

**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

Regular Meeting Agenda

NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro, NC 27405

November 13, 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 (joined at 6:13 PM after the Agenda Amendments and Approval of Minutes); Dr. Nho Bui; Ryan Alston; David Craft; Cara Buchanan; Sam Stalder; and Rev. Gregory Drumwright

The following members were absent from this meeting:

None

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

Oliver Bass, Planning and Zoning Manager; Troy Moss, Planning Technician; Robert Carmon, Fire Marshal; and Andrea Leslie-Fite, Guilford County Attorney

II. Agenda Amendments

Oliver Bass stated that there are two (2) proposed amendments to the agenda. Staff is requesting that the Text Amendment regarding Special Purpose Lots be removed from the agenda and continued to a later date. In addition, they also ask that under "Other Business", Item "A", the Order to Approve Special Use Permit Case 24-05-PLBD-00084 for the Duke Energy Substation be removed and continued to a later date.

Mr. Gullick moved to accept the amendments to the agenda, as discussed, seconded by Mr. Stalder. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Drumwright. Nays: None.).

III. Approval of Minutes: October 9, 2024

Chair Donnelly stated that he has noted a couple of corrections and forwarded them to Mr. Bass. Mr. Alston moved to approve the October 9, 2024, minutes, as corrected, seconded by Dr. Bui. The Board voted unanimously (8-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Drumwright. 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

Mike Fox, 400 Bellemeade Street, Suite 800, is the attorney representing the applicant for Case #24-02-PLBD-00073, 209 E. Sheraton Park Road. They were originally scheduled to be on the April agenda and asked for a continuance at that time to continue working on some conditions with the neighbors. They have made a lot of progress since then and have some additional conditions that have been added regarding buffering, access to the site, and some limitations to hours of operation. There have been two (2) meetings with the group of neighbors and some additional concerns came up regarding the truck traffic on Sheraton Park Road, which is the main road in front of the parcel. They want to make sure that the Board and the neighbors have all the information on that before they ask the Board to make a decision. Their traffic engineers are working with NCDOT to get that information as to the quality of that road and its ability to handle truck traffic. It is anticipated that will not take too long, but they were not able to get a report at this time, so they would ask for another continuance, to the next meeting. The traffic engineers and civil engineers would also be at the next meeting and available for questions. The neighborhood residents were notified of the applicant's request for a continuance.

Mr. Little joined the meeting.

There being no citizens in attendance, there was no public hearing on this matter. Chair Donnelly stated he would take a motion for continuance.

Mr. Craft moved to continue the abovementioned matter to a future meeting, seconded by Rev. Drumwright. The Board voted unanimously (9-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Little, Drumwright. Nays: None.).

VI. Old Business**Legislative Hearing Item(s)**

- A. CONDITIONAL REZONING CASE #24-02-PLBD-00073: AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL: 209 E SHERATON PARK ROAD (CONTINUED FROM APRIL 10, 2024) (CONTINUED TO FUTURE MEETING)**
- B. UDO TEXT AMENDMENT CASE #23-05-PLBD-00048: AMEND ARTICLE 4 (ZONING DISTRICTS) TO ADD SECTION 4.10, SPECIAL PURPOSE LOTS AND AMEND SUBSECTION 5.14.A.2.C WITH THE CORRECT CORRESPONDING SECTION REFERENCE FOR WIRELESS COMMUNICATION TOWERS (CONTINUED TO FUTURE MEETING)**

VII. New Business**Evidentiary Hearing Item(s)**

- A. SPECIAL USE PERMIT CASE #24-09-PLBD-00094: SPECIAL EVENT CENTER, 4327 S ELM-EUGENE STREET, ZONED AG, AGRICULTURAL (CONDITIONALLY APPROVED)**

Chair Donnelly announced that anyone who anticipates speaking on this matter would need to be sworn in, and he administered the Oath, as required, to Oliver Bass, Amanda Hodierne, James Sheppard, Marcus Ward, and Norris Clayton.

Oliver Bass stated that the property is located at 4327 S. Elm-Eugene Street in Sumner and Fentress Townships, Guilford County Tax Parcel 142922, approximately 1400 feet south of the intersection of Ritters Lake Road, comprising approximately 18.2 acres. Approximately 10.46 acres lie within Guilford County's zoning jurisdiction and are subject to this request. The remaining approximately 7.95 acres lie within the Pleasant Garden town limits. The subject parcel is zoned AG. There is no history of denied cases on file.

The nature of the request is to consider granting a Special Use Permit for a Special Event Center (Special Event Venue) subject to the submitted Sketch Site Plan along with the following proposed conditions: 1) The cabin structures located on the property shall be available for short-term rental only for guests associated with an event at the property; and, 2) No cabin rentals shall exceed thirty (30) days in duration. The Technical Review Committee (TRC) comments on the submitted sketch site plans are attached to this report."

The subject parcel is in a primarily agricultural and rural residential area, with industrial properties also present. A 19.75-acre industrial tract zoned CD-LI by the City of Greensboro is directly across Ritters Lake Road from the subject parcel. The subject parcel is partially located in Pleasant Garden town limits

and across from the Greensboro municipal boundary. The proposed facilities are contained entirely within Guilford County's zoning jurisdiction, as shown on the Sketch Site Plan. The subject parcel contains a single-family dwelling on 18.2 acres. Regarding surrounding uses – to the north is an Industrial parcel; to the south are agricultural and rural residential parcels; to the east are residential and a vacant parcel; and to the west is vacant industrial (Zoned CD-LI by Greensboro). There are no inventoried historic resources located on or adjacent to the subject property. There are no cemeteries shown to be located on or adjacent to the subject property, but efforts should be made to rule out the potential for unknown grave sites. The parcel lies within the Southern Area Plan and the Plan recommendation is Agricultural. With regard to consistency, the subject parcel zoning designation is Agricultural. The Agricultural zoning district in the County UDO is recognized as consistent with the Agricultural Future Land Use designation, and Special Events Venues are allowed in the AG zoning district with an approved Special Use Permit, pursuant to the UDO Section 3.5.Q and subject to the development standards under section 5.6.M.

The applicant shall demonstrate that the review factors listed below have been adequately addressed:

1. Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency. Per the sketch plan associated with this application, access will be from S. Elm-Eugene Road. During the official commercial site plan review process, an NC DOT commercial driveway permit will be required.
2. Parking and Loading: Location of off-street parking and loading areas. Parking for Special Event Centers is subject to Section 6.1.D, Table 6-1-1: Parking Requirements for Special Events listed under Use Category/Specific Type of the Guilford County UDO.
3. Service Entrances and Areas: Location of refuse and service areas with adequate access for service vehicles. Location of service areas will be reviewed to allow for adequate access for all service vehicles when the official site plan is submitted for review per Section 6.1 in the Guilford County UDO. An approved NC DOT Commercial Driveway Permit is required as part of the site plan review process.
4. Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other properties in the area. A lighting plan, if required, will be presented when the official site plan is submitted for review per Section 6.3 of the Guilford County UDO.
5. Utilities: Location and availability of utilities (public or private). The Guilford County Environmental Health Department will regulate specific evaluation

upon site plan review by TRC or appropriate staff. The TRC or appropriate staff will also review utility easements.

6. Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable). The TRC or appropriate staff will review landscape requirements per Article 6.2 of the Guilford County UDO.
7. Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space, and other natural features. Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Section at a TRC meeting or by appropriate staff to meet all environmental regulations per Article 9 of the Guilford County UDO. The topography is nearly flat and moderately sloping, there are no regulated flood plains on the property, per Map #37107861-00J, effective 6/18/2007. Woodlands, there are fresh water ponds on the property per the National Wetlands Inventory. There are streams and property per USDS Quality Map and survey map of Guilford County. Both water supply and watershed, Polecat Creek WS-3, General Water Shed Area.
8. Infrastructures: For Infrastructure and Community Facilities, public school facilities, no anticipated impact; Fire response, fire protection, Pleasant Garden Fire Station approximately 3.4 miles; Water and sewer, private well and septic is within the Greensboro Growth Tier I service area; Facility feasibility study of Service Event commitment, there were none; Transportation, existing conditions, S. Elm/Eugene Street is a major thoroughfare under the Greensboro Collector Street Plan; NCDOT 2023 traffic count for the area is 4,200 average daily traffic; Projected traffic generation, no data is available at this time.
9. Landscaping: Buffering & Screening: Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate. A Type A planting yard (min. width 40'; avg width 50', max width 75') is required between single-family residential uses and the Event Center venue per Section 5.6.M.4. A use (except single-family and two-family dwellings) adjacent to an LI-zoned property must have a Type A Planting Yard along the facility's perimeter per Section 6.2, Table 6-2-2. A non-residential use (Special Event Center) adjacent to an AG or RS zoning district shall have a Type C planting yard (min. width 15'; avg width 20', max width 40') along the facility's perimeter per Section 6.2, Table 6-2-2 (footnote 2).
10. Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic. Lighting plan will be reviewed at TRC or by appropriate staff per Article 6.3 of the Guilford County UDO.

11. Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties. A Type A planting yard (min. width 40'; avg width 50', max width 75') is required between single-family and two-family dwellings) adjacent to an LI-zoned property must have a Type A Planting Yard along the facility's perimeter per Section 6.2, Table 6-2-2. A non-residential use (Special Event Center) adjacent to an AG or RS zoning district shall have a Type C planting yard (min. width 15'; avg width 20', max width 40') along the facility's perimeter per Section 6.2, Table 6-2-2 (Footnote 2).

There is an earthen field dam for the pond, and it has significant tree and woody vegetation growth, based on 2022 area inventory of the Guilford County GIS data viewer. Trees and woody vegetation on the dam can cause the stability of the dam to degrade or potentially fail if not addressed. Fallen and uprooted trees can result in structural impacts to the earthen dam. Dead and decayed trees and roots can create void spaces in the earthen dam resulting in potential water seepage and erosion, structural impacts, and possibly dam failure.

During consideration of the Special Use Permit, the Planning Board must determine that the following findings of fact have been satisfied based on relevant and credible evidence presented during the hearing. A written application was submitted and is complete in all respects that the use will not materially endanger the public health and safety if located where proposed and developed according to the plans submitted. The Special Event Center, subject to the submitted sketch site plans along with the proposed conditions that were presented or agreed to by the applicant, for which a Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. The use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

After reviewing the proposed development plan for this request, staff offers the following for the Planning Board consideration: 1) The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (UDO). A copy of the TRC comments on the proposed sketch site plan is enclosed. The development shall proceed in conforming with all amended plans and design features submitted as part of the Special Use Permit application and kept on file by the Guilford County Planning and Development Department. The development shall proceed upon approval of plan and design features by the Planning Director, after comments from the TRC illustrating conditions related to the request and applicable development standards and any added conditions, if applicable.

The following condition is recommended by staff:

- a) An evaluation of the existing conditions and stability of the existing ponds and dams must be conducted and described in a signed/sealed report prepared by a professional engineer with recommendations for repair and maintenance included in the report. The report must be completed and all necessary permits and approvals for repairs and maintenance must be obtained prior to Site Plan approval. The following will be required prior to issuance of a temporary TCO or CO.
 - i) Pond and dam repairs must be complete, and the area stabilized.
 - ii) An Operation & Maintenance Plan for the ponds and dams must be prepared for use by the owner.
- b) Prior to Site Plan approval, submit to NCDEQ Dam Safety a Jurisdictional Determination / Hazard Classification Request for the existing dams, and provide a copy of NCDEQ's determination indicating if the existing dam will be subject to the Dam Safety Law of 1967 (as amended).

If the specified conditions addressed in the Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

Chair Donnelly asked if there were any questions for staff. Chair Donnelly stated that it is his understanding that the staff recommended conditions that are pulled directly out of the TRC comments. Mr. Bass responded that they are based on the TRC's comments and reflected there.

Chair Donnelly opened the Evidentiary Hearing and invited speakers to come forward to the Speaker's Table. Speakers had already been sworn in for their testimony in this case.

Amanda Hodierne, 804 Green Valley Road, Suite 200, Greensboro, NC, representing the applicant and property owner, The Lakes on Elm's Properties, LLC., stated that this is an application for a Special Use Permit. In review of the nature of that request, this is a special type of entitlement. The use is already permitted in the existing Agricultural zoning, as heard by staff, with a Special Use Permit. This is a quasi-judicial hearing to determine that the four (4) findings of fact are met. The Planning Board will apply the evidence heard, to the four (4) findings that it is a sketch site plan specific request. That will be a large part of the evidence that will be submitted for consideration. They are using the site sketch plan as reviewed in the way the Board has heard about and will continue to hear about to demonstrate the way they are meeting the four (4) factors. That is a binding sketch site plan that would be carried forward to a site plan approval process if the Special Use Permit is issued.

The subject property was shown in photos for the Board members' review. The property is just south of Ritters Lake Road, going down S. Elm/Eugene Street, just before it combines with Randleman Road at the west, and it continues on through the US 421 corridor. Pleasant Garden is immediately to the west of the property. Some of the physical characteristics that play into this request are that there are a lot of mature vegetation and two (2) large ponds on the property. S. Elm/Eugene is immediately adjacent to the property and has frontage along S. Elm/Eugene, and there are some impervious surface areas that appear to be gravel, likely former parking areas and roads. This site is informally historic but is not inventoried, but it is an old resort-style swimming hole that served Guilford County back in the 1920s, and people used to visit this property and have social events and swim. It has largely remained vacant for many years. Mr. Bass mentioned that the property abuts against some Greensboro jurisdiction and zoning applicability, as shown on the map present on the overhead. Then you see a lot of AG zoning in the county and Pleasant County. This property is along a major thoroughfare at S. Elm/Eugene Street and is adjacent to CZ-LI to the north and that CD-LI coming from Greensboro to the west. It then transitions to the AG zoning, so this property is sitting as the in-between from that non-residential, non-agricultural uses that are seen coming from the north and west and then down into the County as it dissipates more into the agricultural pattern.

The sketch site plan specific request means that the applicant had to go through preparation of a site plan, sketch plan, to submit to the TRC process, so that it could be evaluated in the way that the application requires and that this is a specific offering that is tied to this application. She pointed out that the mature vegetation and ponds remain on the property and will be maintained and updated. The parking lot and roadways largely mirror the existing impervious surface on the site. A lot of intentionality and effort went into making sure that the scope, scale, and design of the use were appropriate within the context of the site as it exists. There were some illustrative visions shown that show how it nestles amongst the trees, and how it would be oriented, and how it would interact with the pond features, and how the parking fits on there. There are two (2) small cabin structures on the property that already exist. They will be renovated and upgraded to meet today's habitability standards. Mr. Bass has provided the proposed conditions for the Special Use Permit. 1) The cabin structures located on the property shall be available for short-term rental only, for guests associated with an event for the property. This will provide predictability that these will not be residential structures that people live in all the time such that they will be regulated as residential structures. To provide some parameters for short-term rental, they applied case law definition of short-term rental in North Carolina, which is 30 days in duration. They are amenable and do offer the two (2) additional conditions recommended by staff, and they do accept those and offer those as part of their request.

The Special Use Permit request is all about determining whether or not the four (4) findings of fact are met.

- 1) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. That is tying it to the site-specific sketch plan submitted.
- 2) The use is in conformance with all special requirements applicable to the use. The use meets all required conditions and specifications. This is tying it to the Guilford County adopted UDO that has special development standards associated with a Special Event Center.
- 3) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of Guilford County and its environs. This is making sure that it fits into the planning objectives and goals, the land use pattern harmony and compatibility.
- 4) The use will not substantially injure the value of adjoining or abutting property.

Counsel Hodiern offered that the internal TRC process that this application and associated sketch plan must go through is evidence to this finding because the UDO exists for this reason. There are a development ordinance and standards to ensure that the public health and safety are protected. She offered the staff report into the record as evidence for this because they have been through this and specifically the TRC staff report that were presented earlier are also evidence of that process at work and produced the results of a sketch plan that could be moved forward. The ten (10) review factors from Section 3.5.Q.3, item g, that Mr. Bass read into the record are also evidence of their compliance.

Norris Clayton, Hugh Creed Associates Engineers, 902 Cross Creek Road, Colfax, NC, stated that he has been a registered engineer and land surveyor in North Carolina for over 40 years, practicing engineering in Guilford County and Greensboro. They started the process with a site plan and first met with the client/owners to discuss what their needs and wants were on the property for the Special Event Center. They wanted something that is associated with the two ponds on the property and to try to preserve as much vegetation as possible as the buffer areas that they could. Between the two (2) existing cabins that are to be restored for use, and there was a lot of existing gravel driveways through the property, and they wanted to keep those and try to incorporate the parking into those areas to lessen the amount of disturbed area. They reviewed the Guilford County Ordinance to make sure that these needs and wants would meet the Ordinance standards, and they submitted a plan to the TRC, and they have addressed comments made by the TRC to come up with the current site

plan, which meets the Guilford County requirements. There is a 50-foot buffer around the residential areas, which are on the outside parts of the ponds, which would not be disturbed except for repairs to the dams. They will be making a full-scale report on the dams to make sure that they are sound, as requested by the County. The process went well, and this is a great site for the use and a good buffer between Light Industrial areas and Residential areas.

Counsel Hodierné asked Mr. Clayton if it was his understanding that the TRC process yielded a review complete from each reviewer. Mr. Clayton responded that each department made comments, and those comments have been addressed.

Counsel Hodierné asked Mr. Clayton, when he designed the site plan, if he referenced going through the Ordinance and used Article 3.5.Q.3.G. Mr. Clayton responded that he did.

Mr. Craft asked how many parking spaces would be available on the site. Mr. Clayton stated that it would be a gravel lot, so it would vary on how the people park, but probably about 100 spaces could be accommodated. Mr. Craft asked if the building capacities would also accommodate 100 people. Mr. Clayton responded that he wasn't sure of that, but it was probably somewhere around that number. Counsel Hodierné stated that it is her understanding that Building capacity can vary based on set up so it would be established with the certificate of occupancy and parking is based upon square footage of the venue.

Dr. Bui asked if the two cabins to be restored would be considered historical. Mr. Clayton responded that they are not historical; they are just old and have been there for a long time. Dr. Bui asked if he plans to majorly change the cabins or just improve them from the inside? Mr. Clayton responded that there are extensive improvements to be made, but the footprint of the cabins would remain the same.

Chair Donnelly asked if it is their intention that the Certificate of Occupancy would cover both the Event Center and the cabins as they are being prepped for use. Mr. Clayton answered yes.

Counsel Hodierné stated that this would be regarding the second prong of the 4-factor analysis, "Whether or not the use meets all required conditions and specifications." Again, this is looking directly at the UDO and saying that it does meet the development standards of the UDO under Article 5.6.M, items 1 through 4. She also wanted to offer into evidence the following comments (again, this use is permitted in the AG district). She also wanted to highlight that the sketch site plan that Mr. Norris has prepared has been through the TRC process, meets the standards of the Ordinance, and meets the requirements for this specific use, with no waivers and no variances. Regarding the internal TRC process, she brings forward all the evidence and testimony from Mr.

Norris, as well as the staff report. Part of that staff report and TRC analysis looks specifically at these development standards for a Special Event Venue, 1 through 4. The first two are permissive, telling you what can happen - weddings, receptions, and similar events are permitted. It says that a caretaker is allowed to live on the site. Numbers 3 and 4 are things that must happen - requirements that they have to prove tonight, that they have met. 3) "An outdoor event shall be no closer than 100 feet of a residentially zoned or used property." This is all shown on the site plan as measured from the end extent of the dirt formation on the property, the edge of the pond, on the inside of the property, across the lake where there is residentially zoned property adjacent. In other words, the two places where they fall under this requirement. If you measure that, you see that they are over 300 feet in one direction, and just under 300 feet in the other direction. So, even without going to the exact spot where an event or outdoor activity would be actually taking place, they are well over that 100-foot standard, so that requirement is met.

Number 4, "a Type A planting yard is required between single family uses and the Event Center," and this has already been submitted in the first set of ten (10) factors that were reviewed. She is just showing the site plan and highlighted in yellow, the two notes seen on the site plan where they provide a note that they are complying with the Type A landscape buffer in those two locations. Therefore, they are meeting those requirements and meeting the second prong of the analysis.

The third prong of the analysis is "whether or not the use will be in harmony with the area in which it is to be located." This required them to look at existing compatibility factors such as land use patterns, zoning, and asked them to look at the Comprehensive Planning documents and growth guidance and objectives of Guilford County. This use is permitted in the existing zoning district, so it is evidence that this is a harmonious use because it is allowed in the zoning district that exists.

The existing land use pattern zoning map, part of this analysis, is zoned AG where it is shown on the existing land use and zoning map presented. There is also LI zoning to the north and west as shown on the map. Again, she will raise the point that this property is uniquely situated, being on a major thoroughfare and many trips per day, right across from Industrial zoning with a large scale and scoped industrial project. South of that is another industrial neighbor. On the other side, there is AG property and residential property. The zoning pattern clearly demonstrates in the land use pattern that they have a growing city center from Greensboro that is coming south, and this is a current line of that growth boundary. Placing a use here that fits into both acknowledges that there is some potential for intensity here because they are on that major thoroughfare and it is directly accessed by the major thoroughfare, which is important because that means that no one is having to drive through a neighborhood. They have the mature vegetation, the historical implications of what the site

has been used for, they have the neighbors surrounding in the residential and agricultural capacity, so they submit that this proposed use speaks to both of those realities. It is a perfect transitional use to acknowledge that they have a site that really is highest and best use suited for a non-residential use, but they don't want to max that out to such an intense standard that it becomes non-harmonious and non-compatible with the other neighbors.

This factor also invokes the Comprehensive Planning guidance and long-term growth objectives. This is pulled from the Southern Area Plan, the small area plan that is in effect in this area. This was covered in staff's presentation and this property is designated to be agricultural in the County's long-term plans. This site is in the City of Greensboro's Growth Tier I, meaning that it can be annexed. So, this site can easily be applied to the City of Greensboro and get annexed and be served and developed under their long-range planning guidance. The applicant did not want to do that. They want to be sensitive to that zoning pattern talked about earlier, that needed to speak to the agricultural and residential neighbors, just as much as they needed to take note of the fact that there is a major thoroughfare and industrial across the street.

A big part of harmony in an area is reaching out to the surrounding neighborhood residents to obtain input from them concerning their plans for the subject property. A copy of the letter sent to the neighborhood and affidavit was presented to the Board members for their review. She has had some feedback and one phone call in response to the letter from one of the adjoining property owners, who was in favor and thinks the use is a good fit and loved the idea of preserving the ponds and the woods and creating a way for the public to, again, enjoy this special piece of property the way they used to decades ago. She also presented an affidavit from her client, Mr. Sheppard, who also fielded a few conversations with neighboring property owners about the request. They also expressed no concern with the proposed project.

The fourth prong of the analysis asks whether or not the use will substantially injure the value of adjoining or abutting property. At this time, she asked Mr. Marcus Orr to come forward to give his qualifying credentials, and he is being offered as expert witness to this factor as a professional appraiser.

Marcus Orr is a Certified General Appraiser with McNairy and Associates. He is Certified in North Carolina and Virginia and is also a North Carolina Real Estate broker. A packet had been presented to Board members for their review. Mr. Orr stated that page 15 states that what they want to know is whether or not this issuance of a Special Use Permit will substantially injure the value of the abutting or adjacent properties. This gives an aerial map from the GIS that shows the uses for an agriculturally zoned property, and there is a Light Industrial zoned property to the north and across the street is the CD-LI that is in the City of Greensboro, that is proposed for a one million square feet of industrial development, eventually. If you go back a couple more pages, you

will see some pictures starting on page 12, and these are pictures he took on the site of all the surrounding properties that he could access without going on the private property. It is mostly either vacant land or residential-agricultural and single-family structures, with the exception of to the north, where there is a Light Industrial zoned property that has a home-health business. There is also a fencing company that is also on AG zoned property. Those are the primary uses there. The question is whether the proposed use for the subject property will injure the values of those properties. On page 19 is their analysis of the residential properties. The way they undertake this is using a couple of graphs on page 20 and 21, and the first graph there is an analysis of all of the home price sales taken from the Triad MLS, and it shows that for Guilford County and the subject property lies within a Greensboro zip code. Looking at the median price towards the 3rd column from the right, give an idea of what housing prices are doing in Guilford County and in the subject area. The first graph is for new houses from the last couple of years, and then the next graph on page 21 is how older houses are doing, and that encompasses all of the sales in Guilford County. Greensboro does trend a little lower than most of the municipalities in this analysis, and lower than the market overall, in Guilford County. Once they set a baseline and an idea of what housing prices are trending at, then they look at other Event Centers and see if there is any impact on the difference in prices within a one mile and two mile radius of those other Event Centers. There is a list on page 22 of the Event Centers they looked at. These are similar in nature to the Event Center on the subject property. On pages 23 and 24, they looked at new sales and then existing sales of all homes. They found, in looking at this data, that the median housing prices in Greensboro trend a little bit lower than the overall market in other municipalities, but the data indicates that those housing prices tend to trend higher in the areas within the 1- and 2-mile radius of other Event Centers. They do not see any detrimental impact based on the data that they can see in housing prices.

In regard to the Light Industrial portion of the properties, this make it a little more difficult because these Event Centers tend to be located in Agricultural areas, where there isn't a lot of Industrial development. They tend to be off the main highways where there may be industrial access. On page 25, this is the overall Guilford County market. There is the Greensboro market which is the overall metro area, and the key figure they are looking at in this part of the analysis is the 2nd column from the right, which is the average price per square foot industrial properties are selling for. The overall market trend is \$59.00/ sq. ft., and their market is in south Greensboro, and trends at \$61.00/sq. ft. What they like to look at in determining whether this would have any impact is are there any Event Centers that are located near Industrial property that seem to be negatively impacting the value of Industrial properties. Again, there is the list of Event Centers on page 26, and the complication they have, looking at page 27, is that there are only two (2) Event Centers that are within proximity to industrial development. Looking three columns from the right, the prices per square foot in those areas, trend much, much higher than the overall market.

The data they have doesn't indicate that there would be any kind of detrimental impact or substantial injury to the value of Industrial properties that do surround those areas.

Chair Donnelly asked how Mr. Orr chose the one to two-mile radius because as he thinks about this, he is primarily thinking about those properties that are adjacent and the impact that the development of an Event Center is going to have on those properties. He does not see that addressed in the data. Mr. Orr stated that, as with any appraisal, they have to work with the data that is available to them and if you look at a lot of those one to two mile radiuses, especially the one mile radius of a lot of these addresses, there are very limited sales. They don't have a lot of sales data to work with unless they expand out, at this point. Within the definitions that they use, adjacent is not necessarily touching the things that are nearby.

Mr. Donnelly asked if there was any data that showed what the price profile looked like before the event center was there and what it looked like after it was created. Mr. Orr responded that that data does not exist as they work with data that is historical.

Counsel Hodierne asked if it would be accurate to say that if they were to limit the analysis to properties that were definitionally adjacent with a shared property line, that it would not be enough data points to create a conclusion. Mr. Orr stated that is absolutely correct.

Counsel Hodierne stated that the way that a site is planned and laid out, and the intentionality of it also speaks to ensuring that they maintain low disturbance to any neighbor, and they do that by maintaining the existing vegetation, by staying far away, and by making sure that they receive their access only from the main thoroughfare. So, they are not impacting anyone's neighborhood by adjusting their traffic patterns and not getting close to them, and not tearing down trees at the property line, so all those things are done here.

In conclusion, Counsel Hodierne stated that she wanted to again point out their findings and evidence being presented to each. The four (4) findings are met for the proposed use for which the Special Use Permit would be issued. The use will not materially endanger public health or safety if located where proposed and developed according to the plan as submitted and approved. The Board has heard tonight that they have developed a plan, submitted it through the TRC process, and it came out approved by the TRC process that they have met all the standards that the County has laid out to protect this very thing. Prong two (2), the use meets all required conditions and specifications. They heard about those four (4) requirements for this specific use and the UDO has contemplated what they want to ensure is present, when there is a Special Use Venue. Two (2) of those were required, restrictive, measures, and they have met both of those, and the distances were pointed out and showed the

commitment on the binding site plan to the 50' protective Type A yards. 3) The location and character of the use, if developed according to the plan, will be in harmony with the area and general conformity of Guilford County and its environs. They looked at the land use pattern for this and looked at how this location presents with the highest and best use for non-residential activities, but that they also wanted to couple that and curtail it by acknowledging the agricultural and residential neighbors and going with a commercial use that is low in intensity and that works with the site, and embraces the mature vegetation and the existing pond features. It also is in compliance with Guilford County's Small Area Plan for the area, which designates the site as agricultural. They are not asking to be rezoned out of agricultural zoning. They are looking to do a use that fits right in the Use Table for that. Lastly, the use will not substantially injure the value of adjoining or abutting property. Again, when they look at the competent material and relevant evidence, as required by this analysis, they see that the data supports the finding. They use professional, vetted and required appraisal analyses to look at this exact question. All of the experts are at the meeting if anyone has any other questions.

Discussion

Mr. Gullick stated that he thinks this site is a good site for this use as an Event Center. He lives next to one and his daughter lives next to one in Raleigh and he has been associated with a lot of them up in the mountains. He has seen where they go right and where they go wrong. Because so many of these are in agricultural areas, it is really important to him, and to make these work correctly, to have some sort of hours put on, especially consideration of amplified music, where there is a certain time where the music is no longer amplified. So many of these venues, if they have a shelter, will close the doors, if available, at certain time to contain the noise inside.

Rev. Drumwright stated that 10 PM is early in the special events framework. You can have events can start at 7 PM and putting an end time at 10 PM is very early within the scope of special event centers.

Counsel Hodiern stated that she would like to ask some questions of staff in that regard. She pointed out that this type of limitation is difficult to enforce. She asked if the County is amenable to a condition like that. Oliver Bass stated that yes, they would consider that could be added as a condition.

Counsel Leslie-Fite stated that at this time, they are adhering to the Ordinance, as written. The County Attorney's Office is currently working with the Sheriff's Office to talk about some revisions to the Ordinance that will, hopefully, provide some greater guidance, as to the implications of those requirements. She is referring to the Noise Ordinance.

Mr. Craft stated that what they have dealt with in the past in other Event Centers is putting an "End Time" for outside amplified music and maybe outside music

is not part of the Plan. Maybe the developer can come up with something. Mr. Gullick stated it was his experience that they cease amplified music at a certain hour. In regard to enforceability, it is difficult to enforce the evening of the event, but it could be enforced the next day, and it would certainly affect the Special Use Permit if there is a violation.

Chair Donnelly suggested that an example condition could be, "No amplified outdoor music before the hours of 7:00 a.m. and after 10:00 p.m."

Counsel Hodierne asked if they could take a five (5) minute break.

Rev. Drumwright stated that 10 PM is early in the special events framework. You can have events that start at 7 PM and putting an end time at 10 PM is very early within the scope of special event centers. Neighbors had not uplifted that and that is nothing that the county should enforce upon the applicant.

Counsel Leslie-Fite stated that the current Code does not specifically define amplified music; however, there is a reference in Chapter 11, the "Miscellaneous" section of the Ordinance, that speaks to loudspeakers or amplifiers, and she would like to read that into the record, to the extent that she feels it gives some insight to this conversation. Section 11.8(b), which defines annoying and disturbing noises and reading from sub-paragraph (b), "The use of any mechanical loud speakers or other mechanically amplified device within or from any commercial establishment or private entertainment or recreational venue is presumed to be unreasonably loud, annoying, disturbing, and unnecessary, if the sound played or emitted, may be heard at a distance from 30' or more of the facility's property line, between the hours of 11:00 p.m. and 7:00 a.m." So, that is not necessarily in this section, but she is giving it as guidance to at least what the Board members, at this point, have outlined as noise, potentially, with respect to those parameters as part of the discussions being held.

Counsel Hodierne stated that was very helpful just so everyone understands what they mean when they say something has to cease, there should be an easily determined, black and white, definition.

Mr. Alston stated that he feels it is also reasonable, in regard to the Ordinance that is already in place, he feels that with the location of the Event Center and the acreage of it, he thinks the current Ordinance would be justifiable or would suffice for any loud music or anything that might come from an event there. The timescale was also reasonable, so he doesn't think it is necessary for it to be any added contingency, being that there is already an Ordinance in place. That is just his opinion.

Counsel Hodierné asked if there were to be, if they adopt a condition here, would they be allowed to get any sort of Special Event Permit on a case-by-case basis, an event that came up that really needed to exceed that timeframe?

Counsel Leslie-Fite stated that she would review that during the break. Also, they talked about noise and just more generally across the board, and she knows this to be true, but she wants it on the record, that this is a quasi-judicial hearing, so there was no prior conversation with either the applicant or the attorney representing the applicant about this specific case, prior to the hearing. The Board was just talking more generally about the concept of noise and Event Centers more generally, but not this specific case. Mr. Gullick stated that was correct.

At this time Chair Donnelly called for a motion to take a five (5) minute break.

Mr. Craft moved to take a five (5) minute break, seconded by Mr. Alston. The Board voted unanimously in favor of the motion and the Board took a break from 7:44 until 7:50 p.m.

Chair Donnelly brought the meeting back into Open Session at 7:50 p.m.

Counsel Hodierné thanked the Board for the opportunity to talk with her client. To give an understanding of the deliberation they just had, the applicant is hoping to be landlord of this property, where he would rent it to an operator, and it really isn't relevant as to who that operator would be. She stated that they are trying to make sure that they don't create so many restrictions that it is not a viable business opportunity. The landlord is also not interested in hosting, if someone wants to stay out until 2:00 a.m., that is not this venue as there are other places to do that.

Counsel Leslie-Fite stated that she has already read Section 11.8(b) of the General Ordinance into the record. The preamble to the portion that was read previously is, "The following acts are declared to be loud, disturbing, annoying, and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive." In the sub-paragraph 11, is what she had read earlier. This Section of the Ordinance actually prohibits the information that she read earlier --- the amplification of music between the hours of 11:00 p.m. and 7:00 a.m." So, if there is a violation of this Ordinance pursuant to the circumstances she described, there would be a remedy to notify the Sheriff's Office and to enforce that way.

Counsel Hodierné stated that they acknowledge on the record that that is the Noise Ordinance, and as such, the amplified sound has to be shut off at 11:00 already. So, a condition to that is not necessary since it is already law in Guilford County. What they can do is offer a condition to Rev. Drumwright's point, that events, period, will end at 11:00 p.m. so now there is an hours of operation

bookend that tells someone that there is not a rental that goes past that time. Functionally, the music, even if you play it to the last minute, is going to shut down also, and there wouldn't be any activity or impact past 11:00 p.m. She offered that an amendment in the language be, "The use will require that rental events end by 11:00 p.m."

Counsel Leslie-Fite asked that the condition be submitted in writing to County staff.

Mr. Craft moved to amend the application to include staff recommendations 5A and 5B on page 5 of the staff report, and that the ending time for events offered by the applicant shall be 11:00 p.m., and that will be immortalized in writing, seconded by Dr. Bui. The Board voted unanimously (9-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Little, Drumwright. Nays: None.)

Chair Donnelly stated that those conditions have now formally been incorporated into the application and will be ultimately executed with the written signature from the property owner.

Chair Donnelly asked if there was anyone else wishing to speak on this particular matter, and no one came forward. Therefore, Chair Donnelly asked for a motion to close the evidentiary hearing.

Mr. Craft moved to close the public hearing, seconded by Mr. Stalder. The Board voted unanimously (9-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Little, Drumwright. Nays: None.)

Board Member Discussion:

Mr. Craft stated that he really appreciates the applicant offering the condition about shutting down the Event Center at 11:00 p.m. The Noise Ordinance is fine, but it is difficult to enforce, and if it is in the Special Use Permit, that is taken a bit more seriously.

Dr. Bui stated that she thanked Ms. Hodieme for the very detailed information provided in the packet and presentation. She is also very impressed by the appraiser, who was also very detailed.

Chair Donnelly then asked if there was any Board member who wished to offer a motion.

Mr. Gullick moved that the Guilford County Planning Board, having held an Evidentiary Hearing on November 13, 2024, to consider a request for a Special Use Permit for a Special Event Venue subject to the submitted site plans along with the following proposed conditions: 1) The cabin structures located on the property shall be available for short-term rental only for guests associated with

an event at the property; 2) No cabin rentals shall exceed thirty (30) days in duration, and in addition to the conditions listed under items 1 and 2, incorporate the staff recommended conditions listed on page 5 of the staff report, items 5a and 5b, and that the use will require that events will end at 11:00 PM for the property located at 4327 S. Elm/Eugene Street in Sumner and Fentress Townships, Guilford County Tax Parcel #142922, approximately 1,400 feet south of the intersection of Ritters Lake Road, comprising approximately 18.2 acres, with approximately 10.46 acres within Guilford County's zoning jurisdiction and subject to this request, and having heard all of the evidence and arguments presented at the Evidentiary Hearing, make the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. A written application was submitted and is complete in all respects.
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The use is well-placed on this site where it does not impose on nearby uses, does not interrupt residential uses. It is properly scaled for the large acreage to manage its own impacts. It is designed, engineered and will be built in conformance with all applicable requirements of County and State, which exist for public health and safety. The Technical Review process will ensure the same.
3. The use, a Special Event Venue, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The provided site plan was prepared pursuant to Guilford County Unified Development Ordinance and meets all standards required for this use. The site plan will be reviewed by the TRC to ensure full compliance with all requirements of such Ordinance. The Board was provided expert testimony at the finding of this Hearing.
4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The use is specifically matched to the property based on physical and environmental characteristics and its historical use is significant to the community. The location of the property on a major thoroughfare and adjoining commercial uses acknowledges that the highest and best use for the property is non-residential, and that it can handle some intensity. This use preserves the rural nature and feel of the site as designated in the Small Area Plan applicable to this location.

5. The use will not substantially injure the value of adjoining or abutting properties or the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the use will not substantially injure the value of adjoining or abutting properties. The use is predicated on the natural environment of the property as well as the property's historical origins. The applicant presented appraisal data to support no diminishment in value. [See friendly amendment offered by Chair Donnelly below]

Therefore, on the basis of all the foregoing, it is Ordered that the application for a Special Use Permit for Special Event Venue be granted subject to the following:

The development of the parcel shall comply with all regulations, as specified in the UDO. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit application kept on file with Guilford County Planning Department. The development shall proceed upon approval of the plan and design features by the TRC, illustrating the conditions related to the request and applicable development standards. If the specific conditions addressed in the Special Use Permit are violated, the permit shall be revoked, and it will no longer be allowed. Only by re-applying to the Planning Board for another Special Use Permit and receiving the approval, will the use again be permitted.

Chair Donnelly offered a friendly amendment to #5, where they identified that the use will not substantially injure the value of adjoining properties, he asked that Mr. Gullick articulate that the applicant presented appraisal data to support no diminishment in value. Mr. Gullick agreed to the friendly amendment, as stated. Reverend Drumwright seconded the motion. By roll call vote, the Board voted unanimously (9-0) in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Alston, Bui, Buchanan, Stalder, Little, Drumwright. Nays: None.)

Chair Donnelly stated that under the Rules and Procedures, this constitutes final action on the Special Use Permit. He thanked everyone for being in attendance tonight.

VIII. Other Business

- A. Order to Approve Special Use Permit Case 24-05-PLBD-00084 for Duke Energy Electric Substation, 1872 Andrews Farm Road (see included draft sections of the transcript) **(CONTINUED TO FUTURE MEETING)**
- B. Adopt the 2025 Planning Board Meeting Schedule

Rev. Drumwright was excused and left for the remainder of the meeting.

After review, the 2025 Planning Board Meeting Schedule was approved by unanimous vote.

Chair Donnelly stated that November 11, 2025, which is the normally scheduled meeting date, is Veterans Day, which is a County Holiday, and the meeting schedule reflects that this meeting would be held on Tuesday, November 10, 2025. Mr. Craft stated that the proposed meeting date is correct for November 2025. The adjustment required and indicated in the calendar due to the Veterans Day holiday is for application submittal.

Chair Donnelly stated that there needs to be discussion about changing the location of future meetings of the Planning Board.

Mr. Alston stated that he has spoken with one of the County Commissioners, and they have opened up the invitation of possibly allowing a bigger budget, if needed, in order for the Board to maintain an area downtown for the meetings. He suggested the idea of having the Carolyn Coleman Chambers, 1st floor, Old County Courthouse be the official site for all future meetings in 2025. If the meetings are going to be well-attended with a large group of people, they could use the County Commissioner's Chambers. He feels this would be more appropriate and a better feel for the meetings, rather than continuing to have meetings in the current location. Most of the Board members stated their agreement to this proposal. Chair Donnelly explained the parking situation to everyone.

Mr. Craft moved to approve the location change for future meetings of the Planning Board beginning in January 2025, and the proposed calendar for 2025, seconded by Dr. Bui. The Board voted unanimously 8-0-1 in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Little, Alston, Bui, Buchanan, Stalder. Absent: Drumwright. Nays: None.).

C. Comprehensive Plan Update

Mr. Bell was not in attendance to give an update on the Comprehensive Plan, but Chair Donnelly shared that the Steering Committee for the Comp Plan will likely be receiving a copy of the survey results, as well as the consultant recommendations by the end of this week. At that point, the Steering Committee members will identify what the next steps may be, and one of those next steps that is pending very quickly is the presentation of that information to the Planning Board. It first has to be approved by the Steering Committee, and there are a couple of steps that have to happen there. It seems that the bulk of the work has been done, and the Planning Board should be seeing the results of that work by the end of the week.

Oliver Bass stated that for the December meeting, staff is anticipating the Sheraton Park Road case under Old Business. There is a Special Use Permit application for a possible landscaping business under AG zoned property, and there is a proposed amendment to a condition of zoning, where they want to add three or four uses to the existing uses that are permitted within that conditional zone. Then, other than that, there may be some updated text amendments, as well.

Mr. Craft thanked Chair Donnelly for running a very good meeting and prior meetings, and he does a great job, and he knows it is not easy. The members appreciate him and staff's attention to details to make the meetings run smoothly.

IX. Adjourn

There being no further business before the Board Chair Donnelly declared the meeting adjourned at 8:27 p.m.

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