

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

July 10, 2024, 6:00 PM

Call to Order

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

I. Roll Call

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

James Donnelly, Chair; Guy Gullick, Vice-Chair; Jason Little; Ryan Alston; Sam Stalder; 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, Planning & Zoning Manager; Aaron Calloway, Planner I; Avery Tew, Planner 1; Robert Carmon, Fire Inspections Chief; and Matthew Mason, Chief Deputy County Attorney

II. Agenda Amendments

Leslie Bell stated that Items B & C are to be removed.

III. Approval of Minutes: June 12, 2024

Mr. Gullick stated that before the minutes are addressed, he would like to make a statement. Last month the Board voted on some text amendments that change the Use Tables for Mixed Use Development and some things came up this afternoon and he wished to say, as a Board, or for himself, there was some confusion last month and he felt a bit pressured and he felt rushed. From his standpoint, this Board is not going to be rushed or pressured by staff or anyone else to make any decision until they have all the facts. Everybody on the Board should be comfortable before a decision is made in the future.

Chair Donnelly pointed out that on a couple of pages there were repeated paragraphs and he thinks, given some of the conversations had at the last meeting, there was some confusion that can be cleared up as these minutes are finalized. On page 5, at the bottom of the page, it is repeated on the bottom of page 6, and so the 2nd paragraph should be deleted. In a similar fashion on the bottom of page 7, there are 2 paragraphs before and after the clarification from Attorney Leslie-Fite about the motion and that 2nd one is going to be deleted.

Mr. Alston moved to approve the minutes, as amended, seconded by Ms. Buchanan. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

IV. Rules and Procedures

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

V. Continuance Requests

None

VI. Old Business

Adopt Order Approving Special Use Permit Case #23-07-PLBD-00057

Pursuant to N.C.G.S. 160D-406(j), adopt Order Approving a Special Use Permit for a Major Utility (Electric Substations) under Case #23-07-PLBD-00057 for property at 1813 Youngs Mill Road, heard by the Planning Board on November 8, 2023. **(APPROVED)**

Chair Donnelly stated that in November, the Board had a hearing for a Special Use Permit, Case # 23-07-PLBD-00057.

Oliver Bass, Planning & Zoning Manager, stated that the Order pertains to a Special Use Permit case that was heard November 8, 2023. At that meeting, the Board voted to approve the Permit and outlined the Findings of Fact. What this Order does is adopt those as it was adopted on November 8, 2023 and the Order reflects that. This would be the document that each member that was present or reviewed the material and voted, would sign and the Order would be taken to the Register of Deeds to record it. He presented an edited version to each Board member for their review. There were some revisions, but no substantive revisions to the Findings of Fact that was voted on by the Board, but it does include some technical corrections to the background information and some formatting was changed. It was also edited to reflect a potential vote of the Board tonight, with the hope that they will get everyone's signature so it can be recorded at the Register of Deeds.

Chair Donnelly stated that this is something new. In the past, the Board has not all taken action on an Order, it's been something that's been done at the signature of the Chair and he wanted to invite Attorney Mason to share the rationale behind this procedural change.

Counsel Mason stated that its different for 2 reasons; one, this Order in contrast to most of the Orders that this Board enters is a quasi-judicial Order; secondly, as a result of Chapter 160 (d)'s enactment, when you're dealing with a quasi-judicial Order, the statute now requires that the Order, itself, being reduced to writing, but also that it be approved by the Board and then signed by the Chair or other duly authorized member of the Board. In order for the Board to approve the Order, the only way the Board, itself, can act is to take a vote pursuant to motion properly made and seconded, and so forth. That's the reason it is coming before the Board tonight. Procedurally, the members of this Board who were not present at the meeting the night that this matter was heard.—Little and Drumwright—can vote on the approval of this Order tonight as long as they have reviewed the minutes and the exhibits that were presented during the hearing. He understands that staff had sent those to Mr. Little, knowing that he was going to be here tonight, but did not send them to Reverend Drumwright because they were not certain that he would be at the meeting tonight. Two things need to be done, get Mr. Little to state for the record that he has, in fact, reviewed those minutes and exhibits. Mr. Little affirmed that he had received and reviewed the minutes and exhibits related to the case and is prepared to vote on them.

Counsel Mason stated that since Reverend Drumwright did not have the opportunity to review the document, it would not be appropriate for him to vote on this case. In order to be properly excused, Reverend Drumwright needs to be officially excused by a motion and a second and a vote to excuse him.

Chair Donnelly stated that the purpose of the Board review is strictly a technical review to see if there is anything that shows up in the Order that is not consistent with the action taken in November.

Reverend Drumwright requested that future meeting materials be sent to all Board members, including those who will be absent.

Mr. Craft moved to recuse Reverend Drumwright from voting on this particular case because of his absence and inability to review all the appropriate materials, seconded by Mr. Alston. The Board voted 7-0-1 in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Craft, Little, Gullick, Stalder. Nays: None. Excused: Drumwright.)

Chair Donnelly asked for a motion to approve this Order as reflective of the evidence and conversations from the Board action in November of 2023. Counsel Mason stated that on the signature lines for the Order, with respect to Reverend Drumwright,

it says, "Absent/Not Voting", he is not absent tonight, so the "absent" should be stricken.

Mr. Gullick moved to approve the Order as prepared and amended for recordation, seconded by Mr. Stalder. The Board voted 7-0-1 in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Craft, Little, Gullick, Stalder. Nays: None. Excused: Drumwright.)

Legislative Hearing Item(s)

None

VII. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

A. CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE: 5618 LIBERTY ROAD AND 5805 METHODIST ROAD (APPROVED)

Avery Tew stated that the subject properties are located at 5618 Liberty Road and 5805 Methodist Road (Guilford County Tax Parcels #122310 and #122325 in Clay Township) immediately south of the Liberty Road–Methodist Road intersection. The two subject parcels comprise approximately 61.54 acres in total. This is a request to conditionally rezone the subject properties from AG, Agricultural and RS-40, Residential to CZ-MXU, Conditional Zoning-Mixed Use, with the following conditions: Use Conditions – (1) The following uses shall NOT be permitted: (a) Animal Services (Other); (b) Temporary Family Healthcare Structures; (c) Boarding House, 3-8 residents; (d) Rooming House, 9 or more residents; (e) Congregate Care Facility; (f) Group Care Facility; (g) Single Room Occupancy Residence; (h) Nursing and Convalescent Home; (i) Homeless Shelter; (j) Athletic Fields; (k) Club or Lodge; (l) Country Club with Golf Course; (m) Place of Worship; (n) Vocational, Business or Secretarial School; (o) Daycare Centers in Residence (In-Home) (12 or Less); (p) Community or Social Service Agencies; (q) Fraternity or Sorority (University or College Related); (r) Hospital; (s) Bed and Breakfast Home for 8 or Less Guest Rooms; (t) Cemetery or Mausoleum; (u) Funeral Home or Crematorium; (v) Beneficial Fill Area; (w) Courier Service Substation; (x) Heliport; (y) Communication or Broadcasting Facility; (z) Wireless Communication Tower – Non-Stealth Design; (aa) Radio or TV Station; (bb) Utility Company Office; (cc) Construction or Demolition Debris Landfill, Minor; (dd) Land Clearing & Inert Debris Landfill, Minor.

Development Conditions – (1) A minimum of 40% of the total developable land area (i.e., excluding required setbacks, buffers, open space, etc., and outside of any regulated floodplain or wetlands) shall be of a residential use.

The proposed rezoning is conditionally consistent with the recommendation of Mixed Use and generally consistent with the recommendation of Moderate Commercial Node within the Alamance Creek Area Plan, and is consistent with the following goals and objectives of the Liberty Road / Woody Mill Road Vicinity Small Area Plan:

- Goal C: The Liberty Road / Woody Mill Road Vicinity will develop with an integrated mix of uses, including commercial (retail and services), office/employment, institutional, and residential.
- Objective C.2: Encourage new residential units at appropriate locations and densities.
- Objective D.1: Spur redevelopment of vacant and underutilized sites.

Therefore, if the requested rezoning is approved, no amendment to the Alamance Creek Area Plan or the Liberty Road / Woody Mill Vicinity Small Area Plan will be required.

Chair Donnelly asked whether the school impact calculations provided by Guilford County Schools for single-family units and multifamily units represented two separate scenarios or a single scenario including both housing types. Mr. Tew responded that the calculations addressed two different scenarios, one including solely single-family units and one including solely multifamily units.

Chair Donnelly asked if there was anyone who wished to speak to this matter.

Amanda Hodierne, 804 Green Valley Road, Suite 200, attorney representing the applicants, Mr. Halas and Mr. Davis and on behalf of Old East Properties, Mark Eisanbeis is the principal behind that group and is working on this project. The Staff Report was very thorough in explaining the request. Slides were shown for the Board members' review. 61.54 acres comprises the subject property and this represents what is known as Phase I of the entire assemblage and ultimate full scope of the project. It is currently zoned AG and RS-40, and they are requesting a conditional Mixed Use district. The proposed conditions include a very intentional list of permitted uses. The Liberty Road / Woody Mill Road Vicinity overlay district will apply as it currently exists in the Unified Development Ordinance and they are not asking to change that. The existing Scenic Corridor Overlay will also remain. The Mixed Use zoning district allows a range of uses, but it does not require that you actually use more than one of them. They intend to mix these uses up, and their conditions are an attempt to do that. This project is premised on the Liberty Road / Woody Mill Road Vicinity Small Area Plan. In regard to Phase I, as shown on the map provided, Phase I is more to the south and Phase II is in the northern area. The remainder of

the property, as Phase II comprises the additional 32 acres that make up the full scope of the project at about 94 acres. The reason they have divided this up is varied. It is logistically better on their part, because they do not have contractual obligations anymore with an underlying seller on the Phase II properties. For the Phase I properties, they need to get those zoned before they can close. It works out nicely because Phase I is also what would naturally come first in the sequence of events as they move through this property because it is where most of the residential is going to be focused. In a Mixed Use community, you really need to get a catalyst and a critical mass to make the commercial/nonresidential components work. That is why they would like to go ahead and get this underway and be able to close on it and focus on the residential parts of this zoning case.

Secondly, Ms. Hodierne reminded the Board about the proposed changes to the Mixed Use district, one of which is to allow the Retail (General) use. Retail was always intended to be allowed in the Mixed Use district, but it just didn't happen. The text amendment is meant to fix that. However, today, retail is not allowed in Mixed Use. Phase I is where they want to put the retail. Just in case the changes to the Mixed Use district don't pan out, they don't want to rezone the whole assemblage to Mixed Use, because they do have a commitment to include some retail.

In the project history, Ms. Hodierne stated that Old East Properties initially filed the full scope of this request back in November of 2022, and they asked for Conditional Zoning-Light Industrial as the use. That was largely driven by the ability to get utilities here. It's in the City of Greensboro's Growth Tier III and outside the 3-mile radius so, statutorily, they are not allowed to ask for annexation. The City, by policy does not give utilities if you are not annexed, unless you can get there by either an economic development or some other exception, or by one of the other means that was alluded to in the Staff Report. In talking with the City, LI was how they were guided that they would be able to do that.. They did not come before the Board in November/December 2022, because there were policy questions that still needed to be addressed.

About the same time, the City had also commissioned a Corridor Study Plan for 421 that was to identify economic development sites because of the Megasite, so they decided to wait on that. That study took a long time and the County gave the opportunity for a few continuances, but that case was ultimately withdrawn. The Corridor Study did come out and it identified this site as an employment center which included residential uses and all the retail and supportive services that are in keeping with the Small Area Plan guidance. They were able to revamp the project to a Mixed Use plan that is in keeping with the Small Area Plan but which also allows them to get utilities through the City.

When they look at all the guiding documents, they rely heavily on what the jurisdiction is telling them that they want, what the community is expecting and they look at the Comprehensive Plan for guidance. They started at the top at the most broad and got more and more narrow until eventually they got to a result that told

them what zoning district they should be asking for. Ms. Hodierne explained the details involved in the map shown to the members concerning uses and housing types that are proposed for the site. The focus is on concentrating on a mix of uses that serve the wider area in a concentrated fashion, so as to eliminate sprawl and ad-hoc development. She then explained the proposed road usage map and stated that there are mandates to be followed. They want attractive buildings, high standards, all the uses mixed together, transportation improvements to serve it well.

Mr. Gullick stated that he thought the neighborhood meeting was well-attended. Some of the people at the meeting perceived that the entire area would be rezoned as Mixed-Use right now, but he realizes it will only be the 61+ acres. They would like some assurance that the applicant won't be coming back in 3 years wanting to do Light Industrial. Ms. Hodierne stated that there is no more Light Industrial on the table. They want the full scope of the Mixed-Use and reason for the phasing was as she previously outlined.

Mark Eisanbeis, 509 West North Street, Raleigh, NC. stated that the parcels that Old East has already closed on and they are just sitting on that until they can get some rooftops build and can provide enough incentive for the kinds of retailers that they want to come in to be able to start construction there.

Mr. Gullick asked Mr. Bell to explain the Overlay District for this area. Everyone wanted to make sure that this was going to be considered with conditions, even though it is not listed as conditional. Mr. Bell pointed out that it is not a condition, it is a requirement per the Ordinance.

Mr. Gullick asked about the setback, as there were some private clubs that can be in there or a micro-brewery and what would be the setback requirements for something like that in regard to residential.

Mark Eisanbeis stated that part of the reason for the delineation of the commercial versus the residential is that there is a stream running through the property, with some significant buffers already built in. That is already going to be incorporated into the design of the commercial. Mr. Little asked to be shown the location of the stream on the property. Mr. Eisanbeis stated that it runs through the round-about and the line that separates the red section from the green and the green sliver between the round-about and the brownish residential section is where the stream comes into the property. It helps feed the ponds on the property.

In response to a question posed by Mr. Stalder, Ms. Hodierne stated that a letter was mailed out to everyone on the list that the County uses. There were only 21 people on that mailing list, so they have been working closely with the Southeast Community Foundation and they provided information for others to receive the informational letter. They also obtained about 60 emails from people who were interested in receiving information and Ms. Hodierne sent the presentation to them.

In response to other questions, Mr. Eisanbeis replied that the community realized that they want to provide some additional services, resources and amenities that the broader region can take advantage of, not just this small development.

Chair Donnelly stated that looking at the Development and the combination on the map shown, one of the things he noted is that the Development Conditions speaks about a minimum of 40% residential. In terms of the conceptual plan, and the way that things are phased, it looks like this property that is currently being rezoned will be greater than that, perhaps significantly greater and he was curious if you they would entertain raising that number, perhaps to 60% or 75% is going to be residential to reflect this phased use and recognizing, as described, that the retail and other things are going to be in that other property. In looking at the original Small Area Plan map, that also would be more consistent with that, in terms of the limiting the Mixed-Use on that property.

Mr. Eisanbeis asked if the Board would accept 70%. Chair Donnelly stated that they would accept that.

Ms. Hodierne stated that she would go ahead and enter that into the record, they are going to revise their condition to say a minimum of 70% of the developable area will be residential.

Chair Donnelly asked staff if that should be done now or wait. Leslie Bell responded that they could do that now or wait to see if there are other conditions to add. Either way, staff will add those in writing and have them signed and revise the application so that it reflects and shows the changes made at this meeting.

Chair Donnelly asked if there were any other questions from the Board members, There being none, he asked if there was anyone else to speak either in favor or in opposition to the request.

Opposed

Carla Strickland, 4000 Bradenton Drive, Greensboro, NC. She had a prepared statement and after listening to what they're considering, her original statement was going to be asking for a continuance, until we could get some questions answered, but she doesn't think she is going to do that tonight.

She stated that she serves as the President of the Southeast Guilford Community Foundation, an 11 member Board which supports education through grants to the 6 schools in the southeast area. In addition, the organization represents the Southeast area of Guilford County in discussions concerning the Liberty Road/US 421 Corridor with long-range planning and zoning restrictions. They are responsible for the Small Area Plan and the Overlay. Throughout the presentation two weeks ago, the members of the organization were led to believe the rezoning request would be a total of 94.86 acres

Mr. Gullick addressed that, and this is not the case. The 2 parcels that they requested to be rezoned are not even owned at this time by the Old East Properties, but the sale may be contingent upon a favorable rezoning tonight. The property that is owned by Old East Properties is parcel #122311 and consists of 25.87 acres. The original intent for this property, as Amanda stated they were at a community meeting that was held before, was for industrial purposes. She wondered what their guarantee is, probably not a good word to use, as this will not take place after the other parcels have been conditionally rezoned to Mixed Use. They would not want to see residential with industrial zoning in the middle of that. She previously stated that the Woody Mill Area Overlay Plan was not included in the original request, she was told it was not necessary, but will always be the deciding factor for any development and Mr. Bell addressed that also. Southeast Guilford Community Foundation is requesting that this be stressed and noted for the record, which has been done. She was going to ask for a continuance to get some of the questions answered, especially the allowed uses in that particular area, because they are very concerned about what that might be. At this point, she will not ask for a continuance or be objecting to it.

Mr. Gullick stated that Ms. Strickland's Foundation was way ahead of their time and they should be commended. He thinks that is a great plan. Ms. Strickland responded that she believes Mr. Bell is in the planning stages for them to revamp the Liberty Road / Woody Mill Road Vicinity Small Area Plan.

Chair Donnelly asked if there were any other questions from the Board members. No one wished to ask questions and Chair Donnelly stated that he had a question. He asked if her statement reflects her presentation or is the statement on behalf of the whole Southeast Guilford Community Foundation. Ms. Strickland responded that it was the whole Board.

Andrea AlAdwani, 3600 Fieldgate Road, Greensboro, NC, is in the vicinity of this development, so her family would be using this space, they would be shopping there, and they would be eating there, so they do expect development to happen in this area. She would like to see a few extra details added in regards to density, and where they put the density of housing. They would prefer, strongly, to not have high density housing near the schools. Greensboro has had problems with drug related crimes when there is high density housing within close proximity to the schools. So, they want a little bit of a buffer there. They also want to be careful with the traffic allocations because there are new drivers going in and out of the Southeast High School near this development and they want to make sure the traffic planning around these areas is extra careful. She also would like to request that a large percentage of this space be reserved for low-density housing. Her family is in real estate, her colleagues are in real estate, and here in the local markets, they are seeing an increase in demand for homes that are purchased and homes that are rented, that have 4 and even 5 bedrooms. There is an increased number of clientele, local residents, who are asking for extra space because they have small businesses at home, they use to supplement their main income. There are people who are

continuing remote work from home and they don't want to do that work from their bedrooms, they want an office space in the home. There are more and more people who are developing their own businesses and they want to conserve their overhead costs, so they are leaving rented or purchased office space and moving their offices into their homes. They are also seeing more and more multi-generational families apply for buying and renting homes. It is getting harder for people to qualify for loans and leases with 1 or 2 incomes, sometimes they need 3 incomes on that lease in order to secure housing. Grocery prices have increased dramatically and she would like for this plan to reflect all of the laws and ordinances in this region, but also the changing dynamics of real estate in the community and the changing needs of the community. She is requesting that the written plan that comes from this includes a percentage of low-density housing for the community to stay self-sustaining.

Chair Donnelly said that initially when Ms. AlAdwani described low-density housing, he tends to think of that as space between houses and housing units, and as he listened to her, it sounded like what she wants is enough square footage in a unit for it to be used in multiple capacities, He just wanted to clarify what her request is. Ms. AlAdwani stated that it was both. Because there are people who need to have storage for their businesses in the back yard. For example, it is hard for a painter to keep his 20'-30' ladders in a tri-plex.

Mr. Craft asked if Ms. AlAdwani attended the community meeting. Ms. AlAdwani responded that she was sick that day and did not attend.

Chair Donnelly thanked the speakers for coming out to voice their concerns. He asked if there were other speakers in opposition.

Joshua Cook, 4804 Deer Pointe Court, Greensboro, NC, stated that he wasn't necessarily opposed to the development but he had some concerns. He felt inclined to speak regarding one key tenet of the Small Area Plan that was written, and that is to preserve the area's rural character while accommodating growth. When Mr. Eisanbeis quickly agreed to commit to a 70% residential level of development, his initial thought was it is going to be difficult with the height restrictions in the Small Area Plan. He just felt inclined to speak on that for the community and for the Southeast Guilford Foundation. He is interested to see how the Plan can accommodate 70% with the height restrictions while also preserving the area's rural character.

Rebuttal

Ms. Hoderne stated that she wanted to address the concerns raised about densities in appropriate places and types of housing, what has been shown is a representation of how they want to work with the circumstances of the property to do a good job of sorting out the location of the densities. There will be single-family detached or duplexes, close up to the top of the property abutting Liberty Road and then to the interior of the site which abuts the interstate, that area would call for any multi-family or townhome, i.e., higher density.

Mr. Eisanbeis stated that they do want to be sensitive to the County's desire to have integrated housing, so they don't want just a pod of townhomes in one corner and then a completely separate pod of duplexes and then another completely separate area for single-family homes. There will be some of that because of the topography and other site characteristics involved, but they do want to integrate it as much as possible. Ms. Hodierne pointed out that there are natural places where certain things should go. They do want to offer different types of residential uses so that there would not be exclusion of some homebuyers.

Chair Donnelly stated that they are working on conceptual plans tonight because there is no site plan available at this time, given that, there are opportunities to put things in place and is there anything that the applicant can offer that might capture that sense of density in a way that would provide both the flexibility needed to make the development work, and also to give the community assurance that the ultimate density will be in that direction?

Ms. Hodierne responded that they are open to that and there is a lot of rock on the site so they will have to work closely with the architect/engineer to come up with a plan for the property that will meet all the requirements. Mr. Eisanbeis stated that he is concerned that if they commit to something now, they may not be meeting the criteria of the kind of integration that the County would like to see. He does not want to offer something that may be in conflict with what the TRC is looking for.

Leslie Bell added that there is a project off Mackay Road, Jordan's Creek, that is a good example of the proposed type of uses. They are all designed very similarly to the proposed plans by the applicant. He does not want to give the impression that is what the applicant is going to do, but that is an ideal concept.

Chair Donnelly asked for any other speakers and no one came forward. Chair Donnelly then asked for a motion to close the Public Hearing.

Mr. Craft moved to close the Public Hearing, seconded by Mr. Stalder. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

Discussion

Mr. Craft stated that his general impression of the concept plan, even though the Board is only considering the two (2) southern parcels, seems to make good sense for this area and with the overlay and Liberty Road Plan that will provide some assurance that this would be an appropriate project for this area.

Reverend Drumwright asked if the 70% commitment would be checked on. Mr. Bass responded that it is part of the development process and they would have to incorporate all the conditions as part of the site plan and would have to provide

tracking on the site plan to allow staff to evaluate whether or not they are complying with the conditions.

Chair Donnelly stated that if the site plan does not meet the threshold, the site plan would be rejected and would have to be revised to come back to meet the threshold.

Chair Donnelly stated that he is comfortable with the conceptual plan. Industrial becomes a lot less likely as a future use because of the fact that it would have to be another rezoning because it would abut a Mixed Use area and there would be different setbacks in place and it just doesn't seem to make sense anymore to consider industrial for this particular area.

Mr. Gullick stated that Ms. Strickland's group has made this so much easier for the Board because of the protections they put in place in the zoning overlay. Ms. Strickland stated that the overlay, in terms of high-rise apartments, those are prohibited because it could be 50' or three (3) stories and they do not want that in this area.

Chair Donnelly asked for a motion to accept the additional development condition as part of this application.

Mr. Craft moved to amend the application to reflect that the minimum of total developable land area for residential from 40% to 70%, seconded by Mr. Alston. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

Chair Donnelly asked if any of the Board members would like to make a motion to approve the application.

Mr. Craft moved that in the matter of Conditional Rezoning Case#24-06-PLBD-00085, AG, Agricultural and RS-40, Residential to CZ-MXU, Conditional Zoning–Mixed Use, 5618 Liberty Road and 5805 Methodist Road, to approve this rezoning map amendment located on Guilford County Tax Parcels #122310 and #122325 because the amendment is consistent with the applicable plans. The subject properties are located within the Alamance Creek Area Plan and the Liberty Road / Woody Mill Road Vicinity Small Area Plan and the proposed rezoning is conditionally consistent with the recommendation of Mixed Use and is generally consistent with the recommendation of moderate commercial node within the Alamance Creek Area Plan and is consistent with the following goals and objectives of the Liberty Road/Woody Mill Road Vicinity Small Area Plan:

Goal C: The Liberty Road/Woody Mill Road Vicinity will develop with an integrated mix of uses including commercial (retail and services), office/employment, institutional, and residential.

Objective C.2: Encourage new residential units at appropriate locations and densities

Objective D.1: Spur redevelopment of vacant and underutilized sites.

The Amendment is reasonable and in the public interest, because allowing a wider range of permitted uses in this area will benefit the surrounding community by providing greater access to goods and services, retail and office uses permitted within the proposed CZ-MXU zoning district. Also supports the development of an area as a commercial node as identified in the Alamance Creek Area Plan and its proximity to the key intersection of Liberty Road and Woody Mill Road to provide adequate infrastructure for such development. Additionally, the proposed conditions eliminate the uses the could potentially conflict with nearby residential uses and further benefit the surrounding community by guaranteeing that a significant portion of the property will be set aside to provide housing. The motion was seconded by Mr. Stalder. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

Chair Donnelly stated that he appreciates the work that the parties have done to work together to look at this property and he hopes they will continue to do that. This is an important gateway into the community and he thinks this is an opportunity to create a real character that builds on what they have as a community.

B. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-05-PLBD-00078 TO AMEND CHAPTER 15, ARTICLE 3 (PERMITS AND PROCEDURES), SUBSECTION 3.5 (B) PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, SUBSECTION 3.5 (M) REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT, AND SUBSECTION 3.5 (Q) SPECIAL USE PERMIT. THE REQUEST IS TO RENAME SUBSECTION 3.5 (B) FROM ADMINISTRATIVE ADJUSTMENT TO ADMINISTRATIVE MINOR MODIFICATION AND TO MAKE VARIOUS CHANGES TO THE LANGUAGE TO ADD SPECIFICITY AND REMOVE DISCRETIONARY DECISIONS TO BE COMPLIANT WITH N.C.G.S. 160D-703(b), ZONING DISTRICTS (REMOVED – TO BE HEARD AT A LATER DATE)

Rename Unified Development Ordinance (UDO), Article 3 (referenced as Subsection 3 in the Code of Ordinances), Subsection 3.5 (B), PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, to ADMINISTRATIVE MINOR MODIFICATION to better reflect the language of N.C.G.S. 160D-703(b), Zoning Districts. Additionally, this revision reflects language in NCGS 160D-703(b) by listing Administrative Minor Modifications and associated requirements/criteria for specific development types. Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a strikethrough.

C. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-09-PLBD-00064: AN AMENDMENT TO ARTICLE 2 (ADMINISTRATION),

ARTICLE 3 (PERMITS AND PROCEDURES), AND ARTICLE 8 (SUBDIVISIONS AND INFRASTRUCTURE STANDARDS) OF THE UDO TO ADJUST ASSIGNED ADMINISTRATIVE DUTIES AND PROCEDURES FOR DEVELOPMENT REVIEW CONSISTENT WITH NC GENERAL STATUTES 160D FOR LEGISLATIVE, QUASIJUDICIAL, AND ADMINISTRATIVE DECISIONS (REMOVED – TO BE HEARD AT A LATER DATE)

Staff prepared text amendments to the Guilford County Unified Development Ordinance (UDO) to Article 2, Article 3, and Article 8 (Referenced as Subsection 2, Subsection 3, and Subsection 8, respectively, in the County Code of Ordinances) that adjusts the administrative duties of the Planning Board and Technical Review Committee (TRC) in accordance with current practice and NCGS 160D. These revisions maintain and support the multi-disciplinary TRC review process supporting thoroughness of development reviews while improving efficiency and adding clarity in the development review process. Additionally, the amendment includes correction(s) to terminology (e.g., changing public hearing to legislative hearing) for consistency with NCGS 160D. Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a strikethrough.

D. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE # 24-06- PLBD-00087: AN AMENDMENT TO ARTICLE 12 (DEFINITION) OF THE UDO TO ESTABLISH A DEFINITION OF “PRIVATE CLUB” TO PROVIDE GUIDANCE AND CLARITY IN APPLYING USE AND DEVELOPMENT STANDARDS FOR ADMINISTERING DEVELOPMENT REVIEW

Leslie Bell stated that last month they were talking about the public parks, recreation and entertainment, one of the proposals that was made and eventually revised by the Planning Board was the idea of Private Club. The Unified Development Ordinance does not define a Private Club. Staff presented three (3) trade definitions. One was from the North American Industrial Classification System and one derived from the ABC Commission from the State of North Carolina, and the other was from the American Planning Association from what is called the “Planner’s Dictionary” from 2004. Based on the discussion, that was the definition that the Board selected. The Private Club is defined as “Buildings and facilities owned or operated by a corporation, association, person or persons for social, education, or recreational purpose, but not primarily for profit, which inures it to any individual and not primarily to render a service, which is customarily done as a business.” That is the definition that is before the Board again.

Mr. Craft asked if this would be like an American Legion Post. Leslie Bell responded that it could be that because it’s not for profit.

Chair Donnelly asked that they consider, as they have been looking at this, one of the things that a few of the members recognized is that they have Private Club show up in the Ordinance in a number of different places and the discussion relative to this definition was primarily for the private club under the Recreation category. He

proposed for the Board's consideration that they add to this definition, "Private Club, Recreation", so they clarify what it was that they were specifically having this discussion. Mr. Bell responded that in the motion, include amending the Permitted Uses Table to reflect any adjustment in terminology. He continued by saying, there are Use types and they have Use categories, so this was discussion within the context of recreation and entertainment and he is just clarifying that if they have a Private Club, Recreation here, that when they look at the Permitted Uses Table, whatever adjustment needs to be made, to make sure that Use Type is what this definition is referring to.

Chair Donnelly stated that this is a Public Hearing matter so he would open the Public Hearing for anyone wishing to speak. Hearing none, he asked for a motion to close the Public Hearing.

Chair Donnelly moved to approve closing the Public Hearing, seconded by Ms. Buchanan. Gullick. The Board voted by acclamation (8-0) in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

Chair Donnelly asked for a motion that the Board accept this text amendment as offered and amended to both reflect the recreation use and the connection---

Mr. Craft asked if this is a new definition or a revised? Mr. Bell stated that it is a new definition as the UDO did not define Private Club, so that was split out as being not for profit. Mr. Bell clarified that this definition applies to nonprofit operations and is not used customarily as a business.

Chair Donnelly stated that he was the one who asked for clarification of this definition because, as they considered this particular text amendment, he was concerned that without defining Private Club, they were, perhaps, inviting something into the Public/Institutional district that would not be consistent with what they would like to see, to try to limit what might be available there.

Chair Donnelly moved approval of the text amendment as presented by staff and amended during the meeting to include reference to Recreation and the appropriate adjustments to the Use Table to connect that definition, as necessary, as this amendment is reasonable and in the public interest because it is consistent with the Future Land Use Plan element Goal #1, Objective 1.4, which states that Guilford County will seek coordination and compatibility of land use plans among Guilford County, its incorporated cities and towns, and neighboring jurisdictions, seconded by Mr. Gullick. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Buchanan, Alston, Drumwright, Craft, Little, Gullick, Stalder. Nays: None.)

Evidentiary Hearing Item(s)

None

VIII. Other Business

Leslie Bell stated that House Bill 909 passed the de-annexation of approximately 1,000 acres in the town of Summerfield. As per the UDO, Guilford County has 60 days to initiate the zoning of the property. As it currently stands, there is no zoning designation for the property. There have been discussions with the developer's representative and Counsel of Record. Staff is proposing, based on the cases that they have tentatively scheduled for August at the Regular Meeting, to hold a separate Special Meeting for the sole purpose of the Summerfield de-annexation zoning of the property. Tentatively, what the developer's counsel has indicated is that Wednesday, August 21st, works for them. Staff is asking about the pleasure of the Board and the Board members' availability. As of now, this case will be heard in the Commissioner's Chambers, so it will be in downtown Greensboro. He asked if this date and time of 6:00 p.m. would work for the Board members.

Chair Donnelly stated that date and time would work for most of the members.

Leslie Bell stated that the Board members would receive information on that. Staff is working through the zoning, which is similar to some of the zoning districts in Guilford County. There are some things they want to check to minimize the instances of non-conformities, if at all possible.

Chair Donnelly asked if this continues to play out as it has to this point on that particular issue, he wouldn't be surprised if some members of the Planning Board are contacted by members of the media with regard to this as it goes on the agenda. Is there any recommended information to share or do they simply share that they acknowledge that this is on the agenda for that particular meeting.

Leslie Bell stated that the County Attorney's Office did ask for that messaging from the developer and he has not received that yet. Counsel Mason stated that he also has not received anything. When he does get it he will send it to the Board members so there is a consistent message. In the meantime, members can refer anyone to him or to the County Attorney's Office.

Comprehensive Plan Update

Leslie Bell stated that regarding the Comprehensive Plan, it went out for public comments yesterday (July 9, 2024) and the members should have gotten an email about that. It is available online so members can review it. There is a designated web page, as well, and a survey to solicit public comment, so he asked all the Board members to do that. Today, staff nailed down either the 29th or 30th of July, there will be either/or or and, a virtual meeting on one of those days and potentially an in-person meeting. They are committed to having a virtual meeting and an in-person meeting, it's just a matter of whether or not one will be on the 29th and one will be on the 30th of July, or both will be on the 29th or both will be on the 30th of July. This is a 30-day public comment period and they intend to, following that, is receive all the

comments and have a presentation to the Board of Commissioners at a Work Session, at which time they will solicit any comments that they may have and staff will inform them of what the public comments were and how those will be addressed. At that point, then it will come to the Planning Board for a recommendation subsequent to that presentation and then it will go to the County Commissioners for final adoption consideration.

Chair Donnelly stated that both he and Mr. Gullick have been involved in this process to this point and Board members are welcome to reach out to either of them if there are any questions. He really appreciates the work that the staff and the whole steering committee and the consultants have done to try to put together a document that is useable. It will look very different from the last Comprehensive Plan, more graphics, and will have much more of an online availability and adaptability for the Board as they review cases.

Leslie Bell stated that money has been secured in the Budget to update the Liberty Road/Woody Mill Road Vicinity Small Area Plan and they have started working on that process to get that in place and underway. There is a recommendation in the Comp Plan to update that Plan.

IX. Adjourn

Chair Donnelly moved by acclamation that the meeting is adjourned.

There being no further business before the Board, the meeting adjourned at 8:14 p.m.

The next regular meeting will take place August 14, 2024