

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

The Guilford County Planning Board met in regular session on Wednesday, August 10, 2016 at 6:00 p.m. in the John H. McAdoo Conference Room, 3rd Floor, 201 West Market Street, Greensboro, North Carolina.

Members Present: Mr. Collins, Chair; Mr. Leonard; Mr. Apple; Mr. Jones; Mr. Alexander; Mr. Cannon; and Mr. Geter.

Members Absent: Mr. Mann.

Staff Present: Les Eger and Tonya Hodgins, Planning Department. Also present was Leslie Bell, Guilford County Planning Director.

APPROVAL OF MINUTES:

July 13, 2016 Regular Meeting Minutes

Mr. Cannon moved approval of the July 13, 2016 regular meeting minutes as amended, seconded by Mr. Alexander. The Board voted 7-0 in favor of the motion. (Ayes: Collins, Leonard, Apple, Jones, Alexander, Cannon, Geter. Nays: None.)

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

AGENDA AMENDMENTS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC HEARING ITEMS:

**ROAD RENAMING CASE # 16-07-GCPL-03439
(APPROVED)**

Renaming of previously named Roland Road to a new name: Northern Roland Road, located to the south of the Roland Road and Cromwell Road intersection in Sumner Township.

Mr. Eger said that this request came about due to government action by the realignment of Gate City Boulevard. Property owners were given an opportunity to comment on this renaming and determined that the new name should be Northern Roland Road. Kelly Doss is the staff member who worked on this case and she is present to answer any questions. The County is presenting this case on behalf of the Department of Transportation (DOT).

There was no one present wishing to speak on this road renaming case.

Mr. Cannon moved that WHEREAS, pursuant to NCGS 153A-239.1, notices were posted that a hearing would be held before this Board on August 10, 2016, on a request that the official name of a certain road be established or changed.

NOW, THEREFORE, BE IT RESOLVED, that the official name is hereby established for the following road as indicated:

PREVIOUS NAME: Roland Road.

ESTABLISHED NAME: Northern Roland Road.

LOCATION: Located to the south of the Roland Road and Cromwell Road intersection in Sumner Township.

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

**ROAD RENAMING CASE # 16-07-GCPL-03440
(APPROVED)**

Renaming of previously named Fairfax Road to a new name: Western Fairfax Road, located to the south of the Fairfax Road and Roland Road intersection in Sumner Township.

Mr. Eger stated that this case is due to the realignment of High Point Road, now known as Gate City Boulevard. The County is presenting this case on behalf of DOT.

There was no one present wishing to speak on this matter.

Mr. Cannon moved that WHEREAS, pursuant to NCGS 153A-239.1, notices were posted that a hearing would be held before this Board on August 10, 2016, on a request that the official name of a certain road be established or changed.

NOW, THEREFORE, BE IT RESOLVED, that the official name is hereby established for the following road as indicated:

PREVIOUS NAME: Fairfax Road.

ESTABLISHED NAME: Western Fairfax Road.

LOCATION: Located to the south of the Fairfax Road and Roland Road intersection in Sumner Township.

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

**REZONING CASE # 16-06-GCPL-03086: AG to RS-40
(CONTINUED UNTIL OCTOBER, 2016 MEETING)**

Located north of the intersection of Bernie Road and Monnett Road and running approximately 1,991 feet west down Bernie Road in Clay Township. Being Guilford County Tax Parcel # 0123356. Approximately 20.02 Acres owned by Mark and Sandy Voigt.

Mr. Eger read the case into the record. He stated that this property is in an area that is primarily low-density residential and farm uses. The land use plan for the area is the Southern Guilford Area Plan

which was adopted in 2008. It recommends this area for rural land use at one unit per acre. This request is consistent with the Southern Guilford Area Plan, compatible with the surrounding uses and zoning, and is being proposed in the public interest through the provision of future residential building lots. Staff recommends approval of this request. Additionally, if this request is approved, there will be no need for any land use plan amendments.

Mark Voigt, 5519 Dona Road, distributed packets of information to Board members and described eight lots that comprise the subject property. An agreement has been reached that Lot 8 will be going to the next door neighbor. Lot 7 already has an existing brick home and Lot 6 has an existing trailer that is for sale. They want to move the trailer out as it is not in keeping with the proposed development. Lot 3 had an older home with mold issues that was burned by the Fire Department as part of their training program. They plan to build a new structure on Lot 3. The remaining Lots 1, 2, 4, and 5 are the additional lots. The lot sizes are in keeping with the neighborhood.

Chair Collins noted that the map is for illustrative purposes only. This is not a Conditional Use request and therefore, the Board will be voting on the whole tract and not each individual lot. The Board's vote will not be an approval of the subdivided lot lines.

Mr. Voigt said that his intent is to divide the property as shown on the map. He is asking for the entire piece of property to be rezoned.

Responding to questions, Mr. Voigt said that he has not had conversations about the request with surrounding property owners, other than the neighbor on Lot 8.

Opposition:

Carl Sardi, 2016 Heatherway Drive, Arlington, Texas, owns 6700-6728 Monnett Road which is directly across from the request. His family purchased this property in 1968 and they have actively farmed it. They bale a considerable amount of hay on the property and they have an agreement with the Asheboro Water Treatment Plant to bring bio-solids to distribute on the field. He owns 48 acres along Bernie Road and would like the property to be a farming community. The added traffic congestion would create an unsafe situation for both the farming community and also the new residents that would occupy the proposed homes. He presented a petition containing 12 names in opposition to the request that he personally obtained.

Steven Sardi, 7100 Bethlehem Church Road, owns property that connects to Carl Sardi's property. He felt that rezoning would be a premature conversion of farmland to urban use. The rezoning would create a premature and extraordinary infrastructure and service demand. The road is currently a dirt road and it is expected that the proposed project would increase usage by 80 trips a day. A tremendous amount of dust and noise would result from the increased traffic and would overcome the new homes. He felt the road should remain an unpaved road due to the large amount of heavy farm equipment that travels on the road.

It was noted that the six or seven smaller lots further down Bernie Road use the dirt road to get to their property. Mr. Sardi pointed out that the use is currently low-volume on the unpaved road and increased traffic would create safety and maintenance issues. He said that the soil has a high clay content that would create septic tank issues. In addition, new wells will be needed. He felt it would be more appropriate to locate this development closer to the City to take advantages of available services. He did not feel that the proposed development would be compatible with the community. Photographs of the area were distributed to members.

Steve Sardi wished that Mr. Voigt had talked to neighbors who have many years of experience in the community with septic issues and wells. Neighbors have expressed their concern and surprise over this request.

Keith Bowman, 902 Onslow Drive, owns a piece of land adjacent to the subject property and he is opposed to the request. He said that there is always heavy farm equipment on Bernie Road and additional traffic will significantly congest the area even more. In addition, there are several endangered species in the area where development is planned.

Chair Collins noted that there are already other subdivided residential parcels along Bernie and Monnett Road that are still Agricultural (AG) but they are smaller than what Mr. Voigt is intending to do.

Rebuttal in Support:

Mr. Voigt apologized to the neighbors for not coming to see them about the request. He is involved in the community and owns property on Monnett Road where he conducts business. He also owns agricultural property in the community where he lives.

Mr. Voigt said that they had the existing wells tested and they are in good condition. The septic systems for existing houses were tested and three will be replaced. The land is fine and the rest of the property has been checked to make sure there is sufficient soil to facilitate what they want to do. They are not proposing to maximize what they could do with the property.

Mr. Voigt clarified for the Board that three of the eight proposed lots already have been used previously as residences. Mr. Voigt is putting them back and adding 4 additional residences on Bernie Road with this plan.

Rebuttal in Opposition:

Carl Sardi, 2016 Heatherway Drive, Arlington, Texas, said that neighbors are not viewing the applicant as having done his due diligence for this request. No neighbors were contacted along Bernie Road. He pointed out that septic standards when the existing house was built are significantly different from what they are today. He is saying that existing home sites, wells, and septic systems are being leveraged; however, they were done using old standards.

Steven Sardi, 7100 Bethlehem Church Road, reiterated that neighbors feel this is a premature conversion of farmland to urban use. This development is better suited to the outskirts of the City limits where there is access to City services.

There being no other speakers, Chair Collins closed the Public Hearing.

Mr. Eger clarified that Bernie Road is classified as a connector road. There are two major thoroughfares on either side of Bernie Road and traffic from the neighborhood feeds to the thoroughfares through connector roads. This rezoning came about because of the request to do a subdivision with more than four lots. In 1992 the ordinance was changed because subdivisions were being done in the AG district with more than four lots which permitted mobile homes. The change to RS-40 would allow more than four lots and an RS-40-MH designation would allow for mobile homes on the lots. The smaller acreage existing lots were brought in prior to the change in 1992.

Chair Collins said that although a meeting with surrounding neighbors is not required for this request, there is always concern when no communication has occurred.

Mr. Cannon felt that although the Board has already heard this case, there should be further communication between the developer and the neighbors to address concerns.

Mr. Jones pointed out that normally there is a continuance request prior to the case being heard. He was not sure as to what additional time would accomplish.

Mr. Eger commented that the developer has had the wells tested and the property has been perked. In addition, the dirt road can accommodate the cars and it is a collector road.

In the matter of **Rezoning Case #16-06-GCPL-03440**, Mr. Leonard moved to continue this case until the October, 2016 meeting, seconded by Mr. Cannon.

Mr. Voigt indicated there would be no hardship to continue this case for 60 days.

Mr. Jones was amendable to a continuance subject to the limitation that only new evidence be heard at the October, 2016 meeting.

Mr. Leonard accepted the friendly amendment offered by Mr. Jones. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Collins, Jones, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

**REZONING CASE # 16-06-GCPL-03433: AG & RS-40 to CZ-RS-30
(APPROVED)**

Located 1,250 feet west from the intersection of NC Highway 150 West and Sutter Road in Center Grove Township. Being Guilford County Tax Parcel # 0138218. Approximately 80 Acres owned by 527 NC 150 LLC.

Mr. Eger read the case into the record. The condition that applies to this request is that the property will be limited 65 residential stick-built lots. Members are in receipt of information showing what the developer is trying to do with the layout and connections of the property. Land uses surrounding the property are low-density residential. The use to the east of the property is the same zoning and to the south, it is RS-40 zoning. To the west, the use is still low-density. The request is located within the Northern Lakes Area Plan which says that in this area, depending on the situation, up to two units per acre can be requested. Public sewer will be needed with up to two units per acre. This request is consistent with the Northern Lakes Area Plan and is compatible with surrounding zoning and land uses. Staff is recommending approval of the request. The request is limited to 65 residential lots on 80 acres. There is no need for a land use plan map amendment if this request is approved.

Bob Dischinger, Evans Engineering, Inc., 4609 Dundas Drive, was present on behalf of Byron Development, LLC. Byron Development is under contract to purchase this property. The request for RS-30 is not being made for purposes of density; rather, it is being proposed for design flexibility. In fact, they are restricting the site to a maximum of 65 lots on the 80 acres for a density of approximately 0.8 units per acre. The site has numerous streams on and around it and the ordinance requires that they be protected. The RS-30 zoning allows for flexibility working around these areas. He noted that the adjacent Scotts Grant community has similar constraints and is zoned RS-30.

Mr. Dischinger distributed a handout of information to members and described the letter that was sent to surrounding neighbors. Three calls were received and meetings were held with the president of the Homeowner's Association (HOA) for Scott's Grant. Concerns were expressed for drainage, connectivity to Rachel Smothers Drive and cut-through traffic, and the trespassing of non-Scott's Grant children using neighborhood pedestrian connections to the adjacent school. He described areas

surrounding the subject property including the Ridgewood subdivision to the south, the Westwood subdivision to the southwest and undeveloped land immediately to the west. In addition, he explained that they will be required to make one of the connections into the Scott's Grant subdivision as well as the connection to the south into the Ridgewood subdivision. These connections are typically driven by emergency service needs for access.

Mr. Dischinger described another concern brought to his attention prior to tonight's meeting. He referenced an area on Highway 150 on the common line with Scott's Grant where there is an open field before the woods. It has been requested by neighbors that there be some kind of buffer in this area. The developer was agreeable to work with the community on this request and throughout the process.

In summary, this request is consistent with the Northern Lakes Area Plan and is conditioned to be below one unit per acre in terms of density. There should be minimal effect on adjacent properties. The request is compatible with the surrounding uses and zonings and is in the public interest to provide housing alternatives for those wishing to live in the Northern Lakes area.

Opposition:

Peter Isakoff, 301 North Elm Street, Suite 800, is an Attorney for Scott's Grant HOA and the individual owners. At his request, residents of Scott's Grant stood to be recognized. He reviewed neighborhood concerns with the rezoning request. The most significant concern is the connectivity on Rachel Smothers Drive. He described the situation in two areas where non-Scott's Grant students are cutting through the backyards of residents to get to the middle and high schools and creating potential liability issues. In addition, there is a concern about drainage in the western area of the property where there is occasional flooding. There is also a request to have a privacy buffer all the way down the common line with Scott's Grant.

A petition put together by Scott's Grant outlining their position on these points of concern was submitted to the Board.

Larry Beckman, 7775 Sutter Road, is the HOA president of the Scott's Grant community. They received a letter from Byron Development and Guilford County that this area was to be developed. He expressed concerns of the HOA about traffic flow, drainage, and privacy between the two developments.

There will be an increase in traffic flow with people coming into the neighborhood and dropping kids off to go to the middle and high schools. This poses safety risks for Scott's Grant students walking to school. Mr. Beckman also addressed the associated problems of property damage, trespassing, and trash that is left behind. He said that they would like to work with the developer to address the connectivity problem that will occur when Ridgewood residents take advantage of the cut-through to come up Rachel Smothers Road into the Scott's Grant neighborhood to drop their students off.

The second issue concerns localized flooding and the excess drainage that will come off of the development's roads and hardscapes. The result would be increased water management and flooding could back up into backyards in the neighborhood.

The third item of concern is privacy. They would like to maintain at least a 50-foot natural buffer so that the developer, the builder, or future homeowner cannot remove trees nor do anything to alter the barrier.

Mr. Beckman pointed out that as further development in the area takes place, traffic will continue to increase and the drop-off problem will become worse. Before this occurs, they would like to work with the developer to take care of these problems.

Cassandra Shegma, 609 Rachel Smothers Drive, expressed concerns for the safety of small children in the neighborhood. Cars speed through the area and she expressed opposition to having a road going through Rachel Smothers Drive.

Matthew Benfield, 7776 Sutter Road, agreed that the development will increase traffic in the Scott's Grant neighborhood. He was not opposed to the development; however, he would like to see alternatives offered to see if emergency services could work with the developer to find another entrance. He owns 11 lots in the neighborhood and was concerned that property value would decline when the traffic begins to increase.

Ronald Lawrence, 6109 Mountain Brook Road, lives in the Ridgewood neighborhood. He expressed concerns with significantly increased traffic, loss of privacy, and declining property values.

Peter Isakoff, 301 North Elm Street, summed up concerns of the neighborhood. They have been brainstorming solutions for the student drop-off issue and he is glad the developer is trying to work with them to address the problem. He suggested the alternative of allowing a continuance in this matter to have discussions with the developer to determine a solution that would not result in increased traffic.

Rebuttal in Support:

Bob Dischinger, 4609 Dundas Drive, said that the drainage problem will be addressed during the engineering of the site. He said that the connection was not on the sketch plan when it was submitted for review. Emergency services wanted another connection because there are many lots in Scott's Grant and if anything were to happen there, the additional connection gives them another way to access the neighborhood. Responding to a question, he said that the minimum number requiring a second emergency access is 50 units.

Rebuttal in Opposition:

Larry Beckman, 7775 Sutter Road, stated his opinion that the risk of increased traffic from students being dropped off far outweighs the risk of needing emergency services to have a second access point into the neighborhood. There are no large trees or power lines that could come across the road.

Christie Burns, 606 Rachel Smothers Drive, looked at the other properties along Highway 150 which is the main road and there are several that do not have two entrances.

There being no other speakers, Chair Collins closed the Public Hearing.

Chair Collins commented that this seems to be a traffic issue. Mr. Eger said that he has reached out to the schools and has not heard back. The traffic issue is caused by people trespassing on property. The purpose of the connection is a safety issue.

Chair Collins pointed out that Rachel Smothers Drive is not a cul-de-sac and therefore, was intended to be connected to a neighborhood. It was designed to create connectivity. He felt that the traffic problem will have to be dealt with by the Sheriff's Department and the school system. The traffic flow is a problem, but it is not a zoning problem and the Board's purview is to consider land use. He

addressed the connectivity issue and said the matter will be reviewed by staff and the Fire Marshall during their process.

In the matter of **Rezoning Case #16-05-GCPL-03433**, Mr. Apple moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel 0138218, from AG to CZ-RS-30, 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 in the Northern Lakes Area Plan Future Land Use Map. The motion was seconded by Mr. Jones. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Collins, Jones, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

Mr. Eger stated that he is still trying to get the schools to respond to be able to work with the Scott's Grant neighborhood.

Mr. Jones commented on his concern with the trend of continuances being requested after the case has been heard instead of prior to the hearing.

Jerry Coble, Fire Marshall, said that he is glad to answer any questions about access but he cannot volunteer that information during the hearing. Responding to a question from the Board, he said that subdivisions are planned to have continuity of access and a second or third entrance is necessary. The traffic flow problem in the Scott's Grant subdivision is compounded by the schools. Just because the school exists, there is not adequate justification to prevent access to respond to emergency situations in a timely manner.

UPDATED COUNTY AREA PLANS MAPS: CASE # 16-07-GCPL-03537 (FAVORABLE RECOMMENDATION)

Proposes updates to the Alamance Creek, Northeast, Northwest, Northern Lakes, Rock Creek, Southwest and Southern area plan land use maps. The updates reflect jurisdictional boundary changes, property rezoning, and roadway improvements (existing and proposed) since the last updates in 2007-2008. Request recommendation of approval to the Guilford County Board of Commissioners.

Mr. Bell provided a summary of the packet distributed to members describing the proposed updates. Seven of the nine area plans will be updated. Area Plans being proposed for an update include the Alamance Creek Area Plan, Northeast Area Plan, Northwest Area Plan, Southern Area Plan, Northern Lakes Area Plan, Rock Creek Area Plan, and the Southwest Area Plan. Not included in the update proposal are the Airport Area Plan and the Heart of the Triad Area Plan. The area plans are being updated for a number of reasons including the following: (1) to review the land use classifications for future planning decisions; (2) to identify areas of inconsistency for cross-jurisdictional collaboration; (3) to review development patterns and trends across the unincorporated areas of Guilford County; (4) to provide an opportunity for stakeholders to work with staff and to engage citizens; (5) to improve customer service; and (6) to modify Future Land Use classifications that are applicable as part of the rezoning process.

The first six weeks of the update process were spent hosting meetings while the second phase included reviewing the responses that were received from a questionnaire and feedback questions from citizens. Several meetings were also held with City of Greensboro staff. Prior to tonight's meeting there was a public notification and comment period in July. Documentation of the postings for public notification is available from staff. If recommended by the Board, the update proposal will go to the Guilford County Board of County Commissioners for their approval in September, 2016.

Mr. Bell made the following observations regarding the proposed updates: (1) the termination of water and sewer with the City of Greensboro has had an impact on develop activities in the area; (2) changes in legislation regarding municipal annexations contributed to the type of development being seen in annexations by the City of Greensboro; and (3) the total increase for land use planning consistency for the City is a little more than 2,400 acres. The range of concerns included the environment, traffic, infrastructure, loss of farmland, and healthier living opportunities.

In the matter of **Case #16-07-GCPL-03537**, Mr. Leonard moved to recommend the proposed updates to County Area Plans as presented, seconded by Mr. Cannon. The Board voted unanimously 7-0 in favor of the motion. (Ayes: Collins, Jones, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

NON-PUBLIC HEARING ITEMS:

Discussion of proposed Radio, Television, Communication Tower text amendment.

Mr. Eger described the proposed Radio, Television, Communication Tower text amendment as distributed to Board members in their information packets. A number of people, including cell tower communication personnel, have worked with him on the proposed amendment over the past seven years. The cell tower industry has been changing and there is a need for more towers, locations, and easier access. The process had been put on hold for a few years but an initiative was given recently to begin working with wireless telecommunication industry attorneys, TREBIC (Triad Real Estate and Building Coalition), and others to come up with a new ordinance working with statues that have been changed. The ordinance allows for more cell towers but at lower heights and the towers can be located closer together.

Mr. Eger asked the Board to share any comments or concerns about the amendment. The proposed amendment will be brought back to the Board at a later date for a public hearing to consider recommendation to the Guilford County Board of Commissioners.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

Tony Collins, Chairman

Leslie P. Eger, Secretary to the Board

TC:sm/jd