

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

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

Members Present: Mr. Jones; Ms. Hayworth; Ms. McKinley; Mr. Alexander; Mr. Apple; Mr. Mann; and Mr. Geter.

Members Absent: Mr. Thompson and Mr. Leonard

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

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

AGENDA AMENDMENTS:

None.

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

APPROVAL OF MINUTES: February 13, 2019

Ms. Hayworth moved approval of the February 13, 2019 meeting minutes, seconded by Mr. Apple. The Board voted 7-0 in favor of the motion (Ayes: Jones, Hayworth, McKinley, Apple, Mann, Alexander and Geter. Nays: None).

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Evidentiary Hearing Items:

Special Use Permit Case #18-11-GCPL-07120: Landscape and Horticultural Services.

Located approximately 1,850 feet northeast of the intersection of Blakeshire Road and southeast School Road in Clay Township. Being Guilford County Tax Parcel #121404, approximately 2.60 acres owned by Rex McCaskill.

The petitioner is seeking a Special Use Permit to operate a Landscape and Horticultural Service along with the following proposed conditions; 1. The property will not be open to the public; 2. The storage building on the property shall be unheated and used periodically; and 3. Minimum

planting yard Type A along west and north property line and Type C along east property line.
(APPROVED)

Matt Talbott, Planning Department, stated that this request is in an area that is primarily moderate to low density residential and agricultural uses on varying acreage tracts. The surrounding uses to the north are vacant; to the south is Low-density Residential; to the east is a fire station; and to the west is Low-density Residential. There are no historic properties located on or near the property. Blakeshire Road is a two-lane collector road. There are no traffic counts at this location and a driveway permit will be needed. The Land Use Plan is Alamance Creek 2016 update. The plan recommendation is AG [Agricultural] Rural Residential. This request is consistent with the adopted plan, it is compatible with the surrounding uses and zoning [rezoning to AG received final approval by the Guilford County Board of County Commissioners on February 7, 2019] and in the public interest and is permitted in the AG District with an approved Special Use Permit. During consideration of a Special Use Permit, the Planning Board must determine the following Findings of Fact have been satisfied based upon the relevant and credible evidence presented during the hearing:

A written application was submitted on November 14, 2018 and is complete in all respects; and the recommended rezoning was approved by the Guilford County Board of Commissioners on February 7, 2019.

That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.

The use, Landscape and Horticultural Services along with the following proposed conditions: 1. The property will not be open to the public; 2. The storage building on the property shall be unheated and used periodically; and 3. Minimum planting yard Type A along West and North property line and Type C along East property line, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications.

That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs; and

That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

After reviewing the proposed development plan for this request, Staff offers the following for the Planning Board to consider:

The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).

The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.

The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.

If the specified conditions addressed in this Special Use Permit are violated, the permit

shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

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

Speaking in Support:

Rex McCaskill stated that he was the owner of the property in question. He passed out a presentation to all the board members. He is wanting a Special Use Permit to construct the building and store equipment for his business. They create and maintain decorative water features for residential, schools, communities, and churches, and for the City of Greensboro. They give back to the community with discount rates and volunteer, whenever possible. The business employees four people. He has no plans to expand his business and has been in business since 2007. There will be no retail sales, bathrooms or heated space. There will be limited use to the facility probably in the morning from 8:00 a.m. – 8:30 a.m. and in the evening between 5:00 – 6:00 p.m. The limited planting yard as specified by the Special Use Permit will be above ground water garden tanks or pond plants. The container gardens will be on the North side of the proposed building out of sight. When entering the driveway there will be up to three grow tanks with a variety of pond plants. The area is mixed Farm land use and some Special Use properties. There are other businesses on the same side of the street within half a mile of this location. There is a fire department [Alamance Community Fire Department], an auto body shop with a sign on the street and the 685 Moose Lodge. He showed pictures of examples of what other properties look like within a quarter mile of his property. The building will allow him to secure his equipment from thieves and the elements of weather. He showed the site plan where the location of the driveway, building, container gardens and the green buffers will be located. The back and left side of the property already have a buffer. Ms. Hayworth asked how he determined the location of the building. Mr. McCaskill stated that the land doesn't perk and the driest location on the property is where the building will be. Mr. Geter asked if there was any water or sewer? Mr. McCaskill stated that there was not and no plans to install either.

Speaking in Opposition:

Ken Reeves, 4919 Blakeshire Road, stated that he has lived in the area for 20 years. He states that you can't see the body shop from the street. He states that he will be able to see the metal building from his backyard and pool area. He doesn't want a metal building the size of the fire department being built there. He stated that there was no other metal building in the neighborhood. They are all nice brick buildings. He wants to know how this metal building would compare to the fire department in square footage.

Support Rebuttal:

Rex McCaskill stated that it would be a 40' x 30' enclosed building. He doesn't want to put anything there that would be a harm to the community. Mr. Geter asked what he meant by screen? Mr. McCaskill stated that he plans on planting foliage and Holly Trees intermittently and the fence will be a decorative fence. Ms. McKinley asked how long the driveway was? Mr. McCaskill stated that it was 60' to the gate.

Discussion:

Ms. Hayworth stated that she thought this would be a great use of the area and a great addition to the community. Chair Jones stated that the fact that the land will not perk helps them make this decision.

Motion:

Chair Jones moved that the Guilford County Planning Board, having held an Evidentiary Hearing on

March 13, 2019 to consider a request for a Special Use Permit for Landscape and Horticultural Services, for the property located on Guilford County Tax Parcel #121404, and having heard all the evidence and arguments presented at the Evidentiary Hearing, makes following Findings of Facts and draws the following Conclusions:

1. A written application was submitted and **is** complete in all respects.
2. That the use **will not** material endanger the public health or safety if located where proposed and developed according to the plan submitted. The conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:
 - a. Area will be used to secure and store equipment.
 - b. It will not be open to the public.
3. The use, **Landscape and Horticultural Services**, along with the following proposed conditions: 1. The property will not be open to the public; 2. The storage building on the property shall be unheated and used periodically; and 3. Minimum planting yard Type A along west and north property line and Type C along east property line, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on the sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:
 - a. Property will be kept in a neat and orderly condition.
 - b. It will have trees planted as a buffer from the street.
 - c. It will be kept further secured with a gate.
4. That the location and character of the use, if developed according to the plan submitted, **will be** in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:
 - a. The property is zoned AG [Agricultural].
 - b. The property will be maintained, and the structures built will be pleasing to blend in with the entire area
 - c. There will be a buffer to create additional screening from the road
5. The use **will not** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:
 - a. There are several non-residential uses within close vicinity to the property including the fire department [Alamance Community Fire Department] directly adjacent to the property.
 - b. The property does not perk, and this will present an actual use of the property, which is consistent with the fact that the land does not perk.

Therefore, on the basis of all the foregoing, IT IS ORDERED that the application for a SPECIAL USE PERMIT for Landscape and Horticultural Services granted subject to the following:

- a. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).
- b. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.

- c. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.
- d. If the specified conditions addressed in the Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

The motion was seconded by Ms. Hayworth. The Commission voted 7-0 to approve this request. (Ayes: Jones, Alexander, Hayworth, McKinley, Mann, Geter and Apple. Nays: None).

OTHER BUISNESS:

Leslie Bell, Planning and Development Director, gave an update on the UDO Project. He stated that they are getting draft Articles 1, 2, and 3 for review which has gone through the Steering Committee. He asked them to give comments back on these articles. Article 1 are General Provisions, Article 2 is Administration, and Article 3 are Development Review Procedures. In Article 3, it summarizes who is responsible for what and a matrix that details public notice requirements and there will be flowcharts in this section and other sections. The next meeting tentatively will be April 5. The next Articles are 4, 5, 6, and 7 which are being drafted and may/may not be ready by the next meeting. The Board will be kept up to date as far as the next Steering Committee meeting. He told them that at the next Planning Board meeting the Publix Distribution Center must go through a major Watershed/Stormwater variance. The Environmental Review Board previously handled that, but now the Planning Board has assumed those duties. Their findings will go to the Board of County Commissioners and they [Board of County Commissioners] will make a recommendation to the state and the state will make the final decision. He gave a heads up that Publix representatives are scheduled to be there.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 6:34 p.m.

Respectfully submitted,

Frankie Jones, Chairman

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

FJ:pr/jd