

**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Special Meeting Minutes**

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

**October 23, 2024**

**6:00 PM**

**Call to Order**

Chair Donnelly called the October 23, 2024 Special 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; Guy Gullick, Vice Chair; Cara Buchanan; Dr. Nho Bui; Rev. Gregory Drumwright; Jason Little; David Craft; and Sam Stalder

The following members were absent from this meeting:

Ryan Alston

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Planning and Zoning Manager; Troy Moss, Planning Technician; Jessie Baptist, Administrative Officer; Robert Carmon, Fire Marshal; and Matthew Mason, Chief Deputy County Attorney

**II. Agenda Amendments**

None

**III. Approval of Minutes: August 21, 2024**

Mr. Donnelly stated that there were a number of comments he made and said at the August 21, 2024, meeting that were being incorporated into the minutes as well as some speaker tense changes.

Motion to approve the minutes as amended by Mr. Gullick and seconded by Mr. Stalder. The Board voted 8-0 in favor of the motion to approve. (Ayes: Ms.

Buchanan, Dr. Nho Bui, Mr. David Craft, Rev. Drumwright, Mr. Guy Gullick, Mr. Jason Little, Mr. Sam Stalder and Mr. James Donnelly; Nays: None).

Mr. Donnelly stated that he and Mr. Bass discussed that moving forward, amended minutes will be shared via email with the Board members so they have a copy of the final minutes of each meeting as they have been approved.

#### **IV. Rules and Procedures**

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

Mr. Donnelly added that the Board would like speakers to keep their comments, to the degree that they can, to the matters at hand—specifically, zoning proposals appearing before the Board.

#### **V. Continuance Requests**

None

#### **VI. Old Business**

##### **Legislative Hearing Item(s)**

##### **A. CONDITIONAL REZONING CASE #24-08-PLBD-00093: SUMMERFIELD DEANNEXATION ORIGINAL ZONING CONTINUED FROM SEPTEMBER 11, 2024 REGULAR MEETING**

Mr. Donnelly stated that this is a case that was first brought before the Board a couple of months ago where because of action taken by the North Carolina general legislature, we have some parcels in the County that had become unzoned, and it is the task of this Board to apply initial zoning to those parcels. At the August 11 meeting, they did that for some number of the parcels, and that there are some parcels remaining under the Board's consideration, which is what we are here for tonight. Mr. Donnelly reinforced that this is initial zoning, meaning it is not related to any particular development request. It gives a starting point for moving into any number of development opportunities that may come before the Board.

Mr. Bass stated that before he begins his presentation, he would like to note that the Board should have in front of them copies of the revised draft staff report and two e-mails from interested parties, and that he wanted to be sure they had copies available in front of them.

Mr. Bass stated that there is no history of denied zoning cases and that this was the initial zoning for those parcels. This is a County-initiated rezoning due

to deannexation from the Town of Summerfield under Session Law 2024-20, House Bill 909, effective June 30, 2024. At the Planning Board's October 9, 2024, regular meeting, the Planning Board voted to remand the Conditional Zoning Case #24-08-PLBD-00093: Summerfield Deannexation Original Zoning and directed staff to explore other options for the establishment of zoning for the identified parcels. The parcels subject to the original zoning case (#24-07-PLBD-00088) and subsequently assigned case #24-08-PLBD00093 are Guilford County Tax Parcels 149642, 149643, 149645, 149651, 149653, 149688, 149658, 150130, 217566, 149659, and 149662. The subject parcels were zoned AG, Agricultural; RS, Residential; OI, Office/Institutional; and BN, Business by the Town of Summerfield.

The parcels will become unzoned, per NCGS 160D-202(h) and UDO Section 1.4.b, after 60 days from the effective date of de-annexation if the County fails to assign an original zoning. The aforementioned parcels are located within Summerfield Township and comprise approximately 148.58 acres. The parcels are generally adjacent to the I-73 and Oak Ridge Road interchange.

Mr. Bass displayed a slide showing guiding principles on which their zoning decisions were based. All principles were considered when making their recommendation.

Proposed original zoning for these subject parcels is as follows:

At the northeast quadrant of I-73 and Oak Ridge Road (Highway 150): Assign original zoning of Conditional Zoning-General Business (CZ-GB) to Guilford County Tax Parcels #149659, 217566, 149658, 150130, 149642, 149643, and 149688 with the following conditions offered by the property owner:

Use Conditions: All uses permitted in the GB district except (1) Multifamily Dwelling (including Condominium), (2) Homeless Shelter, (3) Psychiatric Hospital (Hospital), (4) Bus Terminal, (5) Cemetery and Mausoleum, (6) Country Club with Golf Course, (7) Massage Parlor (Personal Service), (8) Construction or Demolition Debris Landfill, Minor, (9) Land Clearing & Inert Debris Landfill, Minor, (10) Fraternity or Sorority (University or College Related), (11) Taxi Terminal, (12) Truck and Utility Trailer Rental and Leasing, Light, (13) Electronic Gaming Establishment & Internet Sweepstakes (Other Indoor Uses Not Listed). Mr. Bass noted that the last paragraph on page 1 of the revised staff report listing Junk vehicles, Adult theater, (16) Live Entertainment (Business, Adult), Ice Manufacturing, and Bookstore (Adult) as use exclusion offered by the property owner are prohibited in the GB zoning district.

At the southeast quadrant of I-73 and Oak Ridge Road (Highway 150): Assign original zoning of Conditional Zoning-Limited Office (CZ-LO) to Guilford County

Tax Parcels #149645, 149651, and 149653 with the following conditions offered by the property owner:

Use Conditions: All uses permitted in the LO district except (1) Temporary Family Healthcare Structures, (2) Boarding House, 3 - 8 Residents, (3) Rooming Houses, 9 or More Residents, (4) Cemetery or Mausoleum, (5) Beneficial Fill Area, (6) Construction or Demolition Debris Landfill, Minor, (7) Land Clearing & Inert Debris Landfill, Minor, (8) Club or Lodge, (9) Community or Social Service Agencies.

At the southwest quadrant of I-73 and Oak Ridge Road (Highway 150): Assign original zoning of Conditional Zoning-Limited Office (CZ-LO) to Guilford County Tax Parcel #149662 with the following conditions offered by the property owner:

Use Conditions: All uses permitted in the LO district except (1) Temporary Family Healthcare Structures, (2) Boarding House, 3 - 8 Residents, (3) Rooming House, 9 or More Residents, (4) Cemetery or Mausoleum, (5) Beneficial Fill Area, (6) Construction or Demolition Debris Landfill, Minor, (7) Land Clearing & Inert Debris Landfill, Minor, (8) Club or Lodge, (9) Community or Social Service Agencies.

The Planning Board is not limited to the proposed zoning of these parcels and may consider substantial changes to the proposed zoning.

The property owners may initiate a zoning map amendment (rezoning) at any time after the County establishes the original zoning.

Mr. Bass discussed descriptions of Limited Office (LO) District, General Business (GB) District, the Conditional Zoning (CZ) District as established in the Unified Development Ordinance, including the CZ-LO and the CZ-GB districts. Mr. Bass stated that our regulations which apply to the General Use zoning district also apply to the companion conditional zoning. All other regulations which may be offered by the property owner and approved by the jurisdiction as part of the rezoning process also shall apply.

Mr. Bass stated that the 11 parcels that were de-annexed from the Town of Summerfield are adjacent to the I-73 and Oak Ridge Road interchange.

Mr. Bass discussed the current existing land uses as well as any proposed demolition or removal of any historical resources located on the subject properties.

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 Moderate Commercial (MC) land use classifications to the subject parcels.

Mr. Bass stated that the plan recommendation as stated is not currently covered by an area plan. He stated that the plan is consistent with Objective 1.5 and policy 1.4.3 of the future land use element of the Guilford County Comprehensive Plan which states:

- 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 is to approve the proposed original zoning. The request to zone the subject parcels to CZ-GB and CZ-LO under the Guilford County UDO is reasonable and in the public interest because initiating this action complies with NCGS 160D-202(h) and the UDO section 1.4.3. The parcel will become unzoned per North Carolina General Statute 160D-202(h) and UDO Section 1.4.3 after 60 days from the effective date of the deannexation if Guilford County fails to assign an original zoning. The CZ-GB zoning district is reasonable for the parcels in the northwest quadrant of the Oak Ridge Road and I-73 interchange because Oak Ridge Rd. is a major thoroughfare and creates a key interchange with I-73. CZ-LO districts are recommended because they are located near the key intersection of I-73 interchange. Any limited uses are compatible with the uses of adjacent parcels. The areas are not currently subject to any of Guilford County's Area plans. If the request is approved, an amendment to the Northwest Area Plan will be required to extend the Moderate Commercial (MC) land use classifications to the subject parcels.

Mr. Bell made one clarification that it is the northeast section, not the northwest, for the record.

Mr. Donnelly inquired if there were any questions for Mr. Bass from members of the Board.

Mr. Gullick had one comment. He wanted to thank the staff, stating they had been tasked with a tough job and balancing all this, and that he thought they had done a great job.

Mr. Donnelly inquired of Mr. Bass that the table that originally came with our packet had the uses all crossed off with the exception of country club golf course. And then this table that was handed out this evening does not seem to have any of the uses crossed out. He wanted to make sure of what, if anything, they were supposed to do with this one.

Mr. Bass replied that the table that was passed out gave a comparison of what the permitted uses are in the AG zoning district, the LO zoning district, and GB zoning district.

Mr. Donnelly stated it just doesn't have those uses excluded. That if he puts the two together, this gives the comparison of uses and asked if the other one gives which ones might be excluded.

Mr. Bass responded that was correct.

Mr. Donnelly inquired if there were any other questions for Mr. Bass. There being none, the Board moved into the public hearing portion of the meeting.

Mr. Tom Terrell appeared representing Summerfield Farms, LLC, the overall applicant. He stated that he did not feel applicant was the right word because this was a County-initiated setting. But they are the properties of David Couch and his LLCs, and no conditions can be imposed on these by state law unless Mr. Couch agrees to those conditions. So, in an informal way, that's what makes him an applicant at a very high level here. This has been a result of a lot of compromise and discussion that we have had with Mr. Couch, and Mr. Donnelly has been pushing me to consider certain things. You might remember that all these properties started out where Mr. Couch requested General Business. They are interstate interchange properties. That is the logical reason for them having an interstate interchange type of designation. But we have come down, and I'd like to talk about the southern tracts first. On the left, we started calling that the Martin tract a couple of meetings ago because Dr. Martin and his wife came, and we met with them privately. We will continue to meet with them privately about extra buffers et cetera, and that will be worked out with them, but that is an LO tract now instead of GB.

To the east of I-73, south of 150, are tracts that are small in size, and some have noted that they are small, but typically when you have 20 tracts, they would be combined for some type of joint use, and Limited Office is a perfect transition between residential and an interstate. Plus, it sits on a state highway to the north.

Mr. Terrell wanted to focus on the largest tract that's one to the north. This tract was originally zoned General Business, or GB, by Summerfield. Summerfield, possibly in 2017, did not include multifamily. Those of you who were here a couple of meetings ago know that he very strongly suggested that it be General Business with multifamily, but Mr. Couch has since said he will take multifamily off the table for that tract. Mr. Terrell reminded the Board that he thought each of them individually, but certainly staff, received an e-mail from a Council member saying that the Town would accept GB with no multifamily. So, with respect to that largest northern tract, we are actually in sync with what Summerfield says it will accept.

Mr. Terrell stated they would like to eliminate outdoor theaters. Mr. Terrell asked Mr. Bass if outdoor theaters would not be allowed in LO anyway. It would be a GB use if we were to eliminate outdoor theater.

Mr. Bass replied he was correct.

Second, Mr. Terrell offered for the GB tract. That's the only tract in which microbreweries would otherwise be allowed. No microbreweries immediately adjacent to residential properties on the east side of Deboe Road or the south side of Highway 150. Mr. Terrell stated that that says that there cannot be a microbrewery that's immediately adjacent to residential properties outside of these tracts, because currently there are still some residential properties on the inside. So, we just needed that clarification. Mr. Terrell stated that the ordinance itself, it was his understanding, has a 200-foot setback anyway. This would be a further restriction on a microbrewery, and that is if there were a microbrewery proposed.

Mr. Terrell offered the additional buffers that are not required by the UDO. First, on all tracts zoned LO and GB, all side yard buffers shall be of evergreen materials; that's not required. This is to make sure that any side yard buffers are green. This is both for visuality as well as for noise, green year round. Where GB is adjacent to residential properties, the minimum width of the buffer yard shall be increased from 40 feet to 45 feet. And the minimum average width from 50 to 55 feet. So, it's an increase from what the County has determined to be adequate. And then on street yards, the street yards in the UDO currently do not have a requirement for understory trees. Mr. Couch would like to add at least two understory trees per 100 feet in all street yards. And the minimum average width shall be increased from 8 feet to 10 feet. That's partly to make sure that there's adequate room for that. We ask you to support this.

Again, interstate interchange properties, we have been through several meetings on this. It does reflect on our compromise and what has been presented to you this evening. Mr. Couch will be willing to sign and agree to all those conditions.

Mr. Donnelly thanked Mr. Terrell and stated we'll stop the clock and if anyone had any questions, he would like to have them have the opportunity to ask questions.

Ms. Buchanan asked if eliminating the outdoor theater, would he also eliminate the special event venue, or was he keeping those separate?

Mr. Terrell replied that it would be separate, actually. Special events can be indoors. A special event center is a broad category. But that outdoor theater certainly. An outdoor theater by nature has noise and that was something he

thinks probably should have been eliminated originally. However, one of the Board members raised that point and asked them to think about it and that's how it was considered.

Mr. Gullick stated that he has a couple of questions, and that personally he's had a lot of emails, and he has had phone calls on this, and people have concerns, and he understands. We eliminated the outdoor theater, so that was the number one concern that he gathered from people.

That brings him to the special event venue, and the questions are, and he thinks they're pretty good questions, on this venue, what would be the operating hours for something like that, and he stated that he thinks the answer is there are none.

The other thing was the size of the venue, how big of a special use venue could you have? He stated it is a huge piece of land, and that's a huge concern. Mr. Gullick stated that he has had a lot of experience with these, with special use permits on the special event venues, and they many times get out of hand, and he thinks that's a concern and has to agree with that.

For microbrewery and private tavern, he thinks it's all in one category. Mr. Gullick stated that he thinks the steps made are great, but it's the same kind of concern. What are the hours and what kind of activities are they going to have? What kind of outside activities are they going to have? And we look at Deboe Rd., and I can look at that, and I know that's going to develop. It's going to develop, and it very well may develop residentially. And so that brought up a question that somebody had, which is how is that going to affect their value of their property? Mr. Stalder stated that he is pro developer, and that he firmly believes in really well-thought out development, and he has to agree with some of these.

Mr. Terrell stated that he can't offer to eliminate a special event venue. Certainly, this was not his land and it's not the County's, but he was pretty sure that Mr. Couch's current special events venue has an 11:00 P.M. ending time. Mr. Terrell stated he would be willing to say that hours of operation can only be 8:00 A.M., because that's when business is open, 8:00 A.M. to 11:00 P.M.

Mr. Gullick stated that with special event venues previously, they have had to also get down to the nuts and bolts of this when the music will stop.

Mr. Terrell inquired if Mr. Gullick had a suggestion.

Mr. Gullick responded a lot of times, they have used; he thought 10:00 or 11:00.

Mr. Terrell confirmed 11:00 P.M. for music to stop. He stated that if the hours are to 11:00 pm, the music would, by necessity, end prior to that.



Mr. Gullick responded that was right.

Mr. Mason stated that there is an ordinance the sheriff's department enforces for sound that refers to 11:00 P.M.

Mr. Gullick stated with regard to private club or lodge that was a concern because there's no limit to how big this club could be or what their activities might be.

Mr. Terrell responded that there is not a specific development plan. This is an interstate interchange tract that's large. A private club is not the most profitable or highest and best use. Mr. Terrell stated that if you're in real estate, you would probably agree that on this tract there might be a place for a small type of private club on this tract. It's a use that has not been eliminated. But this is a large interstate highway property. The chance that it could be one of those uses is small.

Mr. Stalder stated that this is just a large tract of land.

Mr. Donnelly inquired if there were any other questions for Mr. Terrell. There being none, the next speaker approached the microphone.

Ms. Gail Dunham of 5805 Stone Hill Drive, Summerfield, stated she has lived in Summerfield for over 20 years, and she loves her beautiful Town. We do understand growth. We live in the fastest growing area in the whole United States. The largest planned development in the United States. Her husband was on planning. She was on the school Board. She stated that she understands development. She is especially impressed with the quality of the of the Board and the staff. The questions that you're asking are excellent. She sincerely wishes that the Town of Summerfield would just turn over planning and development to the County because you have a level of expertise that is seriously missing.

She stated that she attended the August 21 meeting. She was especially impressed that it was also shared with them that the County would not approve apartment buildings unless commercial water and sewer were in place on the site, and that was welcome news.

There's just a couple of documents that are important. While she was mayor, she did participate in the Timmons study for about three years. It's an excellent study, and the state put out \$7,000,000 for experts, and it was very interesting because the group kind of went 180 degrees, but everyone understood where they were going.

Ms. Dunham stated that she supports the US Geological Survey. It did groundwater recharge and storage in the aquifer system, which is primarily Summerfield, but this is the only scientific document that will protect the wells and our personal water in Summerfield, but the Town has rejected it. She stated that she supports the Timmons study. Excellent document. The Town has rejected those and said that was just someone else's opinion. Ms. Dunham stated that she thinks we should be listening to those. And in the meantime, the UDO for the Town had no public hearing. It's been about 10 to 12 years on this UDO, it had no public hearing, and at the last meeting, the mayor, pro tem, Linda Baney, inserted multifamily housing for four apartment – four fourplexes to an acre, heavy density, and it was no public hearing. There's no zoning continuity.

Mr. Donnelly asked that as Ms. Dunham shares her comments, could she tie them to the case before us this evening please?

Ms. Dunham replied that she was. That there's no continuity in zoning and that they'll approve a gas station. That's for single-family homes. Ms. Dunham stated that the big thing is going to be Hwy 150 and Oak Ridge Rd. because you've got Summerfield on the one side, and you have the private property on the other side. Right now, the Town is probably going to destroy all of our wells.

They're building the largest commercial water tower that they possibly can - they said they would protect existing wells. She has read the contract, and they're doing nothing to protect existing wells. They are going to take a water line, a commercial water line, up Hwy 150. Ms. Dunham stated that you can't have Summerfield taking above water capacity on Route 150. This is a major thoroughfare, and she has concerns about how this development is going to go forward because of what the Town is bound and determined to do. There are no public hearings on anything, just steamroll ahead. They have this huge water tower, putting it on a \$2,000,000 piece of property. They will not answer questions from the Town that we have. There's no public participation.

The original comprehensive master plan was wonderful. There was lots of citizen involvement. They're going to spend \$90,000 now to trash that. Ms. Dunham stated that on Summerfield's side of [Highway] 150, she didn't think you're going to see any cooperation or any sense of science or engineering to protect the water for that whole area. You know, Freese and Nichols has got this big study, and they said, "Oh, well, you can buy water here." They said three places we can buy water. No one will sell water to the Town of Summerfield. Everyone around us needs the water for their own development. There's massive development going on. You've got the airport, Greensboro's development, Oak Ridge, Summerfield, Stokesdale. There's also the natural boundary and the watershed between Greensboro and Summerfield. So, it would be extremely expensive to go under it or around it.

Ms. Dunham stated that she thinks Mr. Couch, he's obviously going to be doing the right thing, but she didn't know about the neighbor. The other thing is right now is they got something planned with the AY [Atlantic-Yadkin] trail [Greenway], but it's partly Mr. Couch's property, they haven't thought about that. They are just bound and determined to do that. Take this 10-foot-wide path through all the front roads of Summerfield Rd. and people there have never approved it. There's been a lot of campaigns against Mr. Couch during '23 at the election time. To say that the Town tried to work with Mr. Couch is just not true. We've had 12 law firms, and they've lost everything.

Mr. Donnelly requested that Ms. Dunham restrict her comments to the things that are relevant for our case this evening.

Ms. Dunham continued that it has to do with as she said, like Route 150, she thinks the challenge is going to be to try and work with Summerfield, so that we have the water capacity in that area, is obviously done professionally, and not just someone well with what we're going to build. So, you'll have to look beyond the boundaries to make sure that you're protecting all the property.

Mr. Donnelly stated if he were going to summarize, Ms. Dunham was supportive of the zoning that's being proposed today, and her concern is to try to ensure that there is sufficient water available for this development to proceed.

Ms. Dunham responded correct. Like she said, the attention to detail that was given is really appreciated. Ms. Dunham stated that she does support the proposal, and she thinks the Board has given a tremendous amount of detail since August, and the staff certainly has to be applauded, too.

Mr. Donnelly stated that he appreciates Ms. Dunham's confidence in us. That in their role, they are primarily looking at land use, so we don't have a lot of authority over the way that water gets managed. But certainly, that is a part of any development in looking at that, and so he appreciated her comments.

Ms. Dunham stated that Summerfield has a \$65,000 land use plan, but the maps are total secret. They will never know.

Mr. Donnelly stated that Ms. Dunham shared with him the cover page of those studies, and he will pass those around so everybody can take a look at those.

Mr. Donnelly inquired if anyone else wished to speak in favor of this proposal. There being none, he moved to invite forward anybody wishing to speak in opposition. There being none, Mr. Donnelly took the opportunity to acknowledge, as Mr. Bass pointed out earlier, we did receive a couple of e-mail comments from folks who expressed concern about the development of property at this interchange and whether or not the GB was appropriate.

The motion to close the public hearing was made by Mr. Craft and seconded by Dr. Bui. The Board voted 8-0 in favor of the motion to close the hearing. (Ayes: Ms. Buchanan, Dr. Bui, Mr. Craft, Rev. Drumwright, Mr. Gullick, Mr. Little, Mr. Stalder and Mr. Donnelly. (Approved).

#### Discussion

Mr. Craft stated that he appreciates all the time and interest that it's been spent on this now, but he also thinks that we also need to remember the amount of time that was spent in the past by the Town of Summerfield who thoughtfully zoned the northeast quadrant their version of General Business. Mr. Craft stated that he thinks we have to recognize that that was done by the people most affected in that area. So, he supports and he appreciates whoever came up with the quadrants. He thinks that's very helpful. Mr. Craft stated that he supports zoning all three quadrants consistent with what staff has recommended.

Mr. Donnelly asked if there were others who would like to weigh in with questions or comments. Mr. Donnelly stated that one thing he will note, again, just for the record, Mr. Craft mentioned that the zoning that is being proposed tonight is a CZ-GB, and it came from a Summerfield BN. The number of uses has actually been reduced as a part of that. That's been documented in previous meetings, but even though it's comparable zoning, the number of available uses is actually reduced from what was originally approved by the Town.

Mr. Gullick stated that he is having a hard time with this. He thinks it's essential to implement zoning that has effective zoning checks and balances, and it protects us. It protects all of us. This is initial zoning only. He sees too many risks with a broad, blanketed General Business, even with the conditions. Mr. Gullick stated that in his opinion, it's not in the best interest for the people of Guilford County. He thinks this is initial zoning, and he thinks the applicant can come back at any time when he has a plan. He hasn't seen the developer talk to us. He hasn't seen a conceptual plan. He hasn't seen a site plan. Mr. Gullick stated that he thinks to rezone a parcel this large, he feels like it is not in the best interest of the people.

Mr. Stalder stated that he will have to agree with Mr. Craft. He thinks that this was initially a business district. That the conditions added to it are more than enough to be in line with the Summerfield zoning and Mr. Stalder agrees that he is inclined to approve all three quadrants.

Mr. Donnelly stated that one of the things that he very much appreciates that the staff did for us on the front end of this was to identify some guiding principles. Mr. Donnelly stated that he has tried to take those seriously as we've moved along. One of the things that he did was he was considering our

opportunities here this evening was to really go back and look at each one of those. And he believes that our decision is ultimately about as we try to determine what's reasonable and what's in the public interest, is to try to understand where the risks are and to be thoughtful about how we manage those risks. And so, one of the principles that I think you know right off the bat doesn't apply to this one was to make sure there's no nonconformities built in, and that was primarily affecting the residential properties. That was taken care of at the last meeting. The second one was to approximate in some form or fashion, and these were shared previously, what zoning was there in Summerfield.

One of the things that Mr. Donnelly thought was compelling is that the zoning districts as they came in reflected some thoughtful consideration of folks around what was appropriate. So, he is inclined to give that credibility because there's been that work that's gone into that. Mr. Donnelly didn't see that as the only matter before us tonight but thought that is relevant for us to consider how those things were brought forward.

Mr. Donnelly also thought that because some of the other things that we talked about was what are some of the neighboring uses, as has been pointed out here, a lot of the uses around this area are residential. Mr. Donnelly stated that he appreciated the additional conditions that were offered by Mr. Terrell to create some additional buffering because while he certainly agrees that in a general zoning, we don't know what's going to take place, if we can put some additional conditions in place that provide extra protection for the residential properties, he thinks those are great. One of the things Mr. Donnelly wanted to recognize that we'll have to do, if and when we get to that motion point, is to adopt those conditions as a part of our application. Because until we adopt those conditions, they're not actually part of the application, but we'll get to those and intentionally. Mr. Donnelly stated that he figured we'd see how the discussion went along and see if there was anything else that came up that we wanted to try to include, and we could sort of address all those together.

Mr. Donnelly stated that the other thing he thought was very relevant, and this goes to both the infrastructure capacity and the comprehensive plan, and that is that this is an interchange with an interstate. So, the infrastructure is there to support some additional use. And, in fact, there's a real advantage of having a greater intensity use adjacent to the interstate, so we don't have people traveling through residential areas to get to the interstate, but it's right there. Mr. Donnelly also recognized that any kind of development that actually happens is going to require driveway permits and potentially even a traffic study, so there are protections in place for the community when we get to those places to help manage that traffic. Mr. Donnelly stated that he thinks from a location standpoint, those are the places where this kind of development belongs. And certainly, with the triangle property, I'll call it, the fact that we've got the interstate on one side, to me, again gives us some latitude in terms of

how we make it, and then there's some protection on the other side. So, I think that gives us the opportunity to create both some protection for the community and reduction of the risk that would be the northeast quadrant.

And then in the other areas, again, the idea of zoning consistency. Mr. Donnelly stated that he could go with the LO and using a word that he heard earlier this evening is that this is a transition zone between the residential areas and the interstate itself. Mr. Donnelly stated that to him, what we have before us tonight does a pretty good job of balancing those principles. Is it perfect? No. Are there other ways we could do it? I think there are. Mr. Donnelly stated that he was comfortable with what has been presented to us and what we've talked about over the course of our time together.

Ms. Buchanan stated that she was definitely having an internal struggle on this one. She has lived in the northwest area of the County for 20 years now, she knows it very well, and she does agree with Mr. Gullick, but it's a large piece of property, and we don't know what's going to be going on it and even with the restrictions in place and the exemptions, you're talking about a massive change to this little section of Highway 150.

Mr. Donnelly asked Ms. Buchanan if there were any additional controls that would help her feel more comfortable?

Ms. Buchanan responded, "Not necessarily." She missed the first meeting where it was discussed about everything going back to agricultural. Yes, we are at this point, we are running parallel to the previous zoning that someone would have in place. So, we are in harmony with the previous zoning. She stated yes, it is the best use to have commercial and have business in this area. She just has some fear about not having restrictions without knowing what's going to be going on that parcel.

Mr. Little stated that he was comfortable with it as is. He thinks the conditions, the compromises made, they took away multifamily, which was his biggest concern, so he was comfortable with it as is.

Mr. Gullick stated that even though he is not in favor of the General Business, if it were to be changed to a Limited Office (LO), he could live with that. He didn't see any harm to the applicant or the developer because he can still come back and rezone this in any way he wants. Once we have a plan, a site plan, and we know what's going to go there, he could live with that. Mr. Gullick stated that he is just uncomfortable with the broad nature of the General Business.

Dr. Bui stated that she actually agrees with Mr. Craft. The fact that Mr. Couch has went a little bit above and beyond, putting buffers that are more than requirements from 40 feet to 45 feet, and the setback of 8 feet to 10 feet is like just to have space between the residential and the General Business that's

really in consideration. It wasn't asked of him, but he took that into consideration to make sure that the residents were comfortable having that type of growth. Dr. Bui stated that she actually, at this point, does agree with Mr. Craft and agrees with this proposal.

Rev. Drumwright stated he was still struggling with the General Business. His sentiments are in line with Mr. Gullick's. The residents have struggled very greatly and have also compromised very greatly. Rev. Drumwright stated that he thinks that he is appreciative of the compensations that have been brought before. Rev. Drumwright stated that his greatest struggle is that this is initial zoning. He stated that there is a looming proceeding, and he thinks that the vagueness of it is not in the best interest of the residents. And so, those are his sentiments.

Mr. Donnelly inquired if there was anyone else that would like to add or is somebody feeling like they're in a position that they'd like to offer a motion?

Mr. Craft asked a procedural question regarding that the packet treats this as three motions. Do we want to act on it as three motions?

Mr. Donnelly responded that based on what he has heard this evening, he would think that he has not heard any concerns about the CZ-LO zoning that is being proposed for the properties to the south of Oak Ridge Rd., and so he might propose that we put those together because it's the same conditions. And do that as one motion.

Mr. Craft replied, "So southeast and southwest?"

Mr. Donnelly responded that was right, and then handle the other one as a separate motion if that's agreeable to my colleagues.

Mr. Donnelly stated that before we move ahead, he just wanted to check in with our attorney. Is there anything that has come up in the conversation this evening that raises a concern for you, or do you want to interject at this point before we move to a potential motion?

Mr. Mason responded that he had no concerns so far.

Mr. Donnelly stated he might start with the easy one.

Mr. Mason stated that the conditions that had been offered are going to have to be agreed upon in writing by Mr. Couch, not just his attorney. So, he would suggest that in framing any motion, that part of the motion be it's conditioned on, you know, the owner agreeing in writing to the conditions.

Mr. Donnelly stated that if he understood correctly from the previous conversation, there are no adjustments to the conditions for the properties to the southwest or the southeast quadrant.

Mr. Gullick responded that was his understanding.

Mr. Donnelly stated let's go ahead and see if we can handle that one, and then we'll come back and read in the conditions if we're so inclined to do so. But let's see if we can act on this one.

Mr. Mason stated that he thought that there were some conditions that were going to apply to all tracts.

Mr. Donnelly stated in terms of the buffers applied to all tracts. and in general, on those 4 parcels to be voted on as CZ-LO; those could be accepted as a single proposal for the CZ-LO tracts.

Mr. Bell stated the Board may want to amend the application, because it's different than what was submitted in the packet.

Mr. Donnelly stated that the Board will vote to amend the application to include those and asked Mr. Terrell, if he could articulate for the CZ-LO properties, the additional conditions being offered, then they will become part of the application.

Mr. Terrell read the following, "All side yard buffers adjacent to residential properties shall be comprised of evergreen plantings. And if it's necessary to add, they shall be evergreens of varieties that thrive in native soils. Second, is for the 11 properties that street yards shall have two understory trees per 100 feet, at least two understory trees per 100 feet, and the minimum average width shall be increased from 8 feet to 10 feet. Subject to approval by NCDOT during the driveway permitting process."

Mr. Bell stated subject to exceptions required during the DOT approval process.

Mr. Donnelly stated one other question he would have of Mr. Terrell was if he would be willing to include the installation and maintenance of the buffers and plants just so that they continue flourishing.

Mr. Terrell replied that absolutely should be clear. It would be the installation and the maintenance.

Mr. Donnelly stated that he thinks those are the two conditions that would apply as conditions for the application for those properties. Mr. Donnelly stated having heard those conditions, is there a motion to accept the amended application as articulated here?



Moved by Mr. Gullick, seconded by Dr. Bui. The Board voted 8-0 in favor of the motion to accept the amended application. (Ayes: Ms. Buchanan, Dr. Nho Bui, Mr. David Craft, Rev. Drumwright, Mr. Guy Gullick, Mr. Jason Little, Mr. Sam Stalder and Mr. James Donnelly. (Approved.)

Mr. Donnelly asked if Mr. Craft, would offer a motion, we'll have to include in the motion something about condition on the signature of the applicant on the final application.

Mr. Gullick moved to approve the zoning map amendment to zone Guilford County tax parcels 149645, 149651, 149653, 149662, previously zoned AG-OI and RS under Summerfield to CZ-LO because the approval amends the Northwest Area Plan to moderate commercial, and the zoning map amendment and the associated Northwest Area Plan amendment are based upon the addition of newly de-annexed parcels from the Town Summerfield, as well as projected commercial growth in the northwest area, which is situated adjacent to the I-73 and Oak Ridge interchange. The request to zone the subject properties CZ-LO under the Guilford County UDO is reasonable and in the best public interest because initiating this action complies with North Carolina General Statute 160D-202 and UDO Section 1.4. This is recommended because it is located near the key I-73 and Oak Ridge Road interchange and limited uses are compatible with the use of adjacent parcels, and this is subject to approval of the proposed conditions and signed approval by the owner.

This request is consistent with Objective 1.5 and policy 1.4.3 the future land use element of Guilford County Comprehensive Plan, which stated, "Objective 1.5., Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities, and Policy 1.4.3, Reference adopted land use plans and recommended uses and densities and intensities which are applicable in conjunction with the rezoning staff reports presented to the Planning Board."

As these parcels currently are not covered in a County area plan, the Northwest Area Plan will be amended to moderate commercial.

Mr. Donnelly stated we have an acceptable motion and asked if there was a second for this motion. Seconded by Mr. Stalder.

The Board voted 8-0 in favor of the motion to approve the zoning map amendment to zone Guilford County Tax Parcels 149645, 149651, 149653, 149662, previously zoned AG-OI and RS under Summerfield to CZ-LO and the Northwest Area Plan land use designation for these parcels to Moderate Commercial. (Ayes: Ms. Buchanan, Dr. Bui, Mr. Craft, Rev. Drumwright, Mr. Gullick, Mr. Little, Mr. Stalder and Mr. Donnelly. (Approved.)

Mr. Donnelly stated we have approval of the zoning of these parcels as CZ-LO as an initial zoning by action of greater than 75 percent. So, this decision is considered final unless it is appealed to the Board of County Commissioners within the appropriate time and with the appropriate filing fee. That leads us to the northeast quadrant. And I believe before we can proceed with that, we've got some additional conditions that we need to consider again. The ones that we've already talked about, plus a couple of additional ones.

Mr. Terrell stated that he would like to make the following additional use restrictions for what he wants to refer to as the GB tract, the large tract in the northeast quadrant: 1) No outdoor theaters; 2) No microbreweries immediately adjacent to residential properties on the east side of Deboe Rd. or the south side of the Highway 150 and 3) The hours of operation for event centers shall be 8:00 A.M. to 11:00 P.M.

Mr. Terrell stated that he has been texting Mr. Couch and has not heard back. He stated that he is his representative and understands that he may disapprove at some point. Nonetheless, we are at a point of voting, and Mr. Terrell thinks that he has to take responsibility, and he is going to do that because he believes it is based upon the hours of operation of another business. So, he will make that offer and take that risk. Tom stated as to the other conditions: 1) All side yard buffers adjacent to residential properties shall be comprised of evergreen plantings which thrive in native soils, and it shall include the planting and maintenance of evergreen vegetation; 2) Where the General Business is adjacent to residential properties, the minimum width of the buffer yard shall be increased from 40 feet to 45 feet, and the minimum average width from 50 feet to 55 feet; and 3) Street yards shall have two understory trees per 100 feet and the minimum average width shall be increased from 8 feet to 10 feet. It shall be subject to any exceptions required by NCDOT at the time of review.

Mr. Donnelly added and will include both installation and maintenance.

Mr. Terrell responded yes. It includes both installation and maintenance.

Motion to accept the conditions as presented by Mr. Craft. Seconded by Mr. Little. The Board voted 8-0 in favor of the motion to accept the conditions as presented (Ayes: Ms. Buchanan, Dr. Bui, Mr. Craft, Rev. Drumwright, Mr. Gullick, Mr. Little, Mr. Stalder and Mr. Donnelly.) (Approved.)

Mr. Donnelly stated that the application has now been amended to include those conditions, again subject to owner signature.

Mr. Craft moved to approve the zoning map amendment to zone Guilford County Tax Parcels 149642, 149643, 149688, 149658, 150130, 217566, and 149659 from CZ-BN previously zoned under Summerfield to CZ-GB. This approval also amends the Northwest Area Plan to moderate commercial, and

the zoning map amendment and associated Northwest Area Plan amendment are based on the following changes and conditions in the Northwest Area Plan. The properties are not currently subject to any Guilford County area plan. If this request is approved, the land use amendment to the Northwest Area Plan will be required to extend the moderate commercial land use classifications to the subject parcels. These newly de-annexed properties need zoning within a certain period of time, and this will provide additional services and amenities to the residents of this area. The request to zone the subject parcels to CZ-GB under the Guilford County UDO is reasonable and in the public interest because initiating this action complies with NCGS 160D-202(h) and UDO section 1.4.b. The Town Development regulations and powers of enforcement expired on August 29th, 2024. The County has 60 days following this date to apply initial zoning. CZ-GB is recommended for the parcels in the northeast quadrant due to the proximity to Oak Ridge Rd. and the Interstate 73 interchange because Oak Ridge Rd. is a major thoroughfare and creates a key interchange with I-73 and again additional services and amenities will be provided to the residents of the area. The request is consistent with Objective 1.5 and Policy 1.4.3 of the future land use element of Guilford County's Comprehensive Plan, which states:

- 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.

Lastly, the conditions must be accepted by the property owner in writing.

Motion was seconded by Dr. Bui followed by a roll call vote.

The Board voted 5-3 in favor of the motion to approve the zoning map amendment to zone Guilford County Tax Parcels 149642, 149643, 149688, 149658, 150130, 217566, and 149659 previously CZ-BN under Summerfield to CZ-GB. (Ayes: Dr. Bui, Mr. Craft, Mr. Little, Mr. Stalder and Mr. Donnelly, Nays: Ms. Buchanan, Rev. Drumwright, Mr. Gullick.) (Approved.)

Mr. Donnelly stated that in this case, the motion is approved by a vote of five to three, and under the rules of procedure, this will go to the Board of County Commissioners for review because it falls underneath the 75 percent approval threshold. And so, there's no additional action required other than Mr. Bell will coordinate with those as necessary when this goes before our County Commissioners.

Mr. Donnelly wanted to express his appreciation to his colleagues. This has been a new experience for all of us, something that we have not done before and appreciates the Board's persistence in hanging in there. He mentioned the

number of special meetings held recently, and that all were invested. He stated that he also appreciated those who stayed in the audience as well as the opportunity to collaborate with the applicant in this case. Mr. Donnelly also expressed appreciation to those in the community and noted that he is sure there will be another opportunity to look at this again as development moves forward.

## **VII. New Business**

None

## **VIII. Other Business**

Mr. Donnelly asked if there was any other business, or if there were any cases scheduled yet for the November meeting.

Mr. Bass stated that he anticipated having one special use permit for a special event center and a rezoning on East Sheraton Park Road which came up at a previous meeting, but the application was revised. He added that there also would be a text amendment regarding special purpose lots and the order for the Duke Energy special use permit.

Mr. Donnelly stated that the next meeting was going to be held, he believed, on November the 13th.

Mr. Bass confirmed November 13th as the next regular meeting date.

Mr. Donnelly stated that, moving forward, the Board hoped to be back on a regular monthly schedule.

## **IX. Adjourn**

There being no further business before the Board, the meeting adjourned at 7:42 PM.

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