

**Guilford County
Planning Board
April 10, 2019**

The Guilford County Planning Board met in regular session on Wednesday, April 10, 2019 at 6:00 p.m. in the County Commissioners' Chamber Room, Second Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: Mr. Mann, Mr. Geter, and Mr. Leonard

Staff Present: Matt Talbott, Tonya Hodgins, Theresa Andrews and Frank Park - Planning Department; Leslie Bell, Guilford County Planning Director; and Mark Payne, Guilford County Attorney.

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: March 13, 2019

Ms. Hayworth moved approval of the March 13, 2019 meeting minutes, seconded by Ms. McKinley. The Board voted unanimously in favor of the motion.

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Public Hearing Items:

REZONING CASE #19-02-GCPL-01576: RS-40 to AG.

Proposed rezoning from RS-40 to AG. Located approximately 1,500 feet northwest of the intersection of Bales Chapel Road, and Harvey Road in Jamestown Township. Being Guilford County Tax Parcels #160138, #160144, #160143, #160177, #160178, and #222423, approximately 66.09 Acres owned by Marie Poteat. The Southwest Area Plan land use classification of Residential Single-Family is consistent with the proposed use or zoning, thus no plan amendment is required-if the request is approved.

(Approved)

Matt Talbott stated that this request is to rezone the Guilford County Tax Parcels#160138, #160144, #160143, #160177, #160178, and #222423 from RS-40, Single-Family Residential to AG (Agriculture). 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 necessitate very low-density single-family development. The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences on large tracts of land. It is not intended for major residential subdivisions. Located approximately 1,500 feet northwest of the intersection of Bales Chapel Road, and Harvey Road in Jamestown Township, approximately 66.09 Acres owned by Marie Poteat. There are no previous denied zoning cases. This request is in an area that is primarily moderate to low-density residential and agricultural uses on varying acreage tracts. The existing land uses are Single-Family Residential. The surrounding uses to the north are vacant; to the south are Single-Family Residential; to the east are Single-Family Residential; and to the west are Single-Family Residential. There are no inventoried Historic properties located on or near the property. Bales Chapel Road is a two-lane minor thoroughfare. Existing ADT is 1,200 vehicles per day as reported by NCDOT 2017 traffic count. The Land Use Plan is the Southwest Area Plan 2016 Update. The Plan Recommendation is Residential Single-Family, and the request is consistent: 1. An AG zoning is generally consistent with the Residential Single-Family land use designation in the Southwest Area Plan; 2. The proposed AG district is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodated scattered non-farm residences on large tracts of land. It is no intended for major residential subdivisions; 3. It is reasonable and in the public interest as the request will limit future residential and agricultural uses; and 4. The subject properties are located adjacent to current property which is zoned AG. There are AG zoned properties located within one mile of the subject properties. This request is consistent with the plan for the area and compatible with the surrounding development patterns. The Southwest 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.

SPEAKING IN SUPPORT:

Marie Poteat, 1209 Bales Chapel Road, stated that she is the owner of the property. The reason she requested the Agricultural zoning was that in 2017 she did a land conservation easement on the property. That easement allows for agricultural, horticulture, forestry and wildlife management. She does have present use on the property for those. She is trying to realign the zoning with what the easement allows for future use of this property.

SPEAKING IN OPPOSITION:

None

There being no other speakers the Public Hearing was closed.

DISCUSSION:

None

MOTION:

Mr. Alexander moved to **APPROVE** this rezoning request located on Guilford County Tax Parcels #160138, #160144, #160143, #160177, #160178, and #222423 from **RS-40** to **AG** because:

1. The amendment **is** consistent with applicable plans because an AG zoning is generally consistent with the residential Single-Family land use designation in the Southwest Area Plan. The proposed AG 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 subdivisions.

2. The request is reasonable and in the public interest because the request will limit the future residential and agricultural uses. The subject properties are located adjacent to current property which is zoned AG. There are AG zoned properties located within one mile of the subject properties.

The motion was seconded by Ms. Hayworth. The Commission voted 6-0 to approve this request. (Ayes: Jones, Hayworth, McKinley, Apple, Alexander, and Thompson. Nays: None).

REZONING CASE #19-03-GCPL-02132: RM-12-MH to HB

Proposed rezoning from RM-12-MD to HB. Located on the eastern side of US Highway 29 N, approximately 500 feet north from Vista Avenue in Monroe Township. Being Guilford County Tax Parcel #126424, approximately 0.93 Acres owned by Elanor L Lineberry, Jessica Sims-Executer. The Northern Lakes Area Plan land use classification of Residential Multi-Family is not consistent with the proposed use. If the rezoning request is approved, an amendment to the Northern Lakes Area Plan will be required.

(APPROVED)

Matt Talbott stated that this request is to rezone the property located at 4004 N US 29 from RM-12-MH, Residential Multi-Family to HB, Highway Business. The RM-12, Residential Multi-Family District is primarily intended to accommodate multi-family uses at a maximum overall density of 12.0 units per acre. The MH overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of Guilford County. These regulations are specified in Section 4-12 (Overlay District Requirements). 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 require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks. The property is located on the eastern side of US Highway 29 N, approximately 500 feet north from Vista Avenue in Monroe Township. Being Guilford County Tax Parcel #126424, approximately 0.93 Acres owned by Eleanor L. Lineberry, Jessica Sims-Executer. This request is for a Single-Family Residential parcel platted in the Register of Deeds as Summit Hills. The land use is Single-Family Residential. The surrounding uses to the north are Single-Family Residential; to the south is a church; to the east is a mobile home park; and to the west is US Highway 29 (vacant across US 29). There are no historical properties in the area. US Highway 29 N is a four-lane freeway. The existing ADT is 42,000 vehicles per day (NCDOT 2013 traffic count). NCDOT will require a driveway permit for new development on the site. The Land Use Plan is the Northern Lakes Area Plan 2016 Update. The plan recommendation is Residential Single-Family. The request is inconsistent because 1. an HB zoning is generally inconsistent with the Residential Multi-Family land use designation in the Northern Lakes Area Plan. However, 1. the subject parcel is adjacent to and directly across the road from Highway Business zoning districts; 2. the HB, Highway Business District is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares [this property is located on US Highway 29 North]; 3. there are HB zoned properties located within ½ mile of the subject property; 4. the request is reasonable and in the Public interest as the site chosen for this request is large enough to accommodate future HB uses and minimize impacts onto the area through the implementation of the Guilford County Development Ordinance, which regulates landscaping, lighting, and structure placement standards; and 5. it provides for future employment opportunities and services to the Citizens of Guilford County. The Staff recommends approval of this request because it will provide this portion of the County with future goods and services afforded in the HB district. The Northern Lakes Area Plan land use classification of Residential Multi-Family is inconsistent with the proposed HB zoning, thus an area plan amendment would be required, if the rezoning request is approved

SPEAKING IN SUPPORT:

Jessica Sims, executor of the property, stated that she is for the rezoning. It is a vacant house that has been destroyed by the trees. It sits next to what use to be a hotel and a church next to that. Across the street, which use to be vacant, was a gas station that did excellent business with the mobile home park that was behind that property. She thinks it will be a good idea to have a business there instead of a vacant house. Chair Jones asked her what kind of business was she thinking about. She stated that it is under contract to be sold. Ms. Hayworth asked if she had talked to the people in the mobile home park. Ms. Sims stated that she thought the realtor reached out to them. As far as she knows there were no concerns. Mr. Thompson asked if she has spoken to the perspective buyer. She stated that she spoke to him through the realtor. Mr. Thompson then asked if she had any idea as to what kind of business the buyer wanted to have. Ms. Sims explained that she did not know what he wanted to do, but she knew he was based out of Charlotte and he is interested in other adjoining areas around this property. Mr. Thompson asked her if she knew what he did in Charlotte. She stated that she was not sure. She thinks a business would be good because it is close to the new loop that is coming through there. Mr. Thompson asked if the perspective buyer was requesting this zoning. She stated that was correct.

SPEAKING IN OPPOSITION:

None.

There being no other speakers the Public Hearing was closed.

DISCUSSION:

Chair Jones asked Staff if they had any conversation with the person who is the applicant. Matt Talbott stated that he had. He originally mentioned car sales for the use of this property. He did not want to put any conditions on the rezoning application. Ms. Hayworth stated that her concern was that they didn't know what they are going to do or what they could do with this rezoning and that it is inconsistent with the 2016 updated plan. Mr. Thompson stated that was controlled by County zoning of the Highway Business district. There are only certain things they could be put there within the HB District. Leslie Bell stated that was correct. Matt Talbott stated it would be a higher density buffer required.

Public Hearing was reopened.

Ageel Ahmad, applicant, stated that he reached out to the mobile home park owners and district manager by emails and phone calls. They told him they had no problem with this request. They are looking to put a retail car lot there. There will be no shops or anything that would bother the neighbors. They reached out to those neighbors and they had no concerns. Mr. Thompson asked what he did in Charlotte. He stated that they were just starting to get into retail cars. NCDMV requires a 96-square foot building. His past experience was in transportation. Mr. Thompson asked if he presently owned a retail car business. He stated that he did not.

Public Hearing was closed.

DISCUSSION:

None

MOTION:

Ms. McKinley moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #126424 from **RM-12-MH to HB** because:

1. This approval also amends the **Northern Lakes Area Plan**.

2. The zoning map amendment and associated **Northern Lakes Area Plan** amendment are based on the following change(s) in condition(s) in the **Northern Lakes Area Plan**. The HB zoning is generally inconsistent with the Residential Multi-Family land use designation in the Northern Lakes Area Plan. However, the subject parcel is adjacent to and directly across the road from Highway Business zoning districts. The HB, Highway Business District, is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. This property is located on US Highway 29 North.
3. The amendment **IS** reasonable and in the public interest because the site chosen for this request is large enough to accommodate future HB uses and minimize the impacts onto the area through implementation of the County Development Ordinance, landscaping, lighting, and structure placement standards and it provides for future employment opportunities to the Citizens of Guilford County.

Mr. Apple seconded the motion. The Board voted 6-0 in favor of the rezoning request. (Ayes: Jones, Hayworth, McKinley, Apple, Alexander, and Thompson. Nays: None).

EVIDENTIARY HEARING:

Major Buffer Variance Case #13-02-GCPL-01468: Publix Super Markets, Inc. is requesting a major variance from the Jordan Buffer Rules per Guilford County Development Ordinance Section 7-1.9. The major variance is requested for the purposes of establishing a corporate campus designed to meet the needs of Publix Super Markets, Inc. being Guilford County Tax Parcel #117416, approximately 338.69 Acres in the Jefferson Township, owned by East GSO Holdings, LLC.
(APPROVED)

[Refer to attached Transcript]

OTHER BUSINESS:

Leslie Bell gave an update on the UDO Project. He stated that the last meeting was at the end of March. Frankie Jones, Chairman and Ms Hayworth both were in attendance. The next UDO Steering Committee meeting likely will be June 25th.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Frankie Jones, Chairman

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

FJ:pr/jd