rezoning is inconsistent with the Guilford County Northeast Area Plan recommendation of Light Commercial. If the request is approved, a land use plan amendment to Moderate Commercial will be required.

DRAFT

TABLE OF PERMITTED USES FOR GB ZONING DISTRICT

X Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations

P Use by Right **D** Individual Development Standards Apply - See Article 5 **S** Individual Development Standards per Article 5 Apply & Special Use Permit Required

Proposed Eliminated Uses (Strikethrough)		Proposed Permitted Uses (Highlighted)	
Use Category	Use Type	WCA Prohibited Use	GB
Agriculture/Animal Services	Animal Services - Other		D
	Multifamily Dwelling (including Condominium-		P
Household Living	Caretaker Dwelling (Accessory-		D
	Nursing and Convalescent Home		P
Group Living/Social Service	Homeless Shelter		D
Recreation and Entertainment (Light	Athletic Fields		P
	Club or Lodge		P
	Country Club with Golf Course		D
	Public Park (including Public Recreation Facility-		D
	Swim and Tennis Club		D
Recreation and Entertainment Heavy	Golf Course, Miniature		P
	Physical Fitness Center		P
	Special Event Venue		P
	Shooting Range, Indoor		D
	Theater (Outdoor-		D
Civic, Educational, and Institutional	Theater (Indoor-		P
	Place of Worship		P
	College or University		P
	Vocational, Business or Secretarial School		P
	Daycare Centers in Residence (In-Home) 12 or Less)		D
	Daycare Center - Not In-Home)		D
	Emergency Services		P
	Community or Social Service Agencies		P
	Fraternity or Sorority (University or College Related-		P
	Government Office		P
	Library		P
	Museum or Art Gallery		P
	Post Office		P
	Hospital		P
Business, Professional, and Personal Services	Office (General-		P
	Medical or Professional Office		P
	Personal Service		P
	Advertising, Outdoor Services		D
	Bank or Finance without Drive-through		P
	Bank or Finance with Drive-through		P
	Boat Repair	X	P
	Building Maintenance Services		P
	Furniture Stripping or Refinishing -including Secondary or Accessory Operations-	X	P
	Insurance Agency - Carriers and On-Site Claims Inspections)		P
	Kennels or Pet Grooming		D
	Laundromat or Dry Cleaner	X	P
	Motion Picture Production		P
	Pest or Termite Control Services	X	P
	Studios - Artists and Recording		P
Lodging	Bed and Breakfast Home for 8 or Less Guest Rooms		P

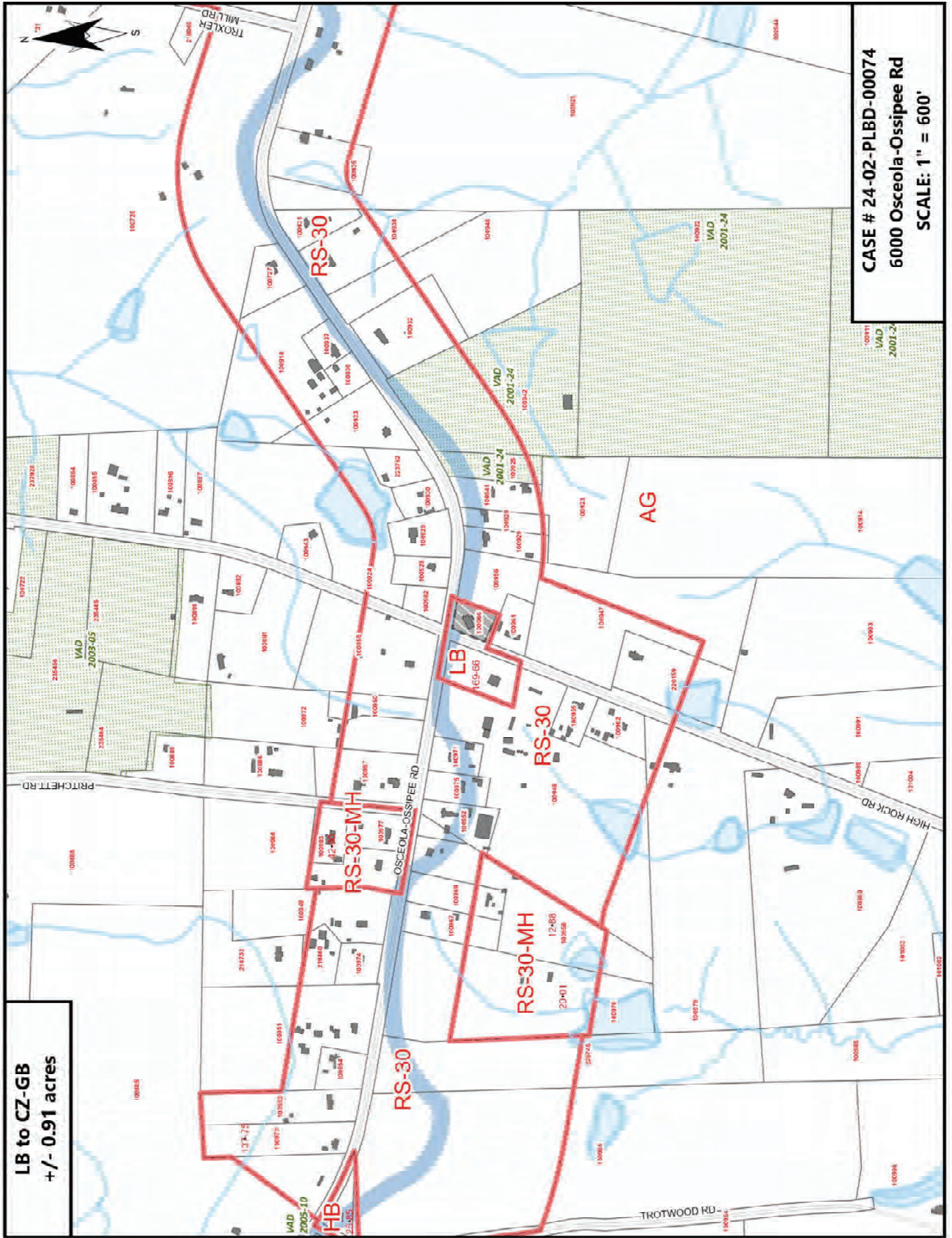
TABLE OF PERMITTED USES FOR GB ZONING DISTRICT

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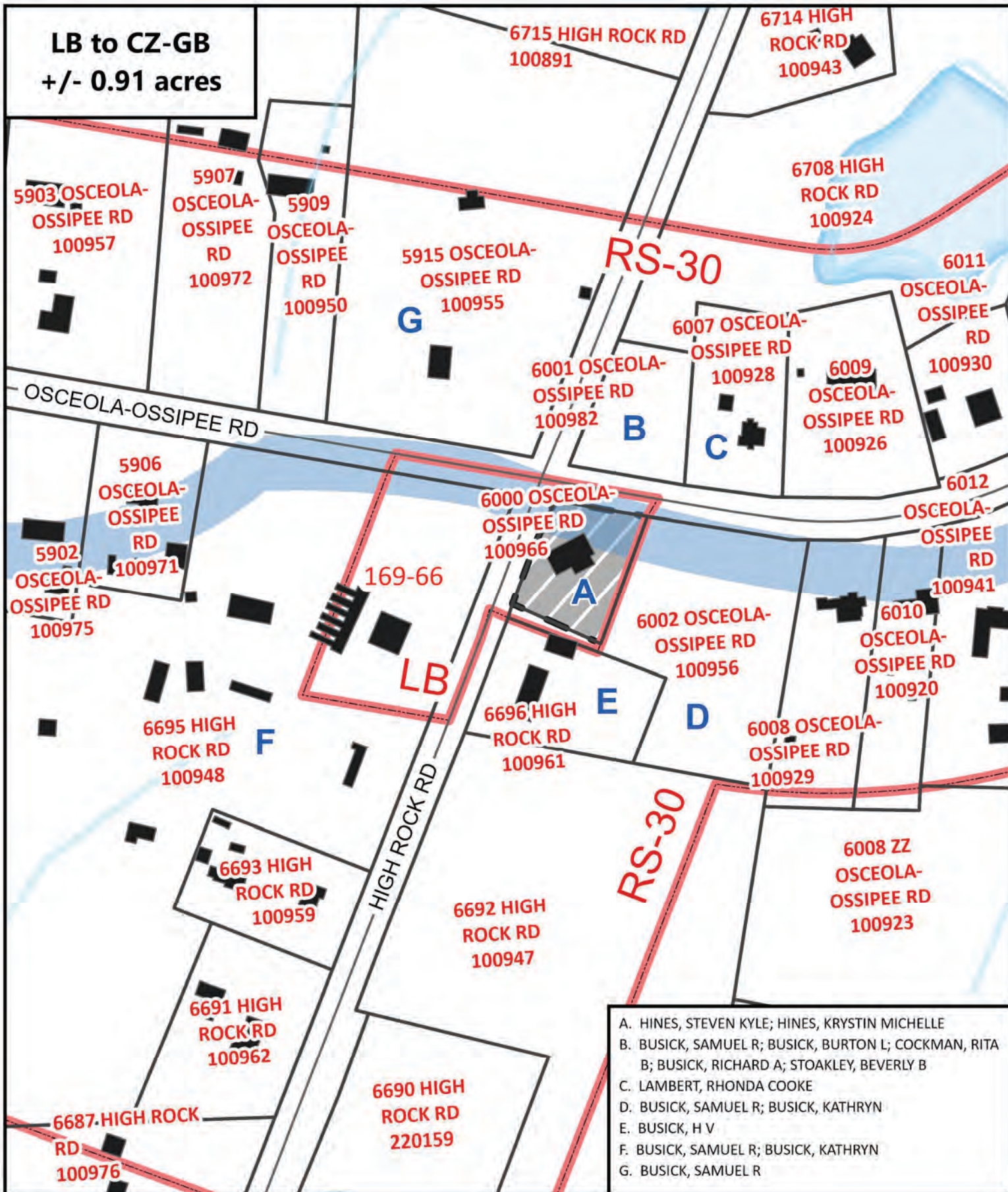
Proposed Eliminated Uses (Strikethrough)		Proposed Permitted Uses (Highlighted)	
Use Category	Use Type	WCA Prohibited Use	GB
Lodging	Hotel or Motel		P
Retail Trade	Retail (General-		P
	ABC Store - Liquor-		P
	Auto Supply Sales		P
	Automobile Rental or Leasing	X	P
	Automobile Repair Services	X	P
	Car Wash	X	D
	Building Supply Sales (with Storage Yard)		D
	Convenience Store (with Gasoline Pumps)	X	P
	Equipment Rental and Repair, Light		D
	Garden Center or Retail Nursery		P
	Motor Vehicle, Motorcycle, RV or Boat Sales - New and Used-	X	P
	Pawnshop or Used Merchandise Store		P
	Service Station, Gasoline	X	P
	Tire Sales		P
Food Service	Bakery		P
	Bar Private Club/Tavern		D
	Microbrewery, Private Club/Tavern		D
	Restaurant (With Drive-thru-		P
	Restaurant (Without Drive-thru)		P
Funeral and Internment Services	Cemetery or Mausoleum		D
	Funeral Home or Crematorium		P
	Automobile Parking (Commercial)		P
	Automotive Towing and Storage Services	X	D
	Equipment Rental and Leasing (No Outside Storage)		P
	Equipment Repair, Light		D
	Truck and Utility Trailer Rental and Leasing, Light	X	P
	Beneficial Fill Area		D
	Bus Terminal and Service Facilities	X	P
Transportation, Warehousing, and Who	Courier Service Substation		P
	Taxi Terminal		P
	Communication or Broadcasting Facility		P
Utilities and Communication	Wireless Communication Tower - Stealth Camouflage Design		D
	Wireless Communication Tower - Non-Stealth Design		D
	Small Cell Wireless Tower		S
	Radio or TV Station		P
	Utilities, Major		S
	Utilities, Minor		P
	Utility Company Office		P
	Construction or Demolition Debris Landfill, Minor		D
	Land Clearing - Inert Debris Landfill, Minor		D
	Warehouse - General Storage, Enclosed)		D
Waste-Related Uses	Warehouse - Self Storage-		D
	Laundry or Dry Cleaning Plant	X	P
	Laundry or Dry Cleaning Substation	X	P
General Industrial	Temporary Events/Uses		D

LB to CZ-GB
+/- 0.91 acres



CASE # 24-02-PLBD-00074
6000 Osceola-Ossipee Rd
SCALE: 1" = 600'

LB to CZ-GB
+/- 0.91 acres



Planning & Development
 Department

Jurisdiction:
 GUILFORD COUNTY

Case Number:
 24-02-PLBD-00074

Case Area:
 Parcels - 100966
 6000 Osceola-Ossipee Rd



Scale: 1" = 200'

LB to CZ-GB
+/- 0.91 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

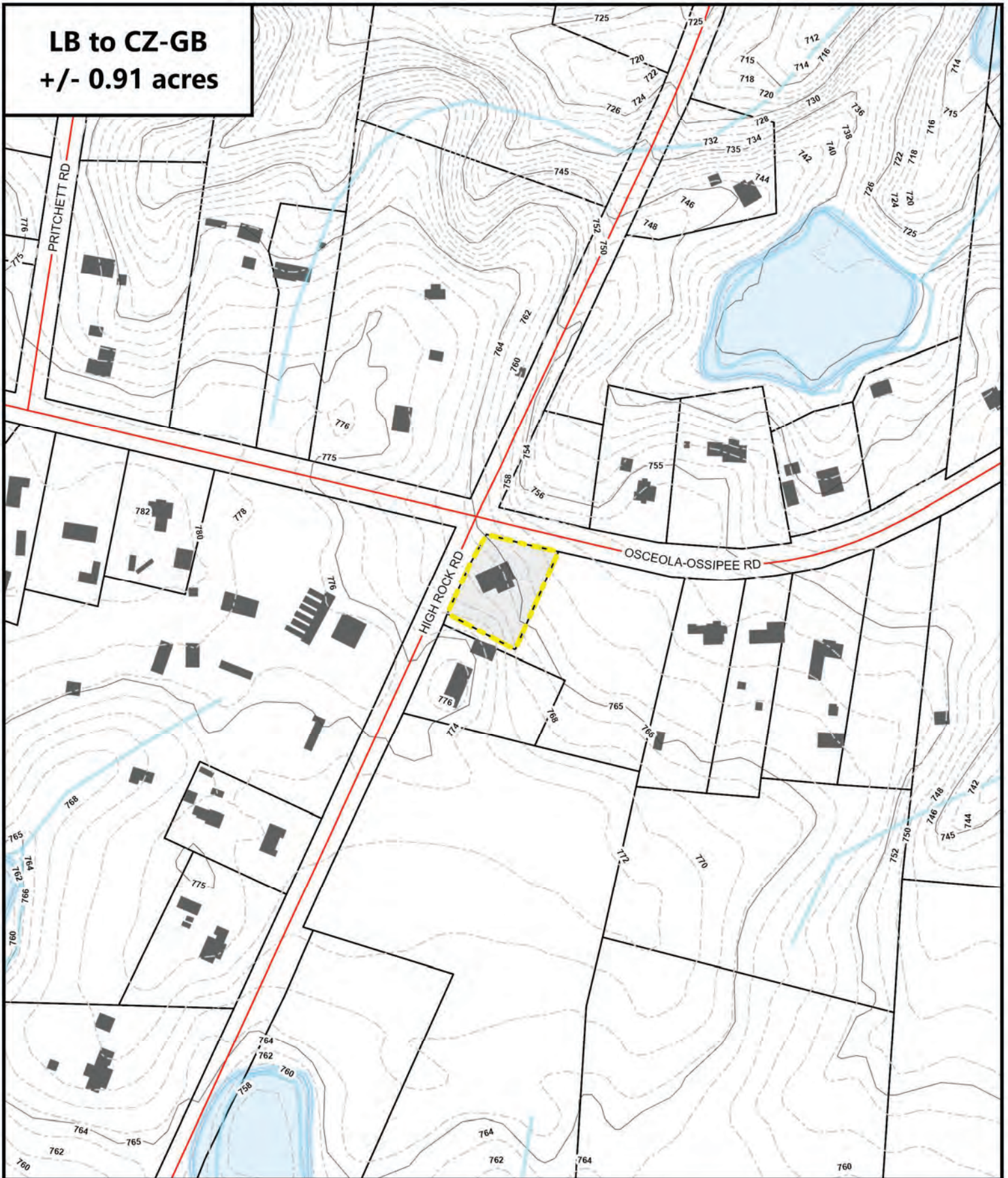
Case Number:
24-02-PLBD-00074

Case Area:
Parcels - 100966
6000 Osceola-Ossipee Rd



Scale: 1" = 250'

LB to CZ-GB
+/- 0.91 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

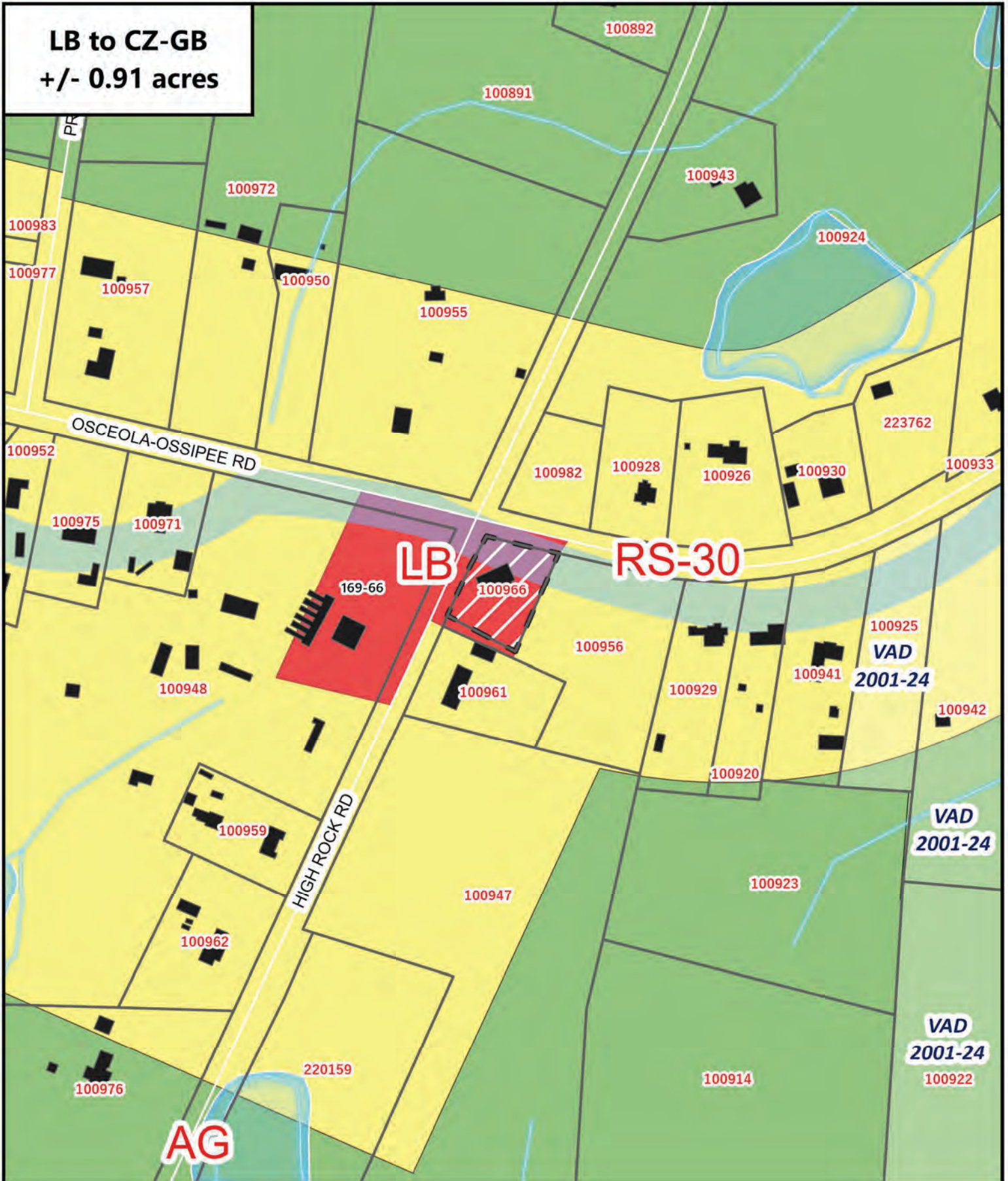
Case Number:
24-02-PLBD-00074

Case Area:
Parcels - 100966
6000 Osceola-Ossipee Rd



Scale: 1" = 250'

LB to CZ-GB
+/- 0.91 acres



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
24-02-PLBD-00074

Case Area:
Parcels - 100966
6000 Osceola-Ossipee Rd



Scale: 1" = 250'

**CONDITIONAL ZONING CASE #24-02-PLBD-00074: LB, LIMITED BUSINESS TO CZ-GB,
CONDITIONAL ZONING-GENERAL BUSINESS: 6000 OSCEOLA-OSSIPEE ROAD**

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

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1 (N/A)
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4 (N/A)

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
#100966 from **LB to CZ-GB** 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.]

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 #100966
from **LB to CZ-GB** 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.]

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 #100966 from **LB to CZ-GB** because:

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

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 #100966
from **LB to CZ-GB** 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.]

(Insert Color Paper)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-06-PLBD-00053: AN AMENDMENT TO ARTICLE 3, SECTION 3.1.D, TABLE 3.1 (DEVELOPMENT REVIEW PROCEDURES), SECTION 3.2, TABLE 3.2 (PUBLIC NOTICE PROCEDURES), SECTION 3.2.A (NOTICE REQUIREMENTS), SECTION 3.2.B (LEVEL 1-PUBLISHED NOTICE), SECTION 3.2.C (LEVEL 2-MAILED NOTICE), SECTION 3.2.D (POSTED NOTICE), AND SECTION 3.2.E (ACTUAL NOTICE) TO ALIGN NOTICE REQUIREMENTS FOR TEXT AMENDMENTS WITH NCGS 160D AND LOCAL LEGISLATION SPECIFIC TO GUILFORD COUNTY

Description

The Planning staff prepared amendments to adjust public notice requirements specified for Text Amendments under Article 3 of the County Unified Development Ordinance (Referenced as Subsection 3 in Chapter 15 of the County Code of Ordinances) consistent with G.S 160 and local legislation for Guilford County. The proposed amendments will revise Section 3.1.D, Table 3.1 to remove Level 2, Mailed Notice as required for Text Amendments, and make a technical correction to Footnote 1; revise Section 3.2, Table 3.2 to add Optional as a Type of Public Notification and change the Type of Published Notice required for the Planning Board for Text Amendments to "Optional", change the Type of Mailed Notice and Posted Notice required for the Planning Board and Board of Commissioners to "Optional", and make a technical correction to Footnote 2; and revise Sections 3.2.A through 3.2.D align with the statutory requirements of GS 160D and local legislation specific to Guilford County.

A summary of the proposed text amendments is presented below.

Amendments to **Section 3.1.D, Table 3.1, Development Review Procedures** will:

- Remove Public Notice Level 2 (Mailed Notice) as a required notice for the Text Amendment application process; and
- Revise Footnote 1 to make a clerical correction to reference Section 3.2 for public notification procedures.

Amendments to **Section 3.2, Public Notice Procedures, Table 3.2** will:

- Add "O=Optional" as a Type of Public Notification required for each Application Type;
- Change the Published Notice requirement for Text Amendments from "R" (Required) to "O" (Optional) for the Planning Board and change "Electronic Notice" to "Published Notice" under the table heading;
- Change Mailed Notice requirements for Text Amendments for the Planning Board and Board of Commissioners from "R" to "O";
- For Posted Notice requirements for Text Amendments for the Planning Board and Board of Commissioners from "■" to "O";
- Revise footnote superscript [2] to reference Subsection B regarding electronic notice legislation specific to Guilford County;

Amendments to **Sections 3.2.A through 3.2.D** will:

- Amend Section 3.2.A to read "The public noticing requirements...subject to a hearing (public legislative or evidentiary/quasi-judicial)..." and to reference G.S. §Chapter 160D regarding compliance for notice requirement consistent with state law;
- Amend Section 3.2.B-Level 1 Notice by changing the title of Section 3.2(B) from "Publish Notice" to "Published Notice" [Session Law 2017-210 Senate Bill 181];

- Amend Section 3.2.C-Level 2 to describe Mailed Notice Requirements, including notices specific to zoning map amendments and legislative and quasi-judicial hearings as required by G.S Chapter 160D;
- Amend Section 3.2C-Level 2, to add Subparagraph 3, Certification to establish the latest county tax listing as the source for determining owners entitled to mailed notices and add Section 3.2C.3 to require certification that the required notices were mailed; and
- Amend Section 3.2. delete to 3.2.E, Actual Notice for government-initiated zoning map amendments.

SEE ATTACHED

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with ~~strikethrough~~.

Consistency Statement

Consistency with Adopted Plans:

The Guilford County Comprehensive Plan (effective October 1, 2006) Future Land Use Element-Policy 1.6.2. which states, "Recommend Development Ordinance amendments and Area/Quadrant Plan changes to support and implement regional plans endorsed and adopted by Guilford County." Additionally, the proposed text amendments are consistent with NCGS 160D and support this goal by changing notice requirements while still providing effective notice to parties especially impacted by a specific development decision. It will facilitate an efficient and timelier development approval process, and thus, minimize development costs for applicants.

Reasonableness and Public Interest Statement

The recommended action is reasonable and in the public interest because the proposed text amendments are in accordance with NCGS 160D and Policy 1.6.2 of the Guilford County Comprehensive Plan-Future Land Use Element which states "Recommend Development Ordinance amendments and Area/Quadrant Plan changes to support and implement regional plans endorsed and adopted by Guilford County"; and 2) the changes will create consistency for applicants with similar development requests in other jurisdictions.

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-06-PLBD-00053: AN AMENDMENT TO ARTICLE 3, SECTION 3.1.D, TABLE 3.1 (DEVELOPMENT REVIEW PROCEDURES), SECTION 3.2, TABLE 3.2 (PUBLIC NOTICE PROCEDURES), SECTION 3.2.A (NOTICE REQUIREMENTS), SECTION 3.2.B (LEVEL 1-PUBLISHED NOTICE), SECTION 3.2.C (LEVEL 2-MAILED NOTICE), SECTION 3.2.D (POSTED NOTICE), AND SECTION 3.2.E (ACTUAL NOTICE) TO ALIGN NOTICE REQUIREMENTS FOR TEXT AMENDMENTS WITH NCGS 160D AND LOCAL LEGISLATION SPECIFIC TO GUILFORD COUNTY

Subsec. 3 – Permits and Procedures

Contents:

- 3.1 PURPOSE AND INTENT
- 3.2 PUBLIC NOTICE PROCEDURES
- 3.3 COMMON REVIEW PROCEDURES
- 3.4 QUASI-JUDICIAL PROCEDURES
- 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

(File No. [21-02-GCPL-00830](#), 04/01/2021)

3.1 PURPOSE AND INTENT

A. GENERAL

This Subsection provides clear and comprehensible procedural steps that are generally applicable to development applications under this ordinance as found in Table 3.1: Development Review Procedures, unless otherwise expressly exempted.

B. APPLICABILITY

The provisions of this Subsection shall be applicable to all development activity under the jurisdiction of Guilford County as described in [Subsec. 1 – General Provisions](#) of this Ordinance.

C. REQUIRED

No person shall undertake any development activity subject to this ordinance without first obtaining a permit from the appropriate reviewing authority.

D. TABLE 3.1: DEVELOPMENT REVIEW PROCEDURES

Table 3.1 identifies the authorities and procedures for reviewing and deciding permit applications. The table also identifies whether and what type of public hearing is required and references the relevant Section of the Ordinance where the procedure may be found.

TABLE 3.1 DEVELOPMENT REVIEW PROCEDURES

TABLE KEY		M Mandatory ▪ Not Applicable 1 Notes	C Comment R Recommend / Advisory OR Optional review D (Decision) L (Legislative) A (Administrative)	P Public Hearing Q Quasi Judicial (Evidentiary) Hearing A Appeal					
APPLICATION PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL ¹	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD) ²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT (BOA)
Administrative Adjustment	3.5.B	▪	▪	D	▪	▪	▪	▪	A
Appeal ³	3.5.C	1,2	▪	Refer to individual procedures in Section 3.5 for appropriate process and Table 3.1 for appellant body.					
Certificate of Appropriateness, Major Work	3.5.D	1,2,3	R	R	▪	Q	▪	▪	A
Certificate of Appropriateness, Minor Work	3.5.D	▪	▪	D2	▪	▪	▪	▪	▪
Certificate of Erosion Control Performance	3.5.E	▪	▪	D	▪	▪	▪	▪	▪
Certificate of Floor Elevation/Floodproofing	3.5.F	▪	▪	D	▪	▪	▪	▪	▪
Certificate of Occupancy	3.5.G	▪	▪	D	▪	▪	▪	▪	▪
Temporary Event/ Use Permit	3.5.H	▪	▪	D	▪	▪	▪	▪	▪
Floodplain Development Permit	3.5.I	▪	▪	D	▪	▪	▪	▪	A
Grading Permit	3.5.J	▪	▪	D	▪	▪	▪	▪	▪
Historic Landmark Designation (Local)	3.5.L	1,2,3	M	C	▪	R	▪	D	▪
Rezoning, Conventional & Conditional ⁴	3.5.M	1,2,3	M	R	C	▪	D/R ⁵	D/A ⁵	▪
Road Name Changes		1,3	▪	R	R	▪	D	A ⁶	
Sign Permit	3.5.N	▪	▪	D	▪	▪	▪	▪	A
Site Plan, Major	3.5.O	▪	M	R	D	▪	A		▪
Site Plan, Minor	3.5.P	▪	▪	D	O/R	▪	A	▪	▪
Special Use Permit	3.5.Q	1,2,3	M	▪	▪	▪	Q		▪
Subdivision Exempt	3.5.R	▪	▪	D	▪	▪	▪	▪	▪
Subdivision, Major Preliminary Plat	3.5.S	▪	M	R	D	▪	A		▪
Subdivision, Major Final Plat	3.5.S	▪	▪	D	O/R ⁷	▪	A	▪	
Subdivision, Minor Preliminary Plat	3.5.T	▪	▪	D	O/R ⁸	▪	A	▪	▪
Subdivision Waiver	3.5.U	▪	▪	R	D	▪	A	▪	▪
Text Amendment	3.5.V	1,2	M	R	▪	▪	R	D	▪
Variance ⁹	3.5.W	1,2,3	M	▪	▪	▪	Q	R ⁹	Q

TABLE 3.1 DEVELOPMENT REVIEW PROCEDURES

TABLE KEY		M Mandatory ▪ Not Applicable 1 Notes	C Comment R Recommend / Advisory OR Optional review D (Decision) L (Legislative) A (Administrative)	P Public Hearing Q Quasi Judicial (Evidentiary) Hearing A Appeal					
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				PLANNING AND DEVELOPMENT DIRECTOR (PD) ²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT (BOA)
Vested Rights	3.5.X	1,2,3	▪	D	D	D	▪	▪	▪
Easement Closings, Right-of-Way Vacations, Road Closings ¹⁰ and Easement Removals for Public Roads		▪ 1,3	▪	R	R	▪	D	A	▪
<div>1. See also Section 3.23 and Table 3.2 for public notification procedures.</div> <div>2. Planning and Development Director (or his/her designee) or other County staff authorized by the Board of Commissioners or the North Carolina General Statutes (e.g., Building Inspector, Fire Marshal).</div> <div>3. Appeal of administrative decisions are quasi-judicial.</div> <div>4. Rezoning may be conventional or conditional. Conditional zoning may be a part of planned unit developments – See Subsec. 4.</div> <div>5. See Section 3.5.M.4.f – Voting and SL1985-485 HB651.</div> <div>6. Per SL 1979–283 HB 686 – Notice of appeal shall be filed within 10 days of Planning Board decision. Affected party shall notify Planning Director within 10 days of decision. Board of Commissioners shall hear appeal at a regular meeting within 30 days of Notice of Appeal.</div> <div>7. Should the Planning Department Director determine that there is more than a major deviation from the approved preliminary plat, the final plat may be forwarded to the TRC for optional review for efficiency and/or compatibility among regulatory review agencies’ requirements.</div> <div>8. The Planning Development Director, in exercising his/her duties, may forward a preliminary plat on a Minor Subdivision to the TRC for an optional review for efficiency and/or compatibility among regulatory review agencies’ requirements.</div> <div>9. For the types of variances heard and appropriate decision-making body, see Section 3.5.W. Major buffer and watershed variances that require Environmental Management Commission decision require a recommendation from the Board of Commissioners.</div> <div>10. For on-system NCDOT roads, the BCC may adopt a resolution to abandon maintenance at the request of NCDOT and close the public road in certain instances. Otherwise, the Guilford County Planning Board will exercise its delegated authority to close said public road per SL 1979-2982 SHB685.</div>									

(File No. 21-01-GCPL-00607, 04/01/2021; File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

3.2 PUBLIC NOTICE PROCEDURES

TABLE 3.2 PUBLIC NOTIFICATION REQUIREMENTS				
Application Type ¹	Decision Making Body	Type of Public Notification R Required, "O" = <u>Optional</u> , [1] see note below, "▪" not applicable		
		Electronic Published Notice ²	Mailed Notice ³	Posted Notice ⁴
Appeal	Varies ^[5]	R	R	R
Certificate of Appropriateness (Major)	Historic Preservation Commission	R	R	R
Rezoning	Planning Board	R	R	R
	Board of Commissioners	R	R	R
Easement Closings, Right of Way Vacations, Road Closings, and Easement Removals for Public Roads	Planning Board	R	R	R
Road Name Changes	Planning Board	▪	R	R ^[6]
Special Use Permit	Planning Board	R	R	R
Text Amendment	Planning Board	R O	R O	▪ O
	Board of Commissioners	R	R O	▪ O
Variance	Varies ^[5]	R	R	R
Vested Rights	Varies ^[5]	R	R	R
<ol style="list-style-type: none"> 1. Application types not listed do not require public notification. 2. See Subsections B., C., D., & E. of this Section regardingfor electronic notice legislationrequirements specific to Guilford County. 3. Mailed notice must be deposited no less than 10 and no more than 25 days before hearing. 4. Posted notice on site must be placed on property no less than 10 days before hearing. 5. An appeal, variance, or vested right may be heard by multiple Boards. Specific public notice requirements also can be found in Table 3.1. Detailed appeal, variance, and vested right procedures are located within each procedure for specific applications, if applicable. 6. At least 10 days before public hearing, a notice shall be posted in at least 3 locations along the road involved (see SL 1979-283 HB 686). 				

A. NOTICE REQUIREMENTS

1. The public noticing requirements in this Section are applicable for development applications subject to a hearing (public/legislative or evidentiary/quasi-judicial). Applications shall be submitted to the Planning and Development Director and shall be scheduled by the Planning and Development Director for a regular or specially called meeting before the decision-making authority. Public notification of such

hearing shall comply with the provisions G.S. §Chapter 160D and other enactments of the North Carolina General Assembly, notwithstanding any conflicting provision(s) in this UDO.

2. Table 3.1 - Development Review Procedures, identifies the appropriate notice for specific procedures and corresponds to the level numbering below.

B. LEVEL 1 – PUBLISHED NOTICE

1. In accordance with legislation specific to Guilford County, Session Law 2017-210 (Senate Bill 181), and County Code §§ 17-1 and 17-2, Guilford County is authorized to use ~~only~~ electronic notice for all published legal notices under NCGS § 1-597 or under any other general law, or under any local act, in-lieu of the notice required for publication under the provisions of G.S. §Chapter 160D. Published notice may be in accord with that authorization and/or by traditional print newspaper notice meeting statutory requirements.

C. LEVEL 2 – MAILED NOTICE

1. For zoning map amendments, in accordance with G.S. § 160D-602, the ~~owner~~applicant as shown on the County tax listing, applicant (if different than the owner), appealing party (if any), or authorized agent of the owner, and the owners of all parcels of land abutting that parcel of land as shown on the County tax listing, residing in the County or not, shall be mailed a notice of a public/legislative hearing on the proposed application or amendment by first class mail at the last addresses listed for such owners on the latest County tax listings. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public/legislative hearing. ~~The same mailed notice requirement is applicable to evidentiary (quasi-judicial proceedings.)~~ Mailed notice requirements do not apply to zoning text amendments. As an alternative to the mailed notice requirement for zoning map amendments, the County may elect to serve notice through published notice, which may consist of the electronic notice described above, for pending actions that affect at least fifty (50) properties with at least fifty (50) different property owners in accordance with this Section. Notice shall be mailed to non-resident property owners.
2. For other public/legislative hearings for which mailed notice is required (for example, closure of public roads or easements), the manner of mailed notice shall be as required by the applicable General Statute or Local Act.
3. For quasi-judicial hearings, in accordance with N.C.G.S. 160D-406, notice shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the County may rely on the County tax listing to determine owners of property entitled to mailed notice of a quasi-judicial hearing. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing.

1.

Commentary: Commentary: For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor (per 160D 602).

4. The person(s) mailing such notices shall certify to the Board hearing the matter~~of Commissioners~~ that fact, and such certificate shall be maintained in the Planning and Development Department.

~~5. As an alternative to the mailed notice requirements for public hearings above, the County may elect to serve notice through a full community notification for pending actions that affect at least fifty (50) properties with at least fifty (50) different property owners in accordance with this Section. Notice shall be mailed to non-resident property owners. The alternative mailed notice applies to Zoning Map Amendments only.~~

D. LEVEL 3 – POSTED NOTICE

1. The Planning and Development Department shall post a sign in a prominent location on or near the subject property which indicates that a development application has been proposed. The sign shall contain a case number, phone number, and link to County website to contact the Planning and Development Department. This sign shall be posted at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The same mailed notice requirement is applicable to evidentiary (quasi-judicial proceedings.)
2. If an action occurs on more than one parcel subject to a public hearing (or an evidentiary quasi-judicial hearing), at least one sign shall be posted in a central location. If there are multiple frontages, the Planning and Development shall post at least one sign per frontage or a single sign may be posted if visible from each frontage.

~~**E. LEVEL 4 – ACTUAL NOTICE**~~

- ~~1. For government-initiated zoning map amendments, actual notice shall be provided in any manner permitted under NCGS 1a-1, rule 4(j).~~

(File No. [21-08-GCPL-07440](#), 11/04/2021)

Effective on: 11/4/2021