

**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

Special Meeting Minutes

Board of Commissioners Chambers
Old Guilford County Courthouse
301 W. Market Street, Greensboro NC 27401

August 21, 2024

6:00 PM

Call to Order

Chair Donnelly called the August 21, 2024, meeting to order and asked for a roll call of members present.

I. Roll Call

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

James Donnelly: Chair; Cara Buchanan; Dr. Nho Bui; Rev. Gregory Drumwright; Jason Little; and Sam Stalder

The following members were absent from this meeting:

Guy Gullick: Vice Chair; Ryan Alston; and David Craft

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Planning & Zoning Manager; Justin Snyder, Senior Planner; Aaron Calloway, Planner I; Avery Tew, Planner I; Tim McNeil, Fire Plans Examiner; Andrea Leslie-Fite, County Attorney; and Matthew Mason, Chief Deputy County Attorney

II. Agenda Amendments

Mr. Bell stated there were no amendments to be considered.

III. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules of Procedure followed by the Guilford County Planning Board. The chair reminded the audience that the meeting was being recorded and shown online.

At the conclusion of reviewing the Rules of Procedure, Chair Donnelly invited the county attorney to share how the case tonight was different than some other cases they might typically hear.

Atty. Mason stated that this case appearing before the Board is unusual in that you don't often see unzoned or de-annexed parcels coming before the Board. The General Assembly de-annexed the parcels that are before the Planning Board tonight from the Town of Summerville, effective June 30, 2024. When that happened, the Town's zoning and development ordinance stays in effect for a maximum of 60 days from that point of de-annexation. After that, these parcels become unzoned. Anticipating this type of scenario, or the possibility that there might be, for one reason or another, unzoned parcels in the County, the County's ordinances specify that if a property becomes de-annexed or for some other reason is unzoned, the County is required to initiate zoning for those parcels. What you see before you tonight is not the request of the property owner like you normally have. It's actually the County's own petition that it has initiated in an effort to comply with that law.

IV. Continuance Requests

Mr. Bell stated there were no continuance requests.

V. New Business

Legislative Hearing Item(s)

A. REZONING CASE #24-07-PLBD-00088: Summerfield De-Annexation Original Zoning (APPROVED AG & RS ZONING, GB ZONING CONTINUED)

Aaron Calloway, Planner I, presented the staff report for this case before the Planning Board. This is a County-initiated rezoning due to de-annexation from the Town of Summerfield under Session Law 2024-20, House Bill 909, effective June 30, 2024. The parcels affected by the de-annexation are Guilford County Tax Parcel #149612, 218953, 146198, 146128, 146205, 146160, 219823, 228628, 146200, 146052, 146207, 146127, 146119, 146149, 146126, 146327, 146325, 146324, 146321, 145496, 145413, 145583, 145568, 150103, 149659, 217566, 149658, 150130, 149642, 149643, 149688, 146919, 146880, 149645, 149651, 149653, 149662, 146952, 146311, 146129, and 146323. The parcels are located within Summerfield Township and comprise approximately 971.87 acres. The parcels are generally located between US I-73 and US 220, centered on Pleasant Ridge Road, Oak Ridge Road, and Brookbank Road.

The subject parcels were zoned AG, Agricultural; RS, Residential; OSR, Open Space Residential; OI, Office/Institutional; and BN, Business, by the Town of Summerfield. The parcels will become unzoned, per NCGS 160D-202(h) and UDO Sec 1.4.B, after 60 days from the effective date of de-

annexation if the County fails to assign an original zoning. This request proposes original zonings of:

- RS-3, Residential for parcel 146325;
- RS-20, Residential for parcels 146880, 146919, 146323 and 146327;
- RS-30, Residential for parcels 150103, 218953, 146321, 146129, and a portion of parcel 149612 as shown on the proposed Guilford County zoning map;
- RS-40, Residential for parcels 145413, 145496, 145568, 145583, 146205, 146207, and 146952;
- GB, General Business for parcels 149642, 149643, 149645, 149651, 149653, 149688, 149658, 150130, 217566, 149659, and 149662; and
- AG, Agricultural for all other de-annexed parcels, including the remaining portion of parcel 149612.

The property owners may initiate a zoning map amendment (rezoning) at any time after the County establishes the original zoning. The properties are not currently subject to any of Guilford County's area plans. If the request is approved, a land use plan amendment to the Northwest Area Plan will be required to extend the AG Rural Residential (AGRR), Single Family Residential, and Moderate Commercial (MC) land use classifications to the subject parcels. The consistency designation of the Residential Single Family land use classification would need to be updated to recognize the RS-20 and RS-3 zoning districts as generally consistent or conditionally consistent.

Aaron Calloway, Planner I, presented the case. He began by displaying a slide with an excerpt from that legislation, which was the mechanism for the de-annexation, listing the 41 parcels by the parcel numbers and showing the effective date of June 30. He noted that the proposed initial zoning was not based on any submitted development plans. He outlined the guiding principles that were the basis for the zoning recommendations by staff.

Mr. Calloway proceeded by discussing the differences between the Summerfield zoning districts and the Guilford County zoning districts proposed for the groups of parcels.

Mr. Calloway then proceeded to address each group of parcels while displaying the following maps entitled: Henson Forest Major Subdivision Phases 2-4; Summerfield De-Annexed Parcels; Armfield Major Subdivision; Summerfield De-Annexed Parcels Zoned AG to the west of Pleasant Ridge Road; Henson Forest Phase 5 & Summerwoods Major Subdivision; Summerfield De-Annexed Parcels East of Pleasant Ridge Road and Four Oaks, Royal Oaks, Windcrest Acres & Carlson Valley Major Subdivision.

Plan recommendation: These parcels are currently not covered by any Guilford County area plan; therefore, a plan amendment would need to be undertaken in order to incorporate these parcels. Mr. Calloway stated that 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 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.

Staff recommendation: Staff recommends approval. The request to apply original zonings RS-3, RS-20, RS-30, RS-40, GB and AG under Guilford County UDO to the subject parcels is reasonable and in the public interest because initiating this action complies with North Carolina General Statute 160D-202(h) and the Guilford County UDO Section 1.4.8 as the properties will become unzoned if no zoning is assigned 60 days after the effective date of de-annexation, June 30, 2024.

The proposed zoning districts are generally consistent with established infrastructure, adjacent land use types, and development densities. The AG district is the least intensive zoning district and will accommodate the transition under the UDO to the largely undeveloped agricultural and residential parcels. The residential zoning districts were recommended in order to prevent creating non-conformities due to minimum lot sizes. The GB zoning district is recommended for parcels adjacent to the Oak Ridge Road and I-73 interchange as this zoning district conforms to the original zoning before annexation. The remaining RS-40, RS-30, RS-3 proposals are intended to imitate the development entities in their vicinity.

If approved, a land use plan amendment to the Northwest Area Plan will be required to extend the AG Rural Residential (AGRR), Single Family Residential, and Moderate Commercial land use classifications to the subject parcels. The consistency designation of the Residential Single Family land use classification would need to be updated to recognize RS-20 and RS-3 zoning districts as generally consistent or conditionally consistent.

Chair Donnelly expressed his appreciation to Mr. Calloway and his colleagues for the report. He acknowledged a tremendous amount of work had gone into the report and stated that he appreciated the detail in terms of lot size analysis and development of the principles. Chair Donnelly asked if there were any questions from the Board members.

Ms. Buchanan stated that no one specifically outlined differences between Summerfield and Guilford County General Business designations.

Mr. Calloway stated that he wanted to spare everybody the long text, going through their zoning district descriptions, and reading through paragraphs and paragraphs. There is some difference. The permitted uses within our General Business district are generally broader. He did not have Summerfield's table in front of him, so he could not speak to that. He stated that within Summerfield's Business (BN) zoning district description, it says at the end that building types allowed are townhouses and attached houses so their zoning district allows multi-family.

Ms. Buchanan asked if the County's GB district allows apartments as multi-family is not allowed in Summerfield's BN District.

Chair Donnelly stated it would be under Household Living, which is page 1 under what was shared with the Board, and it appears that there is a P under the GB category.

Mr. Bass replied, yes for multi-family.

Mr. Calloway stated that Guilford County does allow multi-family dwellings - specifically apartments.

Reverend Drumwright wanted to underscore the Chair's comments thanking staff. He said, speaking for himself personally, that he doesn't imagine that he was by himself on this in seeking to understand this from a deeper perspective as well, and this was a lot of information that has been offered to the Board.

Reverend Drumwright inquired if there was any collaboration in the proposed rezoning determinations between Summerfield and the Guilford County staff.

Mr. Calloway responded, "Not to his knowledge, no." What we were handed, to my knowledge, is a blank slate and essentially told by legislation to get the job done.

Mr. Bell responded that he sent this to the interim town manager as well as its consultant for review. They had some days to review this and knew it was coming and what it was. They received no comments.

Reverend Drumwright inquired if there were any comments from them. Mr. Bass replied no.

Reverend Drumwright inquired if now that the staff has completed this work, if they were aware and if they had a copy of this.

Mr. Bass responded yes. They were sent the same link of the information that the board members were sent prior to receiving their packet.

Reverend Drumwright inquired what would happen if we failed to apply zoning in 60 days.

Mr. Calloway replied it's a legal conundrum. There's no legal consensus on the ramifications. Legal interpretation would say they can't get any developments permitted, and on the other side of the spectrum, it just would be that we as a development regulation entity could not apply zoning regulations as a method of regulating. He would refer to an attorney on that.

Reverend Drumwright stated that we don't have to go down the rabbit hole. He was curious if we had to leave here tonight with a decision on a very tight timetable.

Atty. Mason stated our UDO says zoning must be established before any development of the property can occur on the prospective de-annexed parcels.

Dr. Bui inquired of Mr. Calloway's mention of the incorporation of more residential lots was not anticipated at the time of approval for the area plan land use for classifications; therefore, if approved, the consistency designations of the residential single-family land use classification would need to be updated to recognize the RS-20 and RS-30 zoning district as Generally or Conditionally Consistent to remain consistent.

Mr. Calloway responded because there are a couple of parcels in RS-3 that are not currently developed that we are proposing RS-20, as well as the two parcels along the residential road, which are in that area greater than 20,000 square feet and less than 30,000 square feet. Within the Northwest Area Plan if we were to extend the Plan to cover these parcels, which would be the closest one, there is no land use classification in that Plan that would accommodate parcels of that size. Those small parcels were not anticipated. So, to accurately capture the parcels that are already existing and developed in order to not create nonconformance, we, out of necessity, would have to oppose the zoning on Oak Ridge Road. In order to capture the Northwest Area Plan with the land use classification that can work, we would have to extend the residential zoning land use classification. Because of the way it was written, it does not currently capture RS-20 and RS-3 densities.

Dr. Bui wanted to confirm that what she understood is that it is for the existing small residential.

Mr. Calloway responded yes.

Chair Donnelly asked if Mr. Calloway said that in Guilford County, the closest thing we have to Summerfield's OSR district would be the planned unit development, but because of the way those are designed they're really not available to propose because those typically come as a part of a development plan.

Mr. Calloway responded yes.

Chair Donnelly then stated to Mr. Calloway that he appreciated that they had these principles by which they are making these assessments and asked if he could explain. There are three parcels that are located south of Oak Ridge Road and just to the east of I-73. Previously, those three were zoned a mix of Agricultural, Residential, and Office/Industrial. In the proposed classification all three of those would become GB.

Chair Donnelly asked what the rationale was behind that.

Mr. Calloway responded that the parcels were zoned Agricultural, Residential, and Office Institutional within Summerfield. He stated it's typically not within zoning best practices if we were doing a recommendation for any other case, of recommending all three zoning districts with incongruent uses, one right on top of each other. That was something we would typically try to avoid or recommend against. That would be something honestly at staff level that we would vet on an application before it even came to you. The proximity of those parcels to the interchange was the overriding principle for staff recommendation.

Chair Donnelly wanted to refer back to the map that showed the whole GB area so that everyone is oriented about where we are talking. It is the three parcels that are below the cross highway to the right of the highway (referencing the map provided of the parcels and their proximity to I73).

Mr. Calloway confirmed.

Chair Donnelly stated that one of the things that he knows is we are fortunate to be in a place where we are about ready to bring forward an update to the comprehensive plan. It strikes him that at the intersection we would probably have that identified in the long-range plan if this had been a part of it from the get-go as probably a Neighborhood Center, which is what he thinks it is designated as in the draft and asked if that seemed consistent. He asked if anyone was in a position to offer a perspective on it.

Mr. Bell responded if he understood what Chair Donnelly was saying, that because of the proximity to I-73 and its proximity to Oak Ridge Road, we felt it was appropriate for lots 33, 34, and 35 to be General Business.

Chair Donnelly stated that what he was specifically referencing to Mr. Bell was in the draft that we have for the future land-use map, they have some nodes that are designated as Neighborhood Centers on the map, and if he thinks that might be suitable for that kind of designation just based on what he had seen from the draft plan. He asked if Mr. Bell could comment on that.

Mr. Bell responded that, typically, there are not many of those intersections in our jurisdiction where they intersect with an interstate [in the unincorporated area of Guilford County]. For that reason, staff recommended General Business.

Chair Donnelly thanked Mr. Bell and asked if there were any more questions for Mr. Calloway.

Reverend Drumwright asked Mr. Calloway to put up the guiding principles because he didn't think he had seen them but may have overlooked them.

Mr. Calloway stated that the maps outside had the date of August 14, and that they were working on this literally until yesterday.

Reverend Drumwright stated that he just wanted to take a picture of it so he could refer to them.

Chair Donnelly stated if there were no other questions we would move to the public [legislative] hearing part of the meeting. He stated that the public hearing was an opportunity for those who are in the room to indicate whether they might have thoughts in favor of this requested zoning or proposed zoning or if they would be against this proposed zoning.

Mark Ruffin of 4 Martin Court, Greensboro, North Carolina, stated he has been around in Summerfield all but 4 years when he moved to Houston, TX. He stated that he and his wife take the love of that land and place seriously. He stated that he knows David Couch and has known him for 45 years. He knew him when he had nothing. He knows his heart. Knows how he thinks. Knows what he would do.

He stated that it must feel like you got handed this because a wealthy developer who is successful decided he couldn't get what he wanted and was coming to you. That isn't what happened at all. Seven years ago, he stood up in front of Summerfield Town Council and he gave them his real

cell phone number and said call me. Y'all tell me what you want. What he has planned for this land is the perfect plan for it.

I've been hunting and fishing this land since I was 14. To see this be developed this way instead of neighborhood after neighborhood after neighborhood, no tie -in, no communication, no walkability, is just magnificent. The fact that this can happen here, my wife a month ago saw this plan and said we are living there. He stated it's exciting to have older people and younger people integrated in that environment and have the walkability, and the livability of it is not pie in the sky either. He has spent a lot of time and resources to figure this out, and he has figured it out. It is a wonderful plan, and I hope it gets your support. I know the vocal crowd, they are louder, and they are more negative, but there are a lot of people out there that take the time to go to the barn and say okay, what are you doing and see it and say yeah, let's do that. So, I encourage you to support this. He is the real deal. This development is the real deal. Thank you for your time. I appreciate you.

Chair Donnelly thanked Mr. Ruffin and asked if there were any questions for Mr. Ruffin. Chair Donnelly stated that this zoning is not intended to make that development move forward, but it is the first step in the process to enable Mr. Couch to apply for that development and wanted to make sure that we were all clear on that.

Mr. Ruffin replied he understood that. He stated that he just wanted to give a personal perspective on the depth of admiration and who you were dealing with. That is important going forward.

Chair Donnelly asked if anyone else would like to speak in favor.

Will Welch of 3227 Pleasant Ridge stated his wife is a 20-year retired Lieutenant Colonel out of Houston, Texas. He is a five-generation property owner since 1900 from Madison. He said his granddaddy had it and he was born in 1870. He stated that he knew David who would come out to his farm in Madison before he bought this piece of property. He stated that he owns a house 40 foot from David. He stated he was one of the best guys in the world. He stated that what David has in mind is great. He said he wouldn't speak opposite of that because he and Ronnie Stafford were some of the original families. He stated this is some control where this can't get out of hand. He said that he was one of the first people that developed over at Oak Ridge in a double-wide and that the Exxon station was there first and that it was patterned after the one on Cape Fork Road called Checkers Grill & Grocery. He stated that one of the things he could rest assured is that you got somebody you can reach out to that has a plan for this and that he and his wife came because they own property, and they wanted to know what was going on. I listened to this gentleman, and I said it would be perilous

for me not to just get up and say listen for somebody that's been 130 years in this area, it's the right thing.

Chair Donnelly asked if there were any questions for Mr. Welch. There being none, Chair Donnelly asked if there was anyone else who would like to speak in favor of the proposed zoning. There being none, he moved to those who might be interested in speaking in opposition.

Janelle Robinson of 4945 US HWY 220, Summerfield, stated that she is on Summerfield's Town council. She stated that she is thankful that the Board is taking into consideration the zoning that was already on the property and what is nearby. She stated that she did not see any email about this with a link. She informed that it went to the interim manager, and that they didn't have access to all emails yet from when the old manager left.

Ms. Robinson stated that they tried to work with the developer and made many concessions and many compromises and that they were never good enough. They never even got an offer back of compromise. She stated they would love the opportunity to work with Guilford County Planning on the rezoning of this. She stated that Summerfield was not given the opportunity to work on this. She thought it was a great idea and welcomed any questions.

Reverend Drumwright stated he had a question to the last statement. In what way were they not given an opportunity, if she could speak more to that?

Ms. Robinson responded that she didn't know it was an option that they would have worked with them or talked to them about it. She never heard anything about the opportunity to work with you guys about the rezoning. Council never had anyone reach out to them about it.

Reverend Drumwright asked staff to respond to that. He asked if that was something that their Council had an opportunity to sit with staff.

Mr. Calloway responded if the property was annexed into the City of Greensboro, Greensboro doesn't ask us what happens. The truth is that each of these jurisdictions is its own organization. He stated that if anyone came to us, if anyone came to him, he would speak to them and work with them. He was sure his director or manager would give as much ear as possible working with folks.

But it is not typical between property change jurisdictions that the jurisdictions involved are potentially negotiating; in all the places he has worked, he has never really seen that happen.

Mr. Bell stated that we have access to the zoning information through their GIS, so they have that. They have talked at least when there was a concern about one parcel, they did reach out to the interim planning director through the consultant. I had several conversations not just about this, but about other things in terms of trying to help them work through some things through the transition. We looked at what they had. and looked extensively at what the district's intent statements were when we did this. I am trying to address your question because I don't know what the inference of the question really is getting to.

Reverend Drumwright stated that he could speak more to his question. He didn't know that it wasn't understood on its face. He stated that one of the reasons that he asked for the guiding principles is because as much as you all have stated that you have worked to seek consistency, there are a lot of inconsistencies and asked if that was the case.

Mr. Bell responded, no. That he disagreed with that.

Reverend Drumwright stated he was wondering how much, if any -- if there were any intergovernmental conversations and cooperation.

He stated that he heard it may not be a requirement. But for the sake of this matter, he wanted to know.

Chair Donnelly stated to Reverend Drumwright one observation having followed this a little bit. His suspicion is this is one of those circumstances where it is ripe for miscommunication because there has been, as he understands it, significant turnover in the staff in Summerfield. So, it was quite possible that some information the County staff may have exchanged with staff who are acting on behalf of Summerfield who may or may not have either seen the information or had an opportunity or taken the opportunity to share that with some of their elected officials. Chair Donnelly asked if there were any other questions for Ms. Robinson. Chair Donnelly asked if with what she had seen here tonight if there was anything that jumped out at her as she saw the rezoning as it was presented.

Ms. Robinson responded that there were some lot sizes that she questioned. They sounded smaller than what she would have thought them to be. The overall density of the numbers that were given she does question. She thinks that the proposed rezoning is smaller than what they are now or were before the de-annexation.

Chair Donnelly asked if there were any other questions.

Marjorie Benbow of 1301 Scalesville Road in Summerfield stated that she was a farmer and a resident. She stated that she was also an attorney, so she couldn't imagine addressing the space of 1,000 acres being de-annexed, and the legal challenges, as well as the other challenges the

Board is facing. She stated her comment is mainly a charge. You are being faced right now with Summerfield's future. It's a very grave situation. There will be lots of details. The devil is in the details, so right now, we understand that this is just the northwest expansion you are trying to address. But as you go forward, please have the minds and the hearts of the people in Summerfield, whether it takes working with them, whatever, as you make your decisions.

Mr. Little stated that he looked forward to working with the residents of Summerfield and with the planning staff and with the developer on what's coming down, what's coming for us. He stated that he hadn't actually seen that much information on the proposed plan.

Reverend Drumwright stated that he was in receipt of a number of emails. He imagined he wouldn't be the only one that would have received those emails. But he was in receipt of several emails from the perspective of local residents, and one of the emails stated, and the tone of the others, was that we or I may have spoken with the developer at any point prior to this meeting or just at any point. He stated that he had not, and that he wanted the residents and the public to be clear that there has been no conversation or no coordination coming into this meeting with the developer.

Chair Donnelly stated that he appreciated the emails being brought up by Reverend Drumwright. He stated that one of the things he wanted to acknowledge was that he received two emails specifically. The gist of those followed this part of the meeting. Chair Donnelly asked if there was anyone else to speak in opposition to the zoning request. Hearing none, he opened for rebuttal.

Tom Terrell, attorney for David Couch, stated that he did not come to speak, but that the Board asked for a rebuttal. He offered that Ms. Robinson said that Summerfield has done everything they can to work with this developer. We went a year with Summerfield refusing to meet with us. He also wanted to give two facts: 1) Four years ago, the rezoning fee to file for rezoning in Summerfield was \$1,850 and 2) Within two weeks of learning that Mr. Couch might be applying for a rezoning, they adopted a new ordinance that increased the filing fee from \$1,850 to \$192,000. That is a 10,300 percent increase. The filing fee that the County would have charged was \$500. It is a 38,300 percent increase over what Guilford County would have charged.

Move the clock forward one year, and the Town of Summerfield adopted a new UDO. On that same date, they imposed a 3,000-foot no-build scenic corridor. Summerfield is 27 square miles. This scenic corridor is the largest I've ever seen in North Carolina. It is a no-build corridor that took up 36 percent of Mr. Couch's property. He asked where else in these 27 square miles was this scenic corridor imposed. The answer is zero. It was only imposed on the roads surrounding Mr. Couch's property.

Chair Donnelly asked if there were any questions for Mr. Terrell. Ms. Buchanan asked if Mr. Terrell could repeat the numbers.

Mr. Terrell responded the original filing fee was \$1,850. It went up by ordinance to \$192,000 for the amount of the acreage that Mr. Couch had. The fee for the County was \$500. I said it was a 10,300 percent increase, but it's actually a 10,278 percent increase in the filing fee in Summerfield, and it is a 38,300 percent increase over and above what the County would have charged.

Chair Donnelly asked if anyone else wished to speak again in rebuttal. There being none, he wanted to provide an opportunity if any of the people who spoke against the proposed rezoning would like to comment and if so, they are welcome to come forward.

Janelle Robinson, Summerfield Town Council, stated that the filing fee was crazy high because he was rezoning nearly 1,000 acres. Once they saw what it did, the numbers changed, and they dropped it back down. She stated that the developer wanted to meet with them in private two Council members at a time, and they were not willing to meet in private with him. She stated that they did everything they could. They tried over and over. She stated that they don't have apartments in Summerfield, and they didn't go with 1,200 apartments, they went with 600, and he wanted 1,200.

Chair Donnelly asked if there were any questions for Ms. Robinson.

Mr. Little asked if she could speak to Mr. Terrell's accusation that the Town Council would not meet with the developer for a period of one year or more than one year.

Ms. Robinson responded that he only wanted to meet with us in private two at a time, and we wouldn't meet with him in private. We wanted it to be in the open.

Reverend Drumwright asked if they have ever met with a developer in private.

Ms. Robinson responded that she did when she was thinking of buying a house, and she took a tour of the land and saw the site plan, and that she carved out several hours. I was in touch with him for months, even after I got on Council until it just got to the point where he was just asking for too much.

Reverend Drumwright stated that he was speaking to the history of the Council.

Ms. Robinson inquired if Council members ever meet with him.

Reverend Drumwright responded, not him, or any developer. He asked if that was an unusual request to her knowledge.

Ms. Robinson replied that she thought it was only that. She didn't know if they met with them. She stated that there were new people on now and that she didn't know if they ever got the opportunity to meet with him. She stated the last Council met with him over time. She stated they went to South Carolina to see the project he was basing it on. They spent a lot of time, and they went to public meetings and forms. They just weren't willing to meet with him in private. He wanted to meet two at a time, so it wouldn't be a quorum.

Atty. Mason stated that a couple of speakers whose comments were towards support of some kind of ultimate development plan, is not what is before the Board tonight to decide. He also wanted to caution the Board that whatever the history between Mr. Couch and the Town of Summerfield may be around fees, around whether any of their development regulations were aimed at him or not, those don't matter. This Board needs to put those aside and determine the issue before you on what is the best land use decision for these parcels that are consistent with Guilford County's principles and plans.

Chair Donnelly thanked Atty. Mason for his comments. He stated that he would allow Ms. Robinson to finish her statement, but in the context it was offered.

Ms. Robinson stated that she answered.

Chair Donnelly asked if there were any other questions for Ms. Robinson? There being no additional speakers, he inquired if anyone would like to make a motion to close the public [legislative] hearing.

Mr. Little so moved; motion seconded by Dr. Bui. The Board voted unanimously to close the public hearing.

Discussion:

Reverend Drumwright asked how long the Board had to make this decision?

Atty. Mason replied that the Guilford County Unified Development Ordinance gives you 60 days after the property becomes unzoned and that the property becomes unzoned 60 days after the effective date of the de-annexation.

Reverend Drumwright asked if that would be June 30. Atty. Mason replied yes.

Chair Donnelly stated that in the preparation for this meeting, somebody had looked at the calendar and identified it as approximately the 29th of August.

Mr. Little stated that this was the thickest packet he thought they ever received for one case. It was a lot of information.

Chair Donnelly stated that he really appreciates the work that the staff did to move through this in a very systematic fashion. As he looked at this, he tried to take to heart the principles that had been offered. The one place where he is a little bit uncomfortable is those three parcels that are identified as a part of the interchange with I-73. The piece that he comes back to is we are creating an opportunity for development tomorrow by right and making those General Business (GB) zoning that's not there today by right because there's a parcel that's AG and a parcel that's residential. So, he is a little uncomfortable that we are going beyond the task, or we would be perhaps overstretching our authority, or the authority he is comfortable with, if they were to include those rezonings as GB versus and he appreciates Mr. Calloway's recommendation about all of them being the same.

Chair Donnelly would propose that they all be AG. Again, with the expectation as Mr. Terrell offered, that there's going to be a development proposal that comes forward. Clearly, that is an intersection that has some business development that was foreseen prior to coming to us, and it was also reflected in the GB zone. So, that is the one area that I would offer for our consideration and would be interested in the thoughts of my colleagues.

Ms. Buchanan stated to Mr. Donnelly that she was in complete agreement. Ninety-Eight percent (98%) of this proposal makes perfect sense. The staff did an excellent job in doing research. She stated that some of the GB zoning is just a little bit too broad, and it could allow just about anything to come into those areas. She would welcome a new development proposal for individual parcels, and we could discuss them on an individual basis. But at this time, she thinks that GB zoning is completely too broad for a select number of those parcels.

Chair Donnelly asked if there were particular parcels that Ms. Buchanan would like to call out.

Ms. Buchanan responded the three that Chair Donnelly mentioned, and that there was a larger one off of Oak Ridge Road. She stated that she believed it was number 34 or 35 [a map was provided in the packet that provided id #s for the parcels de-annexed to be used as reference].

Chair Donnelly stated that 34 and 35 are part of the three that he had mentioned.

Ms. Buchanan stated there was a long parcel to the west of I-73. Mr. Bell suggested maybe 36.

Ms. Buchanan replied, yes.

Mr. Bell stated then that it was 33 through 36.

Chair Donnelly stated 36 to close the loop. He referenced that when Mr. Calloway was speaking, that is the parcel where there is some uncertainty about the zoning but that the official County information that was provided to the Planning Department was that it's currently zoned BN.

Ms. Buchanan stated parcels 24 through 27 are also largely originally meant to be some sort of office space. It would be an awfully awkward area for some of the things allowed in GB zoning.

Mr. Bell inquired if Ms. Buchanan was referencing all of those parcels located within I-73, Deboe Road, and Oak Ridge Road boundaries?

Ms. Buchanan responded that was correct. Mr. Bell stated 24 through 30.

Ms. Buchanan stated her main concern was 33 through 36. She did still hold some reservations on 24 through 27.

Chair Donnelly asked if there were other thoughts?

Reverend Drumwright stated he was still just trying to wrap his mind around the consistency because staff has said that it is rather consistent, and I'm just not there yet. He is not pushing back. He is just not there yet. He is very uncomfortable and he does not have the understanding that he thinks the brevity of this decision requires.

Chair Donnelly asked if what Reverend Drumwright has looked at so far if there were particular areas that he had concern?

Reverend Drumwright responded in particular, right now, looking at the intent and descriptions from Summerfield and the intent and the descriptions from Guilford County, they are significantly smaller. He is still trying to understand those determinations.

Chair Donnelly wanted to make sure they are consistent when Reverend Drumwright says significantly smaller, as to what he is referring?

Reverend Drumwright replied when we are breaking down the zoning districts there are very broad AG zoning districts into our AG and our Residential 30, 40 and 20.

Chair Donnelly stated that one thing he would offer based on his understanding from those same questions is that that is driven based on the minimum lot size. If we put AG on those, it would become a nonconforming property. That was his understanding, and he is going to ask Mr. Calloway if he would be willing to confirm that. Or someone who may be able to speak on behalf of the staff?

Mr. Bell responded that one of the things, as he mentioned, we did not want to do, particularly with the lots that were already developed, was to create nonconformities to the extent possible.

Chair Donnelly thanked Mr. Bell and asked Reverend Drumwright if that was at all helpful.

Ms. Buchanan asked if there was a limit to the number of apartment units allowed in GB setting based on acreage.

Chair Donnelly responded he would let the staff answer the question.

Mr. Bass responded that the GB zoning district does not establish density requirements in terms of dwelling units.

Ms. Buchanan asked if zoning of AG would still allow for some of the minor commercial uses without the apartments, and then you can go in and resell the individual parcels based on the need for that piece of land.

Mr. Bass stated that AG is residential. The district allows agriculture and commercial ag uses, but it's basically a residential district.

Chair Donnelly questioned if someone were to propose to approve the zoning and exclude the use type of multifamily, is that an opportunity that we have to consider this evening or not?

Atty. Mason replied, no. Since there is not a conditional zoning proposed here, the answer would be no.

Ms. Buchanan asked if alternatively, if the Board could move to approve the zoning with the exception of the GB lots in question?

Mr. Mason responded he wanted to make sure he was understanding it right. Is the question can you move forward basically with some of the parcels tonight and leave other parcels undecided for a later decision?

Ms. Buchanan responded, correct. Mr. Mason replied, yes.

Chair Donnelly stated that one of the other things that he thought we would also have to take into consideration -- and this is certainly something we talked about in recognizing how much is being done is that this is a starting

place. There may be an opportunity if this is appealed before the County Commissioners to weigh in. So, we have to recognize that there is a possibility that no matter what we decide this evening, it could be appealed.

Mr. Little stated he has a concern with lot 28 going from Residential to Business. It seems like a big jump. I know it is generally consistent with the Northwest Area Plan. He feels like AG would have been a better choice there.

Chair Donnelly asked if staff could put the map up that shows this, so we can all make sure we're looking at the same one? I believe I know which one you're talking about. Is it the residential lots embedded in the other GB area?

Mr. Bell stated that he wanted to make sure that what we're talking about is everything in that triangle bound by the west of I-73 to the north and to the northeast Deboe Road, and then Oak Ridge Road to the south as map id numbers are being referenced? That's that triangle. I want to make sure that we're talking about all those parcels?

Chair Donnelly stated that he thought Mr. Little was specifically calling out one of those parcels, number 28. It's the one that if we look at in the prior zoning has a residential designation on it and is seen in the table.

Mr. Bell if, by looking at the map, can the lot(s) being reference can be clarified and if we are talking about all of those lots as a bundle in that triangle?

Mr. Little stated that his specific question was on that specific lot. Just going from Residential to General Business is a big jump.

Mr. Stalder stated that he thought with that specific lot it was originally surrounded by Business before. He didn't really think that would be much of an issue. He didn't think it would be as big of a jump as you would imagine since it is already surrounded by Business.

Chair Donnelly asked Dr. Bui if she had any particular questions or thoughts she would like to weigh in on?

Dr. Bui stated she would feel more comfortable if we would just make decisions on all the AGs and just table the GB or leave GB out for later. Just because we're just so indecisive on it or not very confident regarding all of the parcels for the GB. She feels the same way as everybody on the Board right now regarding the GB as well.

Chair Donnelly stated for the folks who would perhaps like to defer on the decision around some of the General Business lots, what kinds of things, what kinds of information, what would be helpful between now and a point

at which we were able to make a decision, what kind of additional -- is it time; information would be needed? He thought it would be helpful to understand what would be helpful if we didn't act on those in terms of coming to some conclusion on those.

Ms. Buchanan stated for her, personally, GB designation again gives you a very broad brush to paint these parcels. And while we are not supposed to include someone's development plan, if Mr. Couch sells his property, anybody could bring anything into these properties if this is GB. Summerfield is still a small, quaint town with a lot of agricultural areas, and I am all for development. My job is development. However, there needs to be some sort of limit, and if we allow this to all be GB, then there is no limit.

Chair Donnelly inquired if anyone from staff would be interested in weighing in on what protections you perceive are in place through the development process just so we have that information out there. We certainly talked about in prior meetings that when a zoning district gets established anything within that district that is a permitted use is possible to put there. The question I hear from Ms. Buchanan is that may create some risks in this particular area.

Mr. Bell responded by stating that one of the things that we need to do is to confer with the property owner if the Board is interested in considering conditions on the property(ies). If we are down zoning, then we need to confer with the property owner on that. One of the reasons why staff went with General Business was because we were trying to be comparable so that is one of the things that we would want to do if the interpretation of the General Statutes is we're downzoning.

Chair Donnelly asked if Mr. Bell could clarify what he means by downzoning.

Mr. Bell responded downzoning means it affects an area of land in one of the following ways: 1) by decreasing a development density of the land to be less dense than was allowed under its previous usage, 2) or by reducing the permitted uses of the land that are specified in the zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

Chair Donnelly stated that if he owned say parcel number 26, and it is currently zoned BN, and this Board were to take action, for example, to change the proposed zoning to AG, would that be considered downzoning because for that parcel the AG would eliminate some uses that are currently permitted?

Atty. Mason responded to Chair Donnelly that there's an exception when it comes to downzoning where the zoning is initiated by the governmental unit, which is the case here. So that's going to keep us out of the situation

where we have to have the owner's consent to downzone if that concept even applies in this scenario where the properties are becoming unzoned, and it's essentially an initial Guilford County zone. Another point is that if the Board's inclination were to, let's say, on GB properties to the northwest section map. - If the Board's pleasure were to zone all of those to something less intense than that, it's going to present a challenging question as to whether we would have to re-notice, basically give the owner and everybody else notice that that's what was proposed to come back and do. You can move forward tonight potentially without moving on those parcels right now, and it would not present that problem.

Mr. Little asked if we would have to revisit those parcels before the 60-day limit?

Atty. Mason replied that the way the 60-day limit works is the County has 60 days from the point and time that the parcels become unzoned. They became de-annexed on June 30.

Summerfield's zoning will continue to be in effect on those parcels for 60 days unless the County zones them faster than that. So, they wouldn't become unzoned until day 61. So, basically 60 days plus 60 days gives you the time within which our ordinance requires you to act.

Chair Donnelly stated if he followed that line of thinking, if we were to take action tonight, that zoning immediately becomes effective unless appealed. So that would create an opportunity if someone wanted to bring forward a development plan at that point. Until we create some zoning, no development plans could be brought forward for any parcel that is currently unzoned. So, there would be some advantage in doing it sooner than later within that 60-day window in terms of getting it zoned to provide anything that comes afterward. Chair Donnelly asked if anybody had any desire to offer a path forward? He stated that he would be willing to offer a path forward that is a mix of what we talked about, and I think would keep us within the parameters where perhaps the change was not terribly substantial, and he would let the attorney weigh in on that.

Chair Donnelly proposed decision matrix number 3, which is approve and it's not so much that the current land use long range plan is inconsistent, it's that these are not -- that that doesn't apply. So, we have to create a long-range plan with the zoning proposals that we're offering. Chair Donnelly proposed that everything that was initially proposed by Mr. Calloway would stay the same with four exceptions. Lots 33, 34, 35 and 36, I would be shifted to AG. The rationale is that in the one case it would be upzoning a couple of parcels with our action. So, it would be removing the upzoning of parcels 33 and 34. And on 36, it would be moving to add and that's the parcel where earlier there was some question about what the official zoning is. He stated that while he has confidence in what the staff provided, clearly

there are a couple of different pieces of information out there. Chair Donnelly stated that his sense is if the Board moved on that, it would give the Board the opportunity to go forward and resolve those and recognize that when a development plan comes forward there may be a rezoning request associated with that.

Ms. Buchanan asked if the limit on lot size for AG is three acres?

Mr. Bell responded it is 40,000 square feet.

Chair Donnelly stated that it was 40,000 square feet, and when he checked with Mr. Calloway in advance, all of those were more than that.

Ms. Buchanan stated that one of them was more than 30,000 and she would want to include 24 through 29 in that and use decision number three, removing the entire line to move these lots to GB.

Chair Donnelly asked that the attorneys weigh in as to what point the Board might engage the concern about needing to re-notice, because if that was the case the Board may be better off tabling some of these that the Board has uncertainty about rather than putting themselves in a position where they would have to re-notice.

Dr. Bui asked Chair Donnelly to repeat what Ms. Buchanan said about the numbers.

Ms. Buchanan responded 24, 25, 26, 27, 28, 29 and 30, then 33 through 36.

Chair Donnelly stated so those would be all of the lots. Essentially as Ms. Buchanan described, it would be change all of the GB to AG. Chair Donnelly asked if some minor change may be acceptable as they move through this this evening, but if at some point crossed the threshold where it really would require a change that would be considered substantive, then it would require some additional noticing and rehearing.

Atty. Mason replied that was right. If the concept is to include all of those GB parcels that were just mentioned, which he thought was 33 through 36 and also 24 through 29, then it's getting into a substantial change at that point. The Board can end up treating those parcels differently and to be safe and sound would want to re-notice.

Chair Donnelly stated that where he was going was if there was support for that, the choice for the Board to make would be to move forward with a motion like that, recognizing that it's basically going to need to re-notice, or somehow not act on those come back to them.

Dr. Bui asked if there could be further discussion among the Board to determine agreement?

Chair Donnelly responded yes and that is a great idea.

Dr. Bui stated that moving the GB parcel from the 24 through 30, 34 through 36, to AG tonight would be great.

Chair Donnelly stated it seems like there's some support for that so he asked if staff or the attorneys could articulate a path forward for each of those scenarios if there was motion tonight that reflected the suggestion of Ms. Buchanan that would turn all of the GB to AG, and that the Board would not be able to act on that motion tonight because it would constitute a significant change to the zoning request.

Atty. Mason replied he agreed with that. What you could do is sort of move forward tonight with all of the parcels that the Board is comfortable moving forward on and then ask staff to re-notice the balance of the parcels, which would be all or some of the ones that are proposed for GB right now and re-notice those for a meeting date certain and Mr. Bell could help with that. And if the Board wants to notice those for AG, that wouldn't be a decision tonight that they are zoned AG. It would just be a direction to staff to notice the hearing on the proposal that they be zoned AG.

Mr. Bell stated that the next regular meeting will be September 11.

Chair Donnelly inquired that based on what Attorney Mason shared, if at the next regularly scheduled meeting, would we still fall within the time frame.

Mr. Bell stated that is correct.

Atty. Mason added that it would be his recommendation that if any parcels are left for later and re-noticing for AG to also include some language that gives the Board the flexibility to land where it feels like it needs to on those at that meeting.

Chair Donnelly stated that it sounded like there may be a path forward. Adopt a motion this evening that would approve the rezoning request for everything except for those parcels that are currently proposed as GB.

Those parcels that are currently proposed as GB would be heard at a subsequent meeting, perhaps September the 11th. And it would be the suggestion or the direction of the Board -- well, for direction to staff in terms of if there's any recommendation or suggestion for how those are considered. Does that sound like something that folks are comfortable with? Dr. Bui, I see you nodding your head, that's great. Mr. Stalder?

Mr. Stalder stated that he was okay with half the board, but not sure that AG would be the most comparable zoning to go to. That GB with some conditions on it might be more comparable to the Summerfield Business zoning.

Chair Donnelly asked if Reverend Drumwright was in favor in moving forward as proposed. Reverend Drumwright responded, yes.

Chair Donnelly asked Mr. Little if he was comfortable moving forward.

Mr. Little stated he was comfortable. He inquired what conditions there might be.

Chair Donnelly stated the Board can't do any conditions tonight. The Board would only be acting on those residential parcels, and we would take no action this evening on all of the GB parcels. They would continue as un-zoned after tonight. The only parcels that would become zoned are those that are either proposed as AG or RS.

Mr. Little stated that Attorney Mason indicated that the Board could potentially put some language together to land on where the Board wanted to end up.

Chair Donnelly stated it would be for the September 11 meeting. Mr. Little responded yes; he was agreeable.

Atty. Mason stated that he wanted to add one thing. A condition and a conditional zoning requires the owner's consent. So, the Board is not going to have the ability to do that, just sort of impose it unilaterally and may be able to get the owner's consent, but don't know that at this point.

Mr. Bell stated with that in mind, if it goes the way Mr. Stalder mentioned, then please give the staff flexibility that it may or may not be September 11 because there may be some transactional activity that has to occur.

Chair Donnelly inquired if it would still need to occur within the additional 60-day time period that was articulated.

Mr. Bell responded that was correct.

Chair Donnelly inquired of Atty. Mason if he understood correctly, he could make a motion that would cover everything else and then do a separate motion around those parcels that are not being acted on to direct the staff for future considerations, is that right?

Atty. Mason replied, yes.

Chair Donnelly stated that he was prepared to offer a motion if the Board is open to it.

Ms. Buchanan replied she would let him take that one. Chair Donnelly moved that in the matter of rezoning case 24-07-PLBD-00088, Summerfield De-Annexation, HB 909, to approve this zoning map amendment on Guilford County tax parcel 146325 from RS under Summerfield to RS-3. Guilford County tax parcels 146880, 146919, 146323 and 146327 from AG and RS under Summerfield to RS-20. Guilford County tax parcels #150103, 218953, 146321, 146129, and a portion of parcel #149612 from OSR and RS under Summerfield to RS-30. Guilford County tax parcels 145413, 145496, 145568, 145583, 146205, 146207 and 146952 from AG and RS under Summerfield to RS-40. And for all other parcels remaining, except for those that are proposed to go to GB, including the remaining portion of Guilford County tax parcel 149612 from AG, OSR, and RS in Summerfield to AG. So, I am specifically excluding parcels 149642, 149643, 149645, 149651, 149653, 149688, 149658, 150130, 217566, and 149659.

Mr. Bell interrupted to inquire if Chairman Donnelly said 149662. Chair Donnelly replied, yes.

Mr. Bell stated that he didn't mention that one and he wanted to make sure that that is included.

Chair Donnelly replied that it's excluded and asked if he didn't mention it.

Mr. Bell replied he didn't mention it.

Chair Donnelly responded that he intended it to be included among the excluded. Chair Donnelly continued that it is inconsistent with the Northwest Area Plan because it doesn't cover those parcels, but it amends the Northwest Area Plan. The zoning map amendment and associated Northwest Area Plan amendments are based on the following change and conditions for the Northwest Area Plan. Because of action by the North Carolina General Legislature, these parcels are un-zoned. These parcels are in an area of the County that continues to see growth and with that there is a need for additional housing. I have also by form of this motion would choose to incorporate RS-3 and RS-20 to update the Residential single-family classification in the Northwest Area Plan to include those two. And this request is consistent with policy objective 1.5 and policy 1.4.3 of the future land use element of Guilford County's comprehensive plan which states objective 1.5 recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities and policy 1.4.3 reference adoptive land use plans and recommended uses and development densities and intensities when applicable in conjunction with the re-zoning staff reports presented to the Planning Board. This amendment is reasonable and in the public interest because these parcels

are close to the Northwest Area Plan. The parcels that we are recommending are generally consistent with the established infrastructure, adjacent land use, and development density. The AG accommodates the transition for large undeveloped lots. Residential districts reflect the current and future need for housing.

Chair Donnelly asked if there was a second to the motion. Ms. Buchanan seconded the motion.

Chair Donnelly asked for a roll call vote (Ayes: Ms. Buchanan, Dr. Bui, Reverend Drumwright, Mr. Little, Mr. Stalder, Chair Donnelly. Nays: None.). The motion carried unanimously 6-0.

Chair Donnelly stated that based on the rules and procedures that were reviewed at the beginning of this meeting, this action is considered final by the Guilford County Planning Board. There is an opportunity, should someone want to appeal it to the Board of County Commissioners, you have 15 days within which to do that, but there is a processing fee.

That takes us to the other parcels. There's a couple of suggestions. One would be to consider these at a future meeting with a suggestion that the staff consider a zoning of AG. Mr. Donnelly stated that he heard a suggestion that the staff consider other zoning districts that might be comparable to the existing zoning but don't open any new opportunities. Chair Donnelly asked if there were any other thoughts on how the Board might direct staff to move forward.

Mr. Little stated that he liked Mr. Stalder's idea about zoning it General Business with conditions to make it more similar to what it currently is.

Chair Donnelly stated that if he understood the attorneys' comments, that would require the property owner's consent. The staff could certainly engage that. Any other thoughts from anybody who wants to offer a specific motion?

Chair Donnelly moved that the Board continue action on rezoning case 24-07-PLBD-00088, Summerfield De-Annexation, to continue the action on parcels 149642, 149643, 149645, 149651, 149653, 149688, 149658, 150130, 217566, 149659, and 149622 to a future meeting, potentially September the 11th, with the direction that staff look at some alternative zoning that may preserve the existing use opportunities, but provide some additional restrictions consistent with the concerns that have been expressed this evening.

Atty. Mason stated one small point, he thought the last parcel is 149662. He thought Chair Donnelly slightly misspoke on that one.

Chair Donnelly replied thank you for that. Yes, 149662. Motion was made by Chair Donnelly and seconded by Dr. Bui. (Ayes: Ms. Buchanan, Dr. Bui, Reverend Drumwright, Mr. Little, Mr. Stalder, Chair Donnelly. Nays: None). The motion carried unanimously 6-0.

Chair Donnelly stated this action will be deferred to a future point. He stated to staff that once again that he appreciated all the work that they have put into this and part of what he hoped was that they hear from the action tonight that this is a lot for us to digest and that we are trying to do what we can to act upon the behalf of all the folks whose interests are represented. Mr. Donnelly further stated that he appreciates their patience with the Board as they move forward.

Mr. Bell stated that he wanted to thank the clerk's office for working with the Board this evening; it was an additional meeting for them as well.

Chair Donnelly asked if there were any other matters any members of the Board would like to bring forward? There were none, Chair Donnelly thanked everyone that came down to listen and be a part of the process and those who may be watching. He hoped it was an opportunity for all to continue to learn and move forward to serve the community in the best way possible.

By acclamation, Chair Donnelly adjourned the meeting unless there were any objections and that he would see everyone in September.

VI. Other Business

None

VII. Adjourn

Meeting was adjourned at 8:21 PM

The next regular meeting will take place September 11, 2024.