

**Guilford County  
Planning Board  
FEBRUARY 10, 2016**

The Guilford County Planning Board met on Wednesday, February 10, 2016 at 5:45 p.m. in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

**Members Present:** Mr. Collins, Chair; Mr. Apple; Mr. Jones; Mr. Mann; Mr. Alexander; Mr. Cannon; Mr. Geter; Ms. Gibson.

**Members Absent:** Mr. Leonard.

**Staff Present:** Les Eger and Tonya Hodgin, Planning Department.

**APPROVAL OF MINUTES:**

**January 10, 2016 Regular Meeting Minutes**

Mr. Cannon moved approval of the January 10, 2016 regular meeting minutes, seconded by Mr. Geter. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Gibson, Apple, Mann, Alexander, Cannon, Geter, Jones. Nays: None.)

Chair Collins reviewed the rules and procedures of the Guilford County Planning Board.

**AGENDA AMENDMENTS:**

None.

**OLD BUSINESS:**

***PUBLIC HEARING ITEMS:***

**REZONING CASE #15-12-GCPL-06379: AG TO RS-40  
(Case Continued from January Planning Board Meeting)**

Located 1,300 feet from the Alley Road and Lunsford Road intersection in Center Grove Township. Being part of Guilford County Tax Parcel #0137385. Approximately 74.82 Acres owned by Lake Brandt Properties, LLC. **(APPROVED)**

Mr. Eger stated that this case was continued from the January, 2016 Planning Board meeting. The property is located 1,300 feet from the Alley Road and Lunsford Road intersection in the Center Grove Township. It is shown on Guilford County Tax Map as Parcel #0137385 and is approximately 74.8 acres. The applicant is requesting to rezone from AG (Agricultural) to RS-40 (Residential Single-Family), which is a zoning district which requires minimum lot sizes of 40,000 square feet. The surrounding properties are primarily low-density residential zoning in a residential subdivision. There are a few large lot sites near the property with one property being a historic structure. The historic structure will not be impacted by this request. The land use plan is the Northwest Area Plan and this request is consistent with that plan. It is compatible with the surrounding residential uses and is being done in the public interest to provide for future residential homes. Staff recommends in favor of granting this request. Approximately 35 lots will be provided on 74 acres if this request is approved.

There would be no need for any area plan recommendation because the plan already recommends for residential uses in the area.

Mr. Jones asked to be recused from this item.

Mr. Geter moved to recuse Mr. Jones from this case, seconded by Mr. Cannon. The Board voted unanimously in favor of the motion.

Speaking in support of the case was David Michaels, 5603 New Garden Village Road, who is with Windsor Homes. Referring to a handout distributed to members, Mr. Michaels stated his goal to build quality homes that meet demands of the market. The landowner is Lake Brandt Properties and Windsor Homes plans to partner with them to rezone, develop, and build out on this property. At this time Lake Brandt Properties has no plans to develop any of their other holdings in the area as part of this request.

There are roughly 47 acres to the north of Lunsford Road and about 27 acres to the south of Lunsford Road. This is basically vacant land with nothing built on it. Lunsford Road bisects through the middle of the property. There is development located on three sides of the subject property and the property on the east will continue to be held by the family. There are 75 acres currently zoned AG where subdivisions greater than four lots are not permitted. RS-40 is the lowest classification that could be requested for single-family development in Guilford County. The lots will range from 1 to 2.5 acres in size and about 10 percent of the site will be left in the common area to help protect and preserve fragile areas. Drainage easements on the property will be set aside for common ownership. This is in the watershed critical area and therefore, 39 acres fall into the Tier 3 category which is restricted to one unit per three acres. The maximum number of dwellings in this area is 13 units. The remainder of the site falls under Tier 4 which would result in a maximum of 36 dwellings. As a result and based on watershed restrictions, there could be up to 49 lots on this property. However, based on data from a soil scientist who looked at the property, the maximum number of lots that will be placed on the property is between 35 and 38 units which is about one house per every two acres on the site. This project will be low-density and is compatible with surrounding developments.

Mr. Michaels indicated that NCDOT (North Carolina Department of Transportation) has been contacted about Lunsford Road and they will be part of the TRC (Technical Review Process) process once a formal site plan is submitted to the County. Notices were sent to 29 adjoining property owners on December 22, 2015. A meeting was held on January 4, 2016 that was attended by 26 people. Issues discussed included land use, environmental factors, traffic on Lunsford Road, drainage issues, and property values. Further meetings and conversations have been held since that meeting. A Homeowner's Association will be formed to go along with the development. A Traffic Impact Study was not required and minimal traffic impact is expected from the anticipated 35-38 homes to be built. It has been determined that about 3.25 acres of the site will be impervious surface area which is about 4.3 percent of the total acreage. They will not have to have an onsite permanent retention pond and he felt that incremental storm water runoff on the site will be minimized. Hydrology studies have looked at Guilford County and they feel any impact from residential wells will be minimized as well. He felt they were in full conformance with all the code requirements, accepted practices for wells and septic systems.

### **In Opposition:**

Steve Morton, 7004 Blacksmith Court, Summerfield, North Carolina, was present on behalf of the Polo Farms Board. Polo Farms owns the retention pond and they are responsible for maintenance of it. They have no problem with the density of the proposed project; however, they are concerned about

additional runoff into their retention pond. The pond is the biggest expense item they will be dealing with on a long term basis.

Responding to questions, Mr. Morton clarified that Polo Trails is adjacent to Polo Farms on the west. The retention pond he is referring to is located where Polo Farms meets Polo Trails and is near the subject property.

Don Frye, 7003 Blacksmith Court, Summerfield, North Carolina, is also a neighbor in Polo Farms. He stated his opinion that it would be a disaster to extend Lunsford Road over to Lake Brandt Road. It would be one of the most travelled cut-through roads in the county.

Don Mendoza, 6807 Palomino Ridge Court, expressed concern that the roads will be damaged by the increased traffic resulting from construction. He felt that Alley Road could not support a lot of heavy-duty construction trucks, etc. The road is publically maintained and he asked if there was a mechanism by which the developer could be connected to road repair and damage resulting from construction vehicles. Chair Collins commented that NCDOT will review the project once a formal site plan has been submitted to the Technical Review Committee. It is not in the purview of the Board to address traffic issues; however, these matters will be discussed during the site plan approval process.

#### **Rebuttal in Support:**

Mr. Michaels addressed concerns voiced by Mr. Morton and felt the primary issue would be sediment control. He pointed out that they must comply with all erosion control requirements of Guilford County and it will be up to the developer to make certain that they protect anything downstream from sediment going offsite and onto it. They will have proper controls in place that must be maintained throughout the construction process.

#### **Rebuttal in Opposition:**

None.

There being no other speakers, Chair Collins closed the public hearing.

#### **Discussion:**

Mr. Cannon noted that each member of the Planning Board received a letter from one of the homeowners, Lucy Banks. She characterized some of the same issues that were heard at the public hearing.

Chair Collins asked staff to explain the process for addressing erosion control measures during site plan review. Mr. Eger explained that there is a section of the department that reviews plans to make sure there is compliance with state statutes and erosion rules, and if there are any problems they will go to the site to police it from start to finish.

Chair Collins commented that the hydrology and wells are not under the purview of the Board. The County Health Department is the entity that would deal with this issue.

In the matter of **Rezoning Case #15-12-GCPL-06379**, Mr. Geter moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0137385, from AG to RS-40, to be consistent with the adopted Northwest Area Plan and considers the action to be reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Northwest Area Plan Future Land Use Map;

seconded by Mr. Mann. The Board voted 7-0-1 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Cannon, Gibson. Nays: None. Abstain: Jones.)

Mr. Jones rejoined the meeting.

### **NEW BUSINESS:**

#### ***PUBLIC HEARING ITEMS:***

##### **ROAD CLOSING CASE #15-12-GCPL-06382**

BEING approximately 39 feet of Cardinal Drive extending north to the intersection with Dunrobin Drive, and all of Dunrobin Drive to the intersection with Joy Drive, in the Subdivision of W.H. Ingram and E.N. McKinney recorded in Plat Book 30-43, in Friendship Township, Guilford County. **(APPROVED)**

Mr. Eger stated that this case is a request to close the subject road to build a church on the property. The Planning Board needs to take into consideration that nobody will be denied reasonable access to the property and nobody will be harmed by the closing of the road. This case is for closing a portion of Cardinal Drive and all of Dunrobin Drive to the intersection with Joy Drive. Cardinal Drive would still go into the site where the church would be located. Road closing cases are presented to the Technical Review Committee to make sure nobody will be negatively impacted or landlocked. They have looked at the request and have determined that nobody will be harmed by the road closing. The Board needs to be able to make the following findings: (1) The road closing is not contrary to public interest; and (2) No individual, only property in the vicinity of the road or in the subdivision in which it is located, will be deprived reasonable ingress or egress to the properties.

Vince Townsend, 7A Wendy Court, is the engineer who prepared the plan. He indicated that future plans include using the right-of-way.

There being no other speakers, Chair Collins closed the public hearing.

In the matter of **Road Closing Case #15-12-GCPL-06382**, Mr. Jones moved the following resolution: WHEREAS, pursuant to a resolution of intent to close said road adopted by the Board on January 13, 2016, notice was published in the Greensboro Record once a week for two consecutive weeks that a hearing would be held concerning said petition on February 10, 2016 at 6:00 P.M. in the Old Guilford County Courthouse, Blue Room Meeting Room, First Floor, Greensboro, North Carolina; and WHEREAS, it appears that all owners of property adjoining said road have signed the petition or have been notified of the closing thereof; and WHEREAS, after inquiry by the Chairman, all interested persons were provided an opportunity to be heard on the request contained in the petition; and WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Board that the removal of said road from dedication is not contrary to the public interest and that no individual owning property in the vicinity of said road will be deprived of any reasonable means of ingress or egress to his property; NOW, THEREFORE, BE IT RESOLVED THAT: (1) The following described road in Friendship Township is hereby closed and removed from dedication to the public use: BEING approximately 39 feet of Cardinal Drive extending north to the intersection with Dunrobin Drive, and all of Dunrobin Drive to the intersection with Joy Drive, in Friendship Township, Guilford County. (2) A certified copy of this resolution, together with a copy of the published notice of this hearing, is hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina. The motion was seconded by Mr. Cannon. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Gibson. Nays: None.)

### **REZONING CASE #16-01-GCPL-00150: CU-HB to AG**

Located 1,265 feet northwest from the Church Street and NC Highway West intersection in Center Grove Township. Being Guilford County Tax Parcel #0138964. Approximately 4.15 Acres owned by James and Jane Kirkpatrick. **(APPROVED)**

Mr. Eger stated that this is a request to rezone from Conditional Use-Highway Business (CU-HB) back to Agricultural (AG). This property was rezoned several years ago with conditions to make it more compatible with surrounding uses. The applicant is James Kirkpatrick. The property is 4.15 acres and surrounding uses include low-density residential, a church, vacant areas, and a cemetery further down the road. A shopping center was built near the site several years ago. This request is compatible with the Northern Lakes Land Use-Plan that recommends for agricultural, rural residential zoning districts. It is compatible with surrounding zoning and staff recommends approval of the request. There is no need to make a recommendation to amend the area plan because the area plan recommends for a use that is already on the property.

Jim Kirkpatrick, 124 NC Highway 150, indicated that his house is the property next to the subject parcel. He also owns the land on both sides of the subject parcel.

There being no other speakers, Chair Collins closed the public hearing.

In the matter of **Rezoning Case #16-01-GCPL-00150**, Mr. Cannon moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0138964, from CU-HB to AG, to be consistent with the adopted Northern Lakes Area Plan and considers the action to be reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Northern Lakes Area Plan Future Land Use Map; seconded by Mr. Apple. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Gibson. Nays: None.)

### **TEXT AMENDMENT CASE #15-12-GCPL-06404**

A proposed text amendment to the Guilford County Development Ordinance to amend Articles II, III, IV and IX, and all corresponding Table of Contents changing all references of Conditional Use Districts to read Conditional Zoning, and all Conditional Use (CU) acronyms to Conditional Zoning (CZ) acronyms effective January 13, 2016. **(FAVORABLE RECOMMENDATION)**

Mr. Eger stated that Guilford County and Greensboro were the first in the state to have Conditional Use Zoning Districts in place. [clarification: The NCGS were amended in 2005 to also allow Conditional Zoning as a non-quasi-judicial rezoning tool/process for cities and counties. Historically, the process used in Guilford County has been a non-quasi-judicial process for Conditional Use District Zoning (Conditional Use District Zoning is considered a quasi-judicial process). Therefore (and in keeping with Text Amendment 14-06-GCPL-02921, 07-09-14), this text amendment maintains the current process used by Guilford County (non-quasi-judicial) and aligns the terminology/tool of Conditional Zoning in the Development Ordinance with NCGS and non-quasi-judicial process historically used in Guilford County].

Staff will have to go into each Section that is listed in the packets distributed to members and make the necessary changes. Amendments to these sections are delineated with strikethrough for text elimination and shaded for new text. Before the packets were sent out, staff added section 4-2.3(b). This was added so that moving forward any legislative cases before the Board that were referred to as Conditional Use Zoning District can now be considered Conditional Zoning. Otherwise, the entire

catalog would require revision over numerous cases. Staff recommends approval of the change to bring consistency to the ordinance and State Statutes.

Mr. Cannon noted a typo in the Table of Contents on 3-13 and 3-13.1. In both of these sections, the word "Conditional" appears both before and after text that is to be eliminated and marked with strikethrough. He said that one of these words should be deleted, either before or after the text to be eliminated.

In the matter of **Text Amendment Case #15-12-GCPL-06404**, Mr. Jones moved recommendation of the text amendment in the form submitted by staff subject to the change noted by Mr. Cannon. The motion was seconded by Ms. Gibson. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Gibson. Nays: None.)

**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

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Tony Collins, Chairman

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Les Eger, Secretary to the Board

TC: sm/jd