

**Guilford County
Planning Board
February 13, 2019**

The Guilford County Planning Board met in regular session on Wednesday, February 13, 2019 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

Members Present: Mr. Leonard; Ms. Hayworth; Ms. McKinley; Mr. Alexander; Mr. Apple; and Mr. Thompson.

Members Absent: Mr. Mann, Mr. Geter, Mr. Alexander, and Mr. Jones

Staff Present: Matt Talbott and Tonya Hodgin -- Planning Department; and Leslie Bell, Guilford County Planning Director.

Vice Chair Leonard called the meeting to order and welcomed everyone in attendance.

AGENDA AMENDMENTS:

None.

Vice Chair Leonard explained the rules and procedures of the Guilford County Planning Board.

APPROVAL OF MINUTES: December 12, 2018

Ms. Hayworth moved approval of the December 12, 2018 meeting minutes, seconded by Ms. McKinley. The Board voted 5-0 in favor of the motion (Ayes: Leonard, Hayworth, McKinley, Apple and Thompson. Nays: None).

CONTINUANCE REQUESTS:

None.

OLD BUSINESS:

ROAD CLOSING CASE #18-09-GCPL-05529:

Being that portion of Security Mills Road from the intersection of NC Highway 62 E following the property line of Hardin II LLC properties approximately 502.59 feet south, in Clay Township. **(APPROVED)**

REZONING CASE #18-10-GCPL-06579

Located on the west side of NC Highway 61 N, approximately 1,600 feet south from its intersection of High Rock Road in Washington Township. Being Guilford County Tax Parcel #0101133, approximately 9.56 Acres owned by Apples Chapel Christian Church **(APPROVED)**

Leslie Bell, Guilford County Planning Director, stated that these were Public Hearing items heard November 14th, 2018. This past year Guilford County transitioned from advertising in the newspaper into a pilot program to advertise electronically on the county's website in lieu of published newspaper public notices. The property was posted, and the adjacent neighbors were notified as is evident by the

public comments during the public hearings. There was an irregularity with the electronic notice. So, in consultation with the County

Attorney, although the appeal period has passed, we wanted to provide an opportunity for people to be heard if they have any comments based on the electronic public notice. Thus, we have posted this meeting on the County's website electronically and would like to open the public hearings to see if anyone has any comments regarding these cases. If not, we are asking the Board to close the public hearings and vote to ratify as advised by the County Attorney.

Vice Chair Leonard asked if there was anyone wishing to speak on either one of the cases. There being no other speakers, the public hearing was closed.

Ms. Hayworth moved to ratify cases #18-09-GCPL-05529 and #18-10-GCPL-06579. The Board voted 5-0 in favor of (Ayes: Leonard, Hayworth, McKinley, Apple and Thompson Nays: None)

SPECIAL USE PERMIT CASE #18-10-GCPL-06575: Solar Collector Principal (Solar Facility)

Located on the east side of Mt. Hope Church Road, approximately 2,400 feet north from its intersection of McConnell Road in Jefferson Township. Being Guilford County Tax Parcel #0120643, approximately 95 Acres owned by Needham Farm LLC. The petitioners are seeking A Special Use Permit to operate a Solar Collector Principal (Solar Facility).

Leslie Bell, Guilford Planning Director, stated that the staff would ask that the floor be open for anyone who wishes to speak on this case as this case also was an evidentiary hearing heard at the November 14th, 2018 Regular Planning Board meeting.

[This past year Guilford County transitioned from advertising in the newspaper into a pilot program to advertise electronically on the county's website in lieu of published newspaper public notices. The property was posted, and the adjacent neighbors were notified as is evident by comments during the hearing. There was an irregularity with the electronic notice. So, in consultation with the County Attorney, although the appeal period has passed, we wanted to provide an opportunity for people to be heard if they have any comments based on the electronic public notice. Thus, we have posted this meeting on the County's website electronically and would like to open the evidentiary hearing to see if anyone has any comments regarding this case. If not, we are asking the Board to close the hearing and vote to ratify as advised by the County Attorney.]

Vice Chair Leonard asked if there was anyone wishing to speak on this case. There being no speakers the public hearing was closed.

Ms. Hayworth made a motion to ratify case #18-10-GCPL-06575, seconded by Mr. Apple. The Board voted 5-0 in favor of the motion. (Ayes: Leonard, Hayworth, McKinley, Apple and Thompson. Nays: none).

NEW BUSINESS:***Public Hearing Items:*****REZONING CASE #19-01-GCPL-00242: RS-30 to AG.**

Proposed rezoning from RS-30 to AG. Located approximately 990 feet southwest of the Intersection of McKnight Mill Road, and Taylorcrest Road in Monroe Township. Being Guilford County Tax Parcel #126251, approximately 0.52 Acres owned by Danny & Carolyn Mack. The Northeast Area Plan land use classification of Residential Single-Family is consistent with the Proposed use, thus no plan amendment is requested. **(DENIED)**

Matt Talbott, Planning Department, stated that this was a request to rezone property located at 2507 McKnight Road from RS-30 to AG (Agricultural). The RS-30, Residential Single-Family District, is primarily intended to accommodate low density single-family detached dwellings on large lot areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less.

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivision.

This property is located approximately 990 feet southwest of the intersection of McKnight Mill Road, and Taylorcrest Road in Monroe Township. Being Guilford County Tax Parcel #126251, and it is approximately 0.52 acres owned by Danny & Carolyn Mack. There is no zoning history of denied cases. This property is in a single-family residential subdivision platted in the Register of Deeds as Brentwood Forest. The existing land use is single-family residential. To the north, south, east and west are all single-family residential land uses. There are no inventoried Historic properties located on or near this property. The land use plan is the Northeast Area Plan 2016 Update. The plan recommendation is residential single-family. An AG zoning is generally consistent with the residential single-family land use designation in the Northeast Area Plan.

Staff's recommendation is to deny this request. The AG zoning is generally consistent with the land use designation for the property, but is not in the public interest because the subject property is in a major residential subdivision with lots that do not comply the development standards for the AG zoning district, which requires a minimum lot area of 40,000 square feet. The subject property contains approximately 22,651.2 square feet. If the rezoning is approved, it will expand the nonconformance of a lot in an area that does not comply with the AG zoning standards.

The Northeast Area Plan land use classification of residential single-family is consistent with the proposed AG zoning, thus no plan amendment is needed if the rezoning is approved. He then showed pictures of the subject property. He stated that just for the record there is a home occupation application that was submitted to the county in January for an adult daycare.

Ms. Hayworth asked what was the application for? Matt Talbott stated that it was for an adult daycare for up to five (5) attendees. Ms. Hayworth asked if the application had been submitted? Matt Talbott stated that maybe the applicant can verify their operations so far, but it was submitted to their office in January. Ms. Hayworth asked if the application was approved? Matt Talbott stated that Home Occupation of up to five (5) attendees are allowed in the RS-30 zoning district. More than five (5) would be considered a daycare center and it would have to be rezoned to the AG zoning district and a Special Use Permit would be required. Vice Chair Leonard asked if the purpose was to go beyond five (5)? Matt Talbott stated that the applicant would have to answer that.

Vice Chair Leonard asked if there was anyone wishing to speak in support of this case.

Speaking in Support:

Regina Nevels, 2507 McKnight Mill Road, stated that they request the rezoning from RS-30 to AG. They have been approved already for residential and it has been approved for up to 15 attendees, based upon the ordinance. They are requesting for the rezoning, so they can have 16 and more attendees. It is residential but right up the street there is an auto body shop. They brought a petition where neighbors have signed in support. Carolyn Mack is the owner of the previous daycare center [Home Occupation]. They have worked very closely with DSS and the State to make sure that everything is done right. They were approved, but they want to operate as a center, but commercial. The property does have city water and it is a center. The reason why DSS have said yes, is because they have seen their policies and have reviewed them. It was allowed because it was already previously a center [Home Occupation Day Care] and they can be grandfathered in. Mr. Thompson asked if this was going to be an adult daycare center? Regina Nevels stated that it would be operating as a social center for adults. Mr. Thompson then asked if anyone would be spending the night there? Ms. Nevels stated that no, their hours would be Monday through Friday from 6 a.m. to 6 p.m. Mr. Thompson asked how many they would have? Right now they are allowed up to 15 and if they are approved for commercial they could have 16 and more.

Carolyn Mack [previous owner of the Home Occupation Day Care], 1612 Walnut Street, stated that the state says 25 square feet per child. One side was the home center and one side was a residence. She said that she lived there, so it was a residence. The floor space she had was for 12 children. Mr. Thompson stated that she was living there and running a daycare center for children in one part of the house? Ms. Mack stated that was right it was a center and a residence. Mr. Thompson asked if the whole building would be used as an adult daycare center? She stated that yes it would be. Mr. Thompson asked if they were on city water? Ms. Mack said yes, she got city water, so she didn't have to have it tested every six months. Mr. Thompson asked about their parking lot, where would they be dropping off the adults. Ms. Mack stated that she had to use the front half of the yard for parking space. Mr. Thompson asked if they would all be dropped off at the same time? Regina Nevels stated that they can service four (4) hours a day or eight (8) hours a day, so they would not necessarily be arriving at the same time.

Ms. Hayworth wanted to ask Staff a few questions. She asked what it was already registered as of now? Matt Talbott stated that it was RS-30. Ms. Hayworth stated that they were allowed to have up to 15 people in a residence. Leslie Bell stated that [the current Ordinance is somewhat confusing/contradictory when interpreted by staff in that **Table 4-3-1 Permitted Uses** indicates that Day Care Center, Adult (15 or less, Home Occupation) while **Section 6-4.37 Day Care Center, Child or Adult**, item #3 states that "An Adult Day Care with a maximum of five (5) attendees may be operated as a Home Occupation, subject to the development standards for a Home Occupation].

Thompson stated that was 15 seniors not including the staff. Leslie Bell stated that was correct. Ms. Hayworth asked how many square feet is this house? Matt Talbott told her it was 2,025 square feet. Mr. Thompson asked how many staff people? Ms. Nevels stated that there would be three (3). Ms. Hayworth stated that she is trying to figure out if it is RS-30 how is it listed that they could have 15 people in this space. Leslie Bell [again stated that stated that that is somewhat confusing]. The ordinance says that they can have 15 or less for an Adult Daycare Center or as a Home Occupation in the RS-30 district. If they do it as a Home Occupation they are capped to five (5) individuals in the RS-30 district. Mr. Thompson stated that right now they have this Home Occupation permit that can be done up to five (5) as a Home Occupation. Matt Talbott stated that is not how they were doing that. Mr. Thompson stated that if they rezoned to AG they would still be able to do it like that, with a Special Use permit they could have a daycare center over 16 attendees, they are asking to be rezoned to AG

tonight. They would have to come back and apply for a Special Use permit to become a daycare center [Adult] with over 16 attendees.

Regina Nevels stated that this has been going on since December. They came into the office and met Mr. Bass and he walked them through the application. They found out they filled out the wrong application, so they lost 30 days. They did the whole process over again and that was when they found out about going from RS-30 to AG so they could become commercial. They are requesting rezoning. They already have the special use application and they were told to wait. They have lost out on 60 days trying to get approved for zoning. They have done everything they have been told to do. They were told to wait to submit the application for the Special Use permit in the morning if they were approved tonight.

Quiana Harris stated that initially what they were told to do was to start the center process and go on and submit the application. When they came down to get the application, that is when they were told about the 15 attendees. Then they were told they have to do a residential application and then they went through the process and that is the application that has been approved. Mr. Thompson asked what was the business model they were going for when they first came to the County? Ms. Harris stated that it was for a center. Leslie Bell stated that is not allowed there. Vice Chair Leonard asked if what they have applied for and been approved for is up to five (5). Mr. Thompson stated that he knew where that five people was coming from. He stated that was talking about five (5) seniors living in a home. Leslie Bell stated they are trying to have an Adult Daycare Center. Mr. Thompson stated that was a commercial entity and the house looks very small for up to 15 people. Ms. Hayworth asked why there was seven vehicles in front of the house in a picture that the Board has? Ms. Mack stated that she closed the center in December. They took over the residence January 1st. Every since the first they have been working to get a center. She states that it really is a big house, it has 2 full baths, ½ bath, two living rooms, master bedroom, den, three (3) bedrooms, and a kitchen. Ms. Hayworth stated that the square footage is only 2,025. Regina Nevels stated that all the cars were probably [those] working at the house trying to get it ready. Ms. Hayworth asked if this would be regulated by the state? Leslie Bell stated that it would be. Ms. Hayworth stated that she found it hard to believe that they could have 15 people and 3 workers in a 2,025 square foot building and it be legal. She knows for a fact, because she has studied Group Homes that they have to have so many square feet and so many bathroom facilities for any Adult Care Home. Vice Chair Leonard stated that their position is to see if the zoning makes sense.

Nancy Hairston stated that they have spoken to all the neighbors and they are in agreement and aware of what they are trying to do. They then gave the Board the petition that has been signed by the surrounding neighbors. Quiana Harris stated that the State has to come in to license them and everything has been submitted to the State in order for that to happen. The State will not come in until this is done. Mr. Thompson stated that is heavily regulated by the State. Regina Nevels stated that it was already operating as a center, so it already meets the qualifications that the State requires. The previous owner, Ms. Mack had already done a lot of upgrades to meet the qualifications. Mr. Thompson asked if they could operate a child daycare center if they were living there under the RS-30 zoning? Leslie Bell stated that they could [as a Home Occupation]. The only thing that she did was transfer owners.

Speaking in Opposition:

None

There being no other speakers the Public Hearing was closed.

Discussion:

None

Motion:

Ms. Hayworth moved to **DENY** this rezoning request located on Guilford County Tax Parcel #00242 from **RS-30** to **AG** because:

1. The amendment **is not** consistent with applicable plans because:
 - a. Northeast Area Plan recommendation is for residential single-family. The subject property contains approximately 22,651 square feet where the AG zoning the minimum lot area is 40,000 feet. If the rezoning is approved, it will expand the nonconformance in a lot in a area that does not comply with AG zoning standards.
2. The request **is not** reasonable and in the public interest because:
 - a. The AG zoning is generally consisted with the land use designation for the property but is not in the public interest because the subject property is in a major residential subdivision with lots that do not comply the development standards in the AG zoning district which requires a minimum lot of 40,000 square feet.

seconded by Mr. Apple. The Commission voted 4-1 to deny this request. (Ayes: Leonard, Hayworth, Apple, and Thompson. Nays: McKinley).

CONDITIONAL REZONING CASE #19-01-GCPL-00462: HI/RS-40 & CZ-HB to CZ-LI

Proposed conditional rezoning from HI/RS-40 and CZ-HB to CZ-LI limited to the following Use conditions: Animal Services (Livestock), Animal Services (Other), Veterinary Services (Livestock), Veterinary Services (Other), Solar Collectors Accessory (Roof Mounted), Signs, Temporary Construction, Storage or office; Real Estate Sales or Rental Office (with concurrent Building), Temporary Events (as permitted). Located approximately 640 feet northwest of the Intersection of Guilford College Road & Hickory Grove Road in Friendship Township. Being Guilford County Tax Parcel #151165 & #226983, approximately 11.94 Acres owned by Guilford County. The Airport Area Plan land use classification of Non-Residential is consistent with the Proposed use, thus no plan amendment is requested.

(APPROVED)

Leslie Bell, Guilford County Planning Director, stated that this request is to rezone two parcels containing 11.94 acres from HI, RS-40 and CZ-HB zoning to CZ_LI Conditional Zoning (see accompanying site plan and application). The applicant proposes use and development conditions as part of the application. The HI, Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

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 district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitates very low-density single-family development. The overall gross density in RS-40 areas will typically be 1.0 unit per acre or less.

The HB, Highway Business District, is primarily intended to accommodate those retail service and Distributive uses which are typically located along thoroughfares. The district is established to provide Locations for establishments which requires high visibility and good road access, or which cater Primarily to passing motorists. Developments in this district generally have substantial front setbacks.

The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

The CZ, Commercial Zoning District is established as a companion district for every district established in Section 4-2. All regulations which apply to a general 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 applies.

This request is in an area that is developed or zoned primarily industrial near the Guilford College Road and Interstate 73 intersection. The existing land use on the property is undeveloped. To the north is Martin Marietta Quarry; To the south/southeast is single-family residential; To the east is NCDOT right-of-way/Guilford College Road/vacant property; To the west is Martin Marietta Quarry. There are no inventoried historic properties located on or near the property. If approved Greensboro would provide the wastewater and High Point will provide the water (see packet information). Guilford College Road is a major thoroughfare and the existing ADT is 23,000 vehicles per day. This number comes from the NCDOT 2017 traffic count.

The land use plan is the Airport Area Plan and the plan recommendation is Non-Residential. The proposed rezoning and conditions are consistent with the recommendation of the land use plan. The subject properties are in an area that has developed or is zoned industrial, either LI or HI. The request proposes conditions designed to mitigate potential adverse impacts on adjacent residential properties. The request is in the public interest because it will allow for the provision of an identified service need for the public.

The development conditions are as follows: permit metal roofing, as approved in Rezoning Cases #10-07-GCPL-02670 and #17-03-GCPL-01101, building material on building elevations that front Guildford College Road will be of stucco, brick, cement board or vinyl material; Entrances onto Guilford College Road will line up or be no more than 150 feet offset as approved by NCDOT; Any outside storage will be screened from surrounding residential properties; Street yards along Guilford College Road shall be met using existing vegetation supplemented by additional plantings; A 30-foot buffer yard shall be maintained between the subject and property owned by Francis S. Lackey for so long as that property is used as a residence. The buffer shall consist of existing vegetation and supplemented with additional vegetation to provide a planting rate that is 50% denser than otherwise required by Guilford County Development Ordinance as of the date of the zoning approval; Exterior pole lighting within 100 feet of single-family dwellings shall be limited to 30 feet in height with fixtures directed inward to the subject property to minimize spillover light onto adjoining residential properties; All other applicable federal, state, and local development requirements apply; All previous conditions will be replaced by the proposed conditions as approved.

Speaking in Support:

Jorge Ortega, 4528 West Wendover, stated that he is the Animal Services Director for Guilford County Animal Services. He is here to ask for rezoning the property. Their current facility is starting to fall apart. They have designed this facility to be a state-of-the-art facility. They are not building what they have today. They are hoping the property gets rezoned and they can move forward with construction. Ms. Hayworth asked how long it will take to build this facility? He stated about a year and a half.

Speaking in Opposition:

Paul Lackey, 5922 Hickory Grove Road, stated that he owned the property adjacent to the south. He is concerned about the noise, the access, and the traffic that might be coming in.

Frances Lackey, 5924 Hickory Grove Road, stated that this property has been in her family for years. She is concerned with the smell and the noise that would be coming from the shelter. She is afraid it will take away from all that they have known.

There being no other speakers the public hearing was closed.

Discussion:

Vice Chair Leonard asked Jorge Ortega to address the concerns about the noise and smell. Mr. Ortega stated that there will be indoor/outdoor kennels. The dogs will not be outside all the time. When the dogs are out there will be a staff member [out also] at all times. The only time they will be outside the kennel is when they are being walked. The way the design is made is to control the smell. Ms. Hayworth asked if there were regulations that it has to be taken care of? Mr. Ortega stated that twice a year they are inspected by the North Carolina Department of Agriculture. Vice Chair Leonard asked what the plans are for the future? He stated that they want to take into consideration that if in the future they have to expand they will have the land to do so. It will be away from the residence if expansion was needed. Leslie Bell asked [for public knowledge] where the parking would be? Mr. Ortega stated that the entrance would be on Guilford College Road and that is where the parking areas and general traffic will be located. Mr. Thompson asked what conditions the applicant has imposed to mitigate potential adverse impacts, such as sound and smell. Leslie Bell stated that the buffer that they proposed there is to be 50% denser. With the orientation of the facility the majority of the impacts are not against the residential properties. Mr. Ortega stated that with the ways the kennels are being designed it will not be permanent outdoor kennels. The dogs will not be out in masses. Ms. Hayworth asked if the applicant is the County? Leslie Bell stated that was correct. Ms. Hayworth asked how far that buffer was from the actual residence? Mr. Ortega stated that the property labeled E, which is Francis Lackey's residence. Ms. Hayworth asked how many feet from the property line is the house that is the closest on "E"? Mr. Thompson stated that there is a 30-foot buffer to the structure, so there is about 30 feet from the residence to the facility. Vice Chair Leonard asked Mr. Paul Lackey about how far it was from his house to the facility? Mr. Lackey stated that he was estimating at about 50 feet.

Clarence Grier, 3207 Stonypointe Drive, Guilford County Manager, stated that they are building a state of the art facility. Currently, now if you go into the shelter it smells, but there will be sound barriers inside the building if approved tonight. The dogs will not be outside all the time. As for the buffer they are willing to go up to 50 feet to make sure they mitigate any sounds. They will work with the property owners to address any other concerns.

Motion:

Mr. Thompson moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #151165 & #226983 from **HI/RS-40 & CZ-HB to CZ-LI** because:

1. The amendment **is** consistent with applicable plans because:
 - a. The zoning conditions are consistent with the recommendation of the land use plan, as well as the Airport Area plan consisting of non-residential is consistent with the proposed zoning.
2. The request **is** reasonable and in the public interest because:
 - a. The request proposes conditions designed to mitigate the adverse impacts on adjacent properties. It will allow for the provision of an identified service need for the public.

Vice Chair Leonard made a motion to change Development Condition item six (6) to a 50-foot buffer, as offered by the applicant, seconded by Mr. Thompson.

The motion was seconded by Ms. Hayworth. The Board voted 5-0 in favor of the condition and rezoning request. (Ayes: Leonard, McKinley, Apple, Hayworth, and Thompson. Nays: None).

OTHER BUISNESS:

Leslie Bell gave an update on the UDO Project. He stated that they are moving forward with the Development ordinance. The next steering committee meeting is February 26th at 9 a.m. on the third floor of the BB&T building. Articles 1, 2, and 3 drafts are ready and Article 4 is undergoing a set of revisions and will be ready by the end of the week.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Frankie Jones, Chairman

J. Leslie Bell, AICP
Guilford County Planning & Development Director

FJ:pr/jd