

**Guilford County
Planning Board
OCTOBER 9, 2013**

The Guilford County Planning Board met on Wednesday, October 9, 2013 at 6:30 p.m., Old Guilford County Courthouse, County Commissioner's Meeting Room, Second Floor, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Ms. Bailey, Chair; Mr. Leonard, Mr. Derrickson, Mr. Wood, Mr. Apple, Alternate; Ms. Gibson, Alternate; Mr. Nelson, Alternate, Mr. Westcott, Alternate

Planning Staff Present: Les Eger, Leslie Bell and Tonya Hodgins, Planning Staff.

APPROVAL OF MINUTES:

Mr. Derrickson moved to approve the minutes of the September 11, 2013 meeting, as corrected, seconded by Mr. Leonard. The Board voted unanimously in favor of the motion. (Ayes: Leonard, Derrickson, Wood, and Bailey, Apple, Gibson, Westcott and Nelson: None.)

Chairwoman Bailey explained the procedures followed by the Guilford County Planning Board. Cases are usually called as they are listed on the agenda, Withdrawals and Continuances may be handled before other cases. Speakers are asked to sign in on the sheet provided near the far wall. For public hearing items, the applicant and proponents will have a total of 20 minutes to present their case. The opposition will then have a total of 20 minutes to present any concerns. A five-minute rebuttal for the applicant may be granted by the Chair. Approvals require a 5-7 majority vote, a vote of less than 5-7 on a motion to approve will be forwarded to the Board of Commissioners for a final decision. A tie vote on any motion constitutes denial of the request. Decisions of the Planning Board can be appealed to the Board of Commissioners and appeals must be made within 15 days on most items, must be in writing, and there is a processing fee.

REZONING CASE #13-09-GCPL-04246:

Les Eger stated that this is a request to rezone approximately 1.35 acres from medium density office to low density residential. The GO-M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail use. The RS-40, Residential Single-Family District is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-40 areas will typically be 1.0 unit per acre or less. The area is primarily low to medium density residential with commercial uses to the south. To the west of the site is a railroad line that cuts through and the by-pass to the rear of the site. The property is within the Southwest Area Plan and it recommends low density residential. The request is consistent with the Southwest Area Plan and is in the public interest. Staff recommends approval of the request, which will enable the applicant to develop the site with low-density residential uses.

Chairwoman Bailey asked if there was anyone wishing to speak on this matter.

William Mitchell, 5518 High Point Road, the property owner, stated that his parents had the property rezoned twenty years ago to commercial because they thought High Point Road By-pass was going to be in front of the house and it would be commercial use property. They later found out that the by-pass is behind the house and he is trying to re-finance the house and change the zoning back to residential so he can re-finance. None of the financial institutions will re-finance commercial property because of the economy.

Speaking in opposition to the request was Ms. Trang Thein Dao, stated that her property is adjacent to Mr. Mitchell's property. She purchased the property for commercial use and she is waiting for the completion of the by-pass to build her commercial building. If the property is turned back to residential, her land value will be decreased.

Les Eger reminded the Board members that this is a rezoning case and this is the appropriate location for the use and the rezoning.

Mr. Mitchell returned to the podium and stated that the traffic volume will go down across the front of the property and there will be a median in the middle of High Point Road in front of Ms. Dao's land and all of his land. He thinks there will be more traffic on the backside of the property instead of the front side.

Ms. Dao returned to the podium and stated that when she purchased the property, it was purchased with her commercial use in mind. She had planned to build an office building.

There being no other speakers, the public hearing was closed.

Mr. Wood moved that in the matter of rezoning Case # 13-09-GCPL-04246, for Conditional Use GO-M to RS- 40, the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Parcel #0156168, from CU-GOM to RS-40, to be consistent with the adopted Southwest Area Plan and considers the action reasonable and in the public interest for the following reasons: that it is generally consistent with the land use category indicated for the property on the Southwest Area Plan Future Land Use Map, seconded by Ms. Gibson. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Gibson, Nelson, Leonard, Wood, Derrickson. Nays: None)

REZONING CASE #13-09-GCPL-04248: CU-GOM to RS-40

Les Eger stated that this is a similar case and the property is located in the northwest corner of the High Point Road and Harnett Drive intersection to Jamestown Township. Being Guilford County Tax Parcel #0156170, approximately 1.07 acres owned by Stewart Mitchell. This property is also in the Southwest Area Plan. The GO-M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail use. The RS-40, Residential Single-Family District is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-40 areas will typically be 1.0

Unit per acre or less. The area is primarily low to medium density residential. Staff recommends approval of the request which will enable the applicant to develop the site with low density residential

Chairwoman Bailey asked if there was anyone wishing to speak on this matter.

William Mitchell, 5518 High Point Road, the property owner, stated that he has the same reasons previously stated for the other case and he had nothing to add for this case.

There being no one speaking in opposition, the public hearing was closed.

Mr. Wood moved that in the matter of rezoning Case # 13-09-GCPL-04248, for Condition Use GO-M to RS- 40, the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Parcel #0156170, from CU-GOM to RS-40, to be consistent with the adopted Southwest Area Plan and considers the action reasonable and in the public interest for the following reasons: that it is generally consistent with the land use category indicated for the property on the Southwest Area Plan Future Land Use Map, seconded by Mr. Westcott. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Gibson, Leonard, Wood, Derrickson. Nays: None)

TEXT AMENDMENT CASE #13-09-GCPL-04256

Les Eger stated that a proposed text amendment to section 9-5 of the Guilford County Development Ordinance revising the BOA processes. This came about due to changes in the state statutes on how Planning Board members vote and its basically taken from a 4/5 vote for every case that would come before them, to a 4/5 vote, only for a variance and a majority vote for everything else that comes before them. That could be an appeal of an Enforcement Officer, an interpretation of an Enforcement Officer or just an interpretation of the ordinance, or could be an item that comes before them with historic properties. Anything that is a variance now still requires a 4/5 vote from the Board of Adjustment, which a quorum is five, and anything for a variance is 4/5; anything else is just a majority vote.

In clarification, Les Eger stated that these are quasi-judicial, those are the findings of fact hearing to be heard.

Mr. Wood moved for favorable recommendation on the text amendment to the County Commissioners, seconded by Mr. Derrickson. The Board voted unanimously in favor of the motion. (Ayes: Bailey, Apple, Westcott, Gibson, Nelson, Leonard, Wood, Derrickson. Nays: None)

OTHER BUSINESS

Les Eger stated that the Special Use Permits that are done through the Planning Board is quasi-judicial and an amendment to the ordinance will have to be done for that also. With the amendment, it will be a majority vote.

Chair Bailey stated that the deadline for November cases is Monday, and it does not look like there will be anything entered for that meeting. She asked if the Board wished to cancel the November Planning Board meeting.

With the consensus of the Board members, the November 2013 Planning Board meeting was cancelled.

ADJOURNMENT:

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

Respectfully submitted,

Donna Bailey, Chairwoman

Les Eger, Secretary to the Board

LE/jd