

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

Old Guilford County Courthouse
Carolyn Q. Coleman Conference Room
301 W. Market St., Greensboro NC 27401

April 10, 2024, 6:00 PM

Call to Order

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

A. Roll Call

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

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

The following members were absent from this meeting:

Dr. Nho Bui

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Brianna Christian, Planning Technician; Robert Carmon, Fire Inspections Chief; and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

Leslie Bell stated that he does have an amendment to Case #24-02-PLBD-00073, and he would explain that later in the meeting.

C. Approval of Minutes: March 13, 2024

Chair Donnelly had a few corrections to the minutes, as follows:

Page 7, 3rd paragraph - "The Chair asked a question...."

Page 12, middle of the first paragraph - "an opportunity for some collaboration..." should be stated as "calibration..."

Reverend Drumwright added that on Page 14, 2nd paragraph – He was quoted correctly concerning the lack of transparency, but there are two (2) other statements about

transparency that were misquoted. The sentence should read, "...that they are being not entirely transparent, but it "seemed through the testimony on both sides that there was a lack of transparency..."

Mr. Craft moved to approve the minutes of the March 14, 2024 regular Planning Board meeting, as corrected, seconded by Ms. Buchanan. The Board voted unanimously (8-0) in favor of the motion (Ayes: Donnelly, Craft, Little, Gullick, 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.

E. Continuance Requests

Leslie Bell stated that concerning Case #24-02-PLBD-00073, 209 E. Sheraton Park Road, there has been a request to continue this matter.

Attorney Mike Fox, 400 Bellemeade Street, Suite 800, representing the applicant, Sheraton Park, stated that they have engaged in a neighborhood meeting; out of that meeting came several concerns that they would like to address before coming back and actually holding the hearing on the case. They have also discussed with the staff some of the concerns that they have. Their plan is to come back with some additional draft conditions, limit some additional uses, specify buffers, maybe the hours of operation, and some concerns from the neighbors. When staff signs off and says that they have offered some enforceable conditions, they will hold another neighborhood meeting and convey that [information] to neighbors for additional feedback and to see if there is anything else that needs to be tweaked. Therefore, he is requesting that this case be continued to the May hearing date, which would give them time to get everything ready.

Mr. Craft moved to continue Case #24-02-PLBD-00073, Sheraton Road to a subsequent meeting, seconded by Mr. Gullick. The Board voted unanimously (8-0) in favor of the request to continue (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

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) (APPROVED)

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.

Chair Donnelly stated that this case was initially heard at the March meeting and was continued to today's meeting, so it will be resumed today.

Oliver Bass stated that 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. Mr. 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. He stated that the property owners are present at the meeting today.

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. The AG District is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. Note: There are some pictures of the property and surrounding area showing that there are some new homes located on the three (3) lots that were cut out from the original parcel. 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. There is no history of denied cases.

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 (3) undeveloped lots subdivided out of the parent tract of the subject parcel in March 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, 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 recommended that the request be approved and stated 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.

Frank Knight, the property owner, lives at 809-A NC Highway 150 West. Mr. Knight stated that he wants to have the property rezoned. He provided maps of the property for the Board members to look at. He stated that he has daughters, and he wants to leave them some property. He also may have some lots that he can sell for income for himself and his wife because he is on a fixed income, and that would help him out for the future.

Chair Donnelly said that Mr. Knight's plans have the potential for four (4) different lots in the area there. From what the Board heard at the last meeting, he asked if Mr. Knight was anticipating putting in a paved road. Mr. Knight stated that he wasn't going to do that, it would cost too much. There is a gravel drive access to the property.

Leslie Bell pointed out that this is not a conditional rezoning, thus the Board has to look at the appropriateness of all of the uses allowed in that zoning district in the Permitted Uses Table. He feels that they are drilling down on a particular use that is not part of the rezoning itself.

Oliver Bass stated that they would have to see the plan before staff can make a recommendation or comment.

Chair Donnelly asked if Mr. Knight has had any conversations with any of the neighbors as he was making his plans. Mr. Knight stated that he has not talked with the neighbors. He didn't feel he needed to. As far as he knows, he thinks they are fine with it. He hasn't heard of anyone being opposed to his request.

Reverend Drumwright wanted to make sure what he has seen on the plans. Mr. Knight is talking about four (4) lots, and his question would be for staff. The nature of the request is talking about major residential subdivisions, six (6) or more, and he asked if the applicant would have to bring those plans back before staff? Oliver Bass responded that they would have to calculate it based on the subdivision plat that he submits, and if he submits anything more than two (2) lots, then it would be classified as a major subdivision. Reverend Drumwright asked if that was two (2) lots per acre or just two (2) lots? Oliver Bass stated that to classify as a minor subdivision he would be allowed to cut up to five (5) lots from the parent tract. The applicant previously subdivided on that parent tract three (3) lots. He has two (2) more lots to be considered a minor subdivision. If he subdivided into three (3) or more lots, then that has to be considered as a major subdivision. Therefore, it would have to be zoned properly.

Chair Donnelly said to follow up on that question, what would trigger the review? Would it be a submission of plans, or would it be a submission of a lot subdivision? Oliver Bass stated that he would have to submit a preliminary plat, prepared by a surveyor, showing the design and number of lots, acreage, layout, access, and he would have to provide for appropriate access based on the Unified Development Ordinance. Once he submits a preliminary plat, it will be reviewed based on the number of lots that are being proposed.

Reverend Drumwright asked if the plans that Mr. Knight had shown the Board tonight suffice for that preliminary? Oliver Bass stated that he could not make that judgment right now.

Mr. Craft asked if the Board rezones this property to RS-40 and he comes back and wants to subdivide it further, is that handled at staff level and would not involve the Board? Oliver Bass stated that was correct.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request; no one came forward.

Chair Donnelly asked for a motion to close the public hearing. Mr. Alston moved to close the public hearing, seconded by Mr. Craft. The Board voted unanimously (8-0) in favor of the motion (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

Mr. Alston moved to approve Case #24-01-PLBD-00072, 7603 Royster Road to rezone tax parcel 138436 from AG to RS-40 because the amendment is consistent with the applicable plans and because the requested zoning is consistent with the recommendation of the Northern Lakes Area Plan, it would expand housing opportunities to future residents at densities supported by the AG Rural Residential land use designation. The development patterns are consistent with standards applicable to the RS-40 zoning designation. The AG 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 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 or recreational uses.

The Amendment is reasonable and in the public interest because of:

1. Goal #1, Objective 1.1, Policy 1.1.1 of the Future Land Use element, which 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 AG RR designation lists RS-40 as a compatible zoning district.
2. Also, Goal #1 of the Housing Element states, "Provide current and future residents of Guilford County with a variety of housing options and opportunities that RS-40 district allows single family residential development at low densities as supported under the AG RR designation."

The motion was seconded by Mr. Gullick. The Board voted unanimously (8-0) in favor of the request to continue (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

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. (CONTINUED TO A SUBSEQUENT MEETING)**

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

The Board voted unanimously in favor of continuing this case to a subsequent meeting.

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

This property is 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.

Aaron Calloway stated that this is a request to conditionally rezone the property from LB, Limited Business to CZ-GB, Conditional Zoning - General Business. The subject property is located at 6000 Osceola-Ossipee Road on Guilford County Tax Parcel #100966 in Washington Township. The property is located 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 proposed 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 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. The subject property is occupied by a vacant commercial building. The subject property is within the Northeast Fire District. Osceola-Ossipee Road and High Rock Road are both classified as major thoroughfares per the 2005 Greensboro MPO Thoroughfare and Collector Street Plan. Ossipee Road has an average annual daily traffic count of 2,100 vehicles, and High Rock Road has an average annual daily traffic count of 700 vehicles per the 2023 NC DOT traffic count. The subject property

is moderately sloping. There are no mapped regulated floodplains or streams on this property; however, a portion of it is within the Haw River General Watershed.

Under the Northeast Area Plan, this parcel is designated as Light Commercial. Therefore, this request is not consistent with that land use classification of Light Commercial. 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).

Staff recommends approval of the request. The request to conditionally rezone the subject parcel from LB to CZ-GB is reasonable and in the public interest because 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:

1. Objective 1.5 - Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities.
2. 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.

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.

Mr. Craft asked if this property used to be a convenience store and was properly cited in the current zoning? Aaron Calloway stated that was correct and is indicated in the staff report in the section under characteristics of the surrounding area, and it is noted that the existing land use of the property is vacant.

Mr. Gullick stated that someone could come back and use that building that is currently on the property if it met Code as a commercial use. Aaron Calloway stated that was correct. If someone were to submit a site plan of any "by right" use in the Limited Business zoning district, meet all of the development criteria, and get past plan review, then that use(s)/activity(ies) would be allowed right now.

Chair Donnelly stated that he would now open the public hearing and asked if the applicant wished to speak at this time.

Steve Hines, the applicant, stated that he has been in the automotive industry all of his adult life, and he is looking forward to opening his own shop to provide more reliable and trustworthy repairs for the community. He feels that there is a large need for this service, and he would like to fulfill that need. He is very considerate of surrounding properties and will keep everything professional, clean, and organized. He does not plan on being noisy. The 8:00 PM time is an extreme time, and there is a very rare instance where they would be open any later than that.

Krystin Hines stated that they live in that area, maybe a mile-and-a-half down the road. They are obviously very interested in making sure that they are considerate of all the people that are in that area. The building is not being used at this time, and no one can get any use out of it at this time. It is currently an eyesore, and they want to provide a quality service to the people in that area instead of them having to drive somewhere else.

Mr. Craft asked if they could describe the car wash aspect of this case. Ms. Hines stated that there would be a bay available for car detailing, not necessarily car washing. They are looking at some kind of ceramic coating so it would be a completely enclosed bay in the building. It would not be a public car wash; it would be a three-bay shop with one bay that is completely closed off keeping any debris off the car being addressed. Mr. Hines stated that this would be more geared towards detailing vehicles.

Chair Donnelly asked if there was anyone wishing to speak in opposition to the request?

Lisa Holt stated that she lives two houses down from this property. She grew up in this area and has been there 51 years, so she had a real vested interest. She doesn't want to hinder anyone from maintaining the store, but right now, the roof has almost collapsed, the cinderblocks have broken away from the structure, the floor has disintegrated, and the whole building is in disrepair. Her concern is how this would be upgraded to where it would be feasible to be any business that would be safely maintained. She was just notified that the gas tanks were taken up and the soil is contaminated. They were also notified that their wells are in danger, and this is going to be a lengthy process of getting the soil tested thoroughly to find out how much, what kind of contaminates, and how far it goes because that store has been there for a very, very long time. When Mr. Hines' dad opened the store, we were all very eager because we had nowhere to eat, nowhere to get gas, and there wasn't anything out there. Her other concern is the traffic because there have been a couple of fatalities in the last several months. That has become a highway to [Hwy.] 87 with tractor trailers speeding down through Osceola-Ossippe and people running through that intersection. Those are her two issues and concerns. Once you start rezoning property from Limited Use to Commercial Moderate, this may open the door for this little farm neighborhood to being a mega something. She doesn't want to live in the city, she doesn't want to want city water, she likes her well water, and she likes her cows and manure being thrown out. She wants what is best for all the neighbors. She pointed out that it was going to be a lot of serious money going into it for the soil revamp and the building revamp. She and the neighbors want answers because anything going on at that property would flow down past her house. There are also a lot of people that sit up there at night, all hours of the day and night, even though

the store has been vacant a long time. The Sheriff has been called many times, and by the time they get there, the people are gone.

Chair Donnelly pointed out that a lot of Ms. Holt's concerns do not fit into the purview of what the Board is considering tonight. However, he would like to give staff an opportunity to respond to the processes that are already in place to address some of those concerns she has raised that are outside the purview of what the Board is considering.

Aaron Calloway stated that if this case were to pass and the applicant submits some sort of development plan, Environmental Health is a part of their team that reviews the plans because they would need septic and well. So, any development plan submitted would not be finally approved unless all the boxes are checked with Environmental Health, which includes soil testing. He was made aware this evening that the gentleman who does the soil testing is out on vacation and would not be back for a couple of weeks. Oliver Bass added that he did speak with another worker at Environmental Health who stated that an inspector has noted that the tanks were recently pulled from the site, but he wasn't aware of any determination of contaminants on the site, but he did mention that if they did send letters to the neighbors, it was for the reason to test the soil in the surrounding area to see if they were impacted, or if there was a finding of contamination, in which case they would notify the adjacent property owners.

Mr. Craft stated that a well would have to be drilled on the property for a source of water. The applicant can confirm that the intent is to tear down the building and drill a new well. Mr. Craft pointed out that the only uses the property could be used for are a car wash and auto repair.

Bonnie McGuire lives at 6008 Oceola-Ossipee Road, which is adjacent to the subject property. There is only a small field between her property and the existing store. Her concern is the amount of traffic at that intersection. Just within the last six weeks, there have been crashes involving two fatalities. The traffic there is very bad without bringing in a business on the corner. Her biggest concern is what will happen to her property values because she is so close.

Reverend Drumwright asked Ms. McGuire, with there being no other mechanics servicing the community, whether she feels it would be an advantage for all the car owners in the area to have a convenient place to go. Ms. McGuire stated that two miles down the road is another mechanic, but she would definitely do business locally because it would be convenient for her.

Chair Donnelly pointed out that, as a part of this development, there will be a CZ – General Business parcel that will be adjacent to the rural area and asked if staff could share what kind of buffer would be expected to be put in place. Aaron Calloway stated that it would be a Type "A" buffer required with a width of 50 feet, abutting all residentially zoned properties.

Samuel Busick stated that he owns all the undeveloped land around the subject property. He has about 100 acres around the old store. He is really not speaking in opposition at all, but he would just like to know how this rezoning would affect property values. He doesn't

intend to do anything with his farm, but when he passes on, his sons may feel differently in the future.

Chair Donnelly responded that the Board is not in a position to answer tax questions. Leslie Bell stated that it is not an unusual question, but it's out of the purview of this Board in terms of a criteria to consider in terms of the land use and the appropriateness. He suggested that Mr. Busick contact the Tax Department to obtain more information on that concern.

Chair Donnelly asked if there was anyone else wishing to speak in opposition to this case. He then asked if the applicant wished to speak in rebuttal to the comments that have been made.

Steve Hines thanked everyone for coming out and voicing their concerns. He stated that regarding the traffic concerns, in comparison to this proposed use, if it were a gas station there would be significantly more traffic. As he is rather specialized in large repairs, there would not be a point where there are a lot of cars stacked up and a lot of people coming and going at the property.

Krystin Hines stated that they are equally concerned about the soil because they also have to put in a new well, as the one currently in place is too close to the building and the proposed new building, so a well would not work in the same place. They have not received anything specifically regarding any contamination or any spilling out beyond where the tanks were in place. Environmental Health will be doing further testing and will get back to them with their findings in a few weeks. Mr. Hines pointed out that he would be the only person there washing and/or detailing cars on the property and is not open for anyone to come and wash their cars. It is not a public car wash.

Mr. Gullick asked if the applicant needed to have a condition for a car wash, and wouldn't that be included in a mechanics garage? Aaron Calloway stated that because the applicant has specified that he does have an interest, specifically, in detailing as an ancillary use, it is one of those cases of better safe than sorry to cover their bases.

Reverend Drumwright stated that there has been some information about the quality of the soil and potential of it being contaminated. He wondered who would have initiated this issue, if not the County? Some people know about it, and some don't. Aaron Calloway stated that he is not specialized in environmental health enough to answer that question. Since the applicant has been working with the Environmental Health Department, they would be best suited to answer that question.

Steve Hines stated that the tanks have been vacant for years, and they have soil monitoring devices there. Krystin Hines stated that Huffman Oil stated that they come out and routinely check everything to make sure that they are okay. Huffman Oil initially told them that they could actually leave the tanks in the soil, and she didn't like that idea and is not comfortable with that. If they left them there, and in the future there are problems, then that would cause bigger problems. The soil underneath the tanks was tested after the tanks were removed.

Fire Marshal Bobby Carmon stated that from the Emergency Services standpoint, when a tank is removed, that goes hand-in-hand for the soil testing is done as part of the process.

Chair Donnelly asked if there was anything else before they close the public hearing. There being no response, he asked for a motion to close the public hearing.

Reverend Drumwright moved to close the public hearing, seconded by Ms. Buchanan. The Board voted unanimously (8-0) in favor of closing the public hearing (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

Board Discussion:

Ms. Buchanan stated that she is glad that the applicant chose to remove the tanks and a soil test was done after the tanks were removed. Regarding the concerns about the values of surrounding properties, she specializes in rural development and land values and sales. The oil contamination is the larger issue that would affect the land value than having a mechanic and repair shop on this property. If she were selling a house in that area, she would not consider that to be a negative fact.

Chair Donnelly stated that he went out and drove in the area around there, and as several people have commented, it is quite rural. If you look at the long-range plan, there are just pockets of light business or moderate commercial development across this area. He did not have any concern about the nature of this development, especially given the very restrictive uses that are being proposed. From a land use perspective, he is very comfortable with the recommendation being made by staff. In addition, that is not the only building that looked like it has seen better days as he drove around the community, so the opportunity to take this building and turn it into a producing asset struck him as a real benefit for the community in the long-term well-being of the community. He was comforted to find out that buffering will be required on the property, and this seems to be a reasonable request.

Reverend Drumwright stated that he is grateful for the community coming out on both sides of this issue. He enjoyed his drive out to the parcel, and he saw more wildlife than he has in a long time. As a member of the Occaneechi Tribe of the Sequoia Nation, he is familiar with Osceola, a Native American drink, and Ossipee, which is reference to a body of water. It is a sacred place in Guilford County and probably has some serious history.

Mr. Gullick moved that the Guilford County Planning Board approve the zoning map amendment located at Guilford County Tax Parcel #100966, from LB to CZ-GB. This approval also amends the Northeast Area Plan. The zoning map amendment and associated Northeast Area Plan amendment are based on the following changes and conditions of the Northeast Area Plan: 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 states, "Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities," and Policy 1.4.3, which states, "Reference adopted land use plans or recommended uses, densities, intensities, when applicable, in conjunction with the rezoning staff reports presented to the Planning Board." The change of land uses would be from Light Commercial to Moderate Commercial. The request to conditionally rezone the subject parcel from LB to CZ-GB is reasonable and in the public's best interest because of

the limitation of uses to help preserve the rural character of the area. Furthermore, the development condition limiting commercial activities to 8:00 PM will minimize disruptions to adjoining residential properties. The intersection of the two major thoroughfares will provide sufficient infrastructure and capacity for intended uses, seconded by Mr. Craft. The Board voted unanimously (8-0) in favor of the request to approve (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

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 (APPROVED)

Leslie Bell explained that 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 NCGS 160D 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 NCGS 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. Copies of the proposed changes were sent to Board members for their review.

Chair Donnelly opened the public hearing. There being no speakers, Chair Donnelly stated that by unanimous consent the public hearing was closed.

Mr. Craft moved that the Guilford County Planning Board finds that the text amendments, as proposed, are consistent with the adopted Plans, and that they are consistent with the Guilford County Comprehensive Plan Future Land Use Element Goal #1 and Policy 1.6.2 and are reasonable and in the public interest because they bring the UDO into better alignment with NC General Statute Chapter 160D, reduce potential confusion over procedural requirements, and bring greater consistency for applicants with similar development requests in other jurisdictions, and that the Board recommend their adoption to the Board of County Commissioners, seconded by Mr. Alston. The Board voted unanimously (8-0) in favor of the request to approve (Ayes: Donnelly, Gullick, Stalder, Drumwright, Alston, Buchanan, Craft, Little. Nays: None.)

Evidentiary Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

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

Both meetings will be in person and available via Zoom.

Leslie Bell stated that Brianna Christian will be leaving in the near future, and this will be her last meeting. He also announced that Oliver Bass has been promoted to Planning & Zoning Manager. Congratulations are in order.

Chair Donnelly and the Board members congratulated Mr. Bass on his new position.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:33 PM.

Next meeting will take place June 12, 2024