

**GUILFORD COUNTY
PLANNING BOARD
MAY 8, 2019**

The Guilford County Planning Board met on the first floor of the Old Guilford County Courthouse in the Blue room on Wednesday May 8, 2019.

Members Present: Mr. Thompson, Mr. Mann, Mrs. McKinley, Mr. Alexander, Ms. Hayworth and Mr. Leonard.

Members Absent: Mr. Geter, Mr. Apple and Mr. Jones

STAFF PRESENT: J. Leslie Bell, Matt Talbott, Tonya Hodgins and Kaye Graybeal

MINUTES - APRIL 10, 2019:

Approval of April 10th, 2019 meeting minutes were still in the process at the time of this meeting. They will be ready by the June meeting.

J. Leslie Bell introduced Kaye Graybeal as the Planning and Development Deputy Director. Kaye Graybeal stated that she had worked for Guilford County in 1981-1983 and again in 1990-1995. She said that she is glad to be here.

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Evidentiary Hearing Item(s):

SPECIAL USE PERMIT CASE #19-04-GCPL-03144: Landscape and Horticultural Services

Matt Talbott, J. Leslie Bell, Christopher Dunlap, Matt McConnolly, Bobby Turbeville, Deborah Turbeville, Douglass Bushee, Patricia Bushee, Robert Stockham, and Jean Stockham were all sworn in under oath.

Matt Talbott stated that this request was to consider granting a Special Use Permit for Landscape and Horticultural Services along with the following proposed conditions: 1. The property will not be open to the public; 2. There will be no signage on the property; 3. The existing residence on property will be used for office staff only, no one will live in the residence; 4. Other storage buildings on the property are unheated and will only be used for storage. Located on the south side of Cade Road, approximately 400 feet west of its intersection with Liberty Road in Clay Township. Being Guilford County Tax Parcel #122842, approximately 1.88 acres owned by Matthew Connolly. This request is in an area that is primarily moderate to low-density residential and agricultural uses on varying acreage tracts. The existing land use on the property is single-family home. The surrounding uses are as follows: North are single-family residential; South are vacant; East and West are single-family residential. There are no

Historic Properties located on or near the property. There will be no water and sewer service on this property. It does have a Private Septic System and Well. The Land Use Plan is the Alamance Area Plan. This area is designated to recognize and preserve existing rural residential development while acknowledging the availability of residential development while acknowledging the availability of public water and sewer and the potential for higher density development. The Plan seeks to balance the interests of property owners desiring preservation of the area's rural character with the rights of land owners to develop property utilizing available infrastructure. Appropriate land uses for developments not seeking public water and sewer are those identified under this Plan's AG Rural Residential designation. For developments requesting public water and sewer, land uses identified under this Plan's Residential Single-Family designation may be appropriate, depending on the level of compatibility between the proposed development and surrounding development. Factors to be considered when assessing compatibility include proposed land uses compared to surrounding land uses, proposed density and zoning compared to surrounding density and zoning, the area's transportation network, water, and sewer availability, and any development conditions that enhance compatibility, including but not limited to development layout and landscape buffers. This request is consistent with the adopted Alamance Area Plan, it is compatible with the surrounding uses and zoning and is being proposed 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 relevant and credible evidence presented during the hearing: 1. A written application was submitted on April 10, 2019 and is complete in all respects; 2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted; 3. The use, Landscape and Horticultural Services along with the following proposed conditions: 1. The property will not be open to the public; 2. There will be no signage on the property; 3. The existing residence on the property will be used for office staff only, no one will live in the residence; 4. Other storage buildings on the property are unheated and will only be used for storage, for which the Special Use Permit is sought, in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications; 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 in general conformity with the plan of development of the Jurisdiction and its environs; and 5. 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 facts that the Planning Board considers the following issues: 1. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance; 2. 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; 3. The development shall proceed upon approval of plan and design features by the Technical Review Committee illustrating conditions related to the request and applicable development standards; 4. Added conditions if applicable; and 5. 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. There was also a site planned shown in the presentation.

IN SUPPORT:

Christopher Dunlap, 4812 Cade Rd., stated that this is a family owned business and they have downsized to reduce overhead. There were some other businesses in the area that has gotten a Special Use Permit and thought they had a chance to get a Special Use Permit. They have no intent to impact the neighborhood. They don't work weekends. Their trucks are out by 7:30 a.m. and back in around 4:00 p.m. This is a short-term plan. They are looking at a year or two before they get their vendors paid off and then they will move into the City.

IN OPPOSITION:

Bobby Turbeville, 4809 Cade Rd., stated that they talked to the applicants and was told that they were moving Mr. Dunlap's uncle into the house on the property. They loaded the carport up with stuff and Mr. Dunlap offered to buy their other piece of land and Mr. Turbeville told him no, he is afraid that the property value will go down because they have trash in the yard and park in the streets. They changed the area for the bad.

Douglas Bushee, 4805 Cade Rd., stated that he has the same concerns that Mr. Turbeville had. The property is an eye sore and disorganized. There is a 10 to 15 feet tall pile of trash in the back. He is concerned that his property value will go down because of this eyesore. He thinks they need to clean up the area. He had no idea that a business was coming in there.

Patricia Bushee, 4805 Cade Rd., stated that she is Douglas Bushee's wife. Her concerns are that the trucks operate 24/7. She lives at the dead-end side about two houses down from this property in question. She then passed out pictures to the Board members which showed the trucks parked on the side of the street and the trash pile in the back yard. The trucks are tearing up the roads. She has livestock on her property and her livestock starts running because they get scared. This is not a quiet residential neighborhood anymore. Ms. Hayworth asked if farming equipment went up and down the two-lane road? Ms. Bushee stated that they use her F-150 and no farming equipment comes down the road. Ms. Hayworth asked if there were any tractors on the road? Ms. Bushee stated that there was not.

Debra Turbeville, 4809 Cade Rd., stated that she lives almost right across from this property. There is a lot of commotion now because this operation has come in. She showed pictures to the Board. Her land is right beside where they store their equipment. She has lived there for nine years now. They came out to the country to get a quiet piece of property. The Board asked Mrs. Turbeville to email the pictures to them so they could keep the pictures in the record. Mr. Thompson asked if any of the stuff in the pictures were there before the applicants moved in? Mrs. Turbeville stated no.

Robert and Jean Stockham, 4818 Cade Rd., stated that the four pictures taken by the Staff looked good, but they should have taken pictures of the backyard. There is a drainage ditch coming from that house. There is a pool of water there. He thinks their trucks come out much earlier than 7:30 a.m. He is afraid his property value will go down. He thinks his yard should look beautiful especially since he has a landscape building. They want a fence instead of trees, so they don't have to look at it. Ms. Stockham stated she is upset about Mr. Connolly and his partner not coming out and talking to the neighbors. She has been awakened at 6:00 a.m. because of the noise from the trucks and tractor trailers.

Bobby Turbeville, 4809 Cade Rd., stated that he can't mow around the fence anymore because they have stuff stacked up against that fence. He thinks the property value has gone down.

Matt Talbott stated that the pictures from Ms. Tuberville's phone showed eight pictures dated 5-8-19, four pictures dated 5-1-19, one picture dated 1-28-19 and six pictures dated 1-27-19.

SUPPORT REBUTTAL:

Christopher Dunlap stated that he appreciated all the comments. They never meant to rub anyone the wrong way. He thinks the pictures show that they don't have a lot of trucks and only have one car in the driveway. You can't see any of their trucks or equipment from the road. The lot to the west is vacant. The lot to the right where Mr. Stockham lives has some trash. The pile of trash that was seen in the picture is there and it does need to be cleaned up. The previous tenants left that trash there. They brought in rocks for the driveway. They piped in their downspouts to the storm culvert. The trash in the backyard came from the field before they showed up and they pushed it to the back. If they need to remove it, they will. The tractor trailer brought a Conex box. They don't allow their employees to park in the street. Matt does live at the end of the road and he takes a truck home. Matt also does a lot of work at his home so he may take a bobcat up the road. They came in on Saturday and by Sunday they were done, that's how small they are. He doesn't want to argue with his neighbors. He is willing to work with anybody. Ms. McKinley asked Mr. Dunlap if they owned 4800 and 4804 Cade Road. Matt Connolly stated that his dad owned 4804 and he owned 4800 and 4812. Mr. Alexander asked if he kept equipment on the 4804 Cade Road property. Mr. Dunlap stated that sometimes Mr. Connolly does, but not all the times. Mr. Alexander asked when he purchased this property. Mr. Dunlap stated, in 2003. Mr. Alexander asked when he made this is business location. Mr. Dunlap stated February 2019. Mr. Thompson asked Mr. Dunlap if this had been operated as a residence since 2003. Mr. Dunlap stated that was correct. Mr. Thompson asked if they decided to make it a business in February 2019. Mr. Dunlap stated that was correct. Mr. Thompson asked Mr. Connolly if he had told the neighbors that they were going to move an uncle in. Mr. Connolly stated that was originally the plan about a year to a year and a half ago, but that plan did not work out. Mr. Thompson asked Mr. Connolly if they had a meeting with the neighbors about the plan changing? Mr. Connolly stated he did not recall. Mr. Thompson asked when did they find out they couldn't operate that residence as a business. Mr. Dunlap stated that it was soon after they moved in. Mr. Thompson asked him how did he find out he couldn't operate the business there. Mr. Dunlap stated that Rhonitta Hayes (Guilford County Land Use/Zoning compliance Officer) stopped by and told them he couldn't use the house as a business. Mr. Thompson asked if that was when he started working on getting the permit to operate as a business. Mr. Thompson asked him if he had still been operating as a business. Mr. Dunlap stated that they have been. Mr. Thompson asked him if he couldn't operate the business on this property would he be able to move to another location. Mr. Dunlap stated that they don't really have the money for a move like that, but yes, they would have to. Mr. Alexander stated that Mr. Dunlap had stated that they knew they need road frontage for AG, but they weren't in AG now so why would they have done that? Matt Talbott stated that they were in an AG zoning area. Ms. Hayworth asked Mr. Dunlap how many employees he had. Mr. Dunlap stated that he had 15 employees, but half of them drive straight to the job not the office. Ms. Hayworth asked where all the piles of trash were located at. Mr. Dunlap then pointed to the areas on the slides. Ms. Hayworth asked if Mr. Dunlap thought the property was maintained now. Mr. Dunlap stated no that there were still some things that needed to be moved and they just have not gotten around to it yet. The property could be cleaned up. Mr. Leonard asked if there were any plans for fencing. Mr. Dunlap stated that the plan does

call for some planting buffers. Matt Talbott stated that a Type A buffer would be required. Ms. Hayworth stated this is confusing because Mr. Dunlap is a landscaper and none of the photos looked landscaped at all. Mr. Dunlap stated that everything has been on hold pending this meeting. Their lot is a gravel parking lot until they figure out where to put everything. Part of the plan is to put up a buffer and there is already a lot of tree coverage. The street yard and southern view you can't see. The east is heavily wooded, but it already has a lot of trash but that is not their property. It can be improved upon, but they have been waiting to hear from the Board before they proceed. Mr. Leonard stated that in the application it said that it will not decrease value of the adjoining and abutting properties, so was that an opinion or did Mr. Dunlap have an appraisal done. Mr. Dunlap stated that was his opinion.

OPPOSITIONAL REBUTTAL:

Robert Stockham asked the Planning Board when those pictures on the slide were taken. J. Leslie Bell stated that those pictures were taken by a staff member probably within the last seven days. Mr. Stockham asked could they have been taken on a Friday. Staff answered that was possible. Mr. Stockham stated that Mr. Dunlap has said there were no trucks parked there, but just today there were four or five trucks parked there. Mr. Stockham stated that if Mr. Dunlap wouldn't have spent the money to put down gravel if he wasn't given permission from someone. J. Leslie Bell explained that at some point Ms. Hayes went out there and then that's when the case started internally. Mr. Stockham asked if Ms. Hayes took the pictures. J. Leslie Bell stated that she may have. Mr. Stockham said that she should have taken pictures of the backyard. J. Leslie Bell explained that she did not have permission to go onto the property. In the summertime you can't see the mess because the trees are green, but when the leaves fall then you will be able to see it.

Bobby Tuberville stated that Mr. Dunlap was right about the tenants. They were not good neighbors. They like to go out and shoot their guns. The pile of trash was left by Mr. Connolly brother. When they moved their business in, they bulldozed all that stuff back there. They brought some trees in and dumped that right in the middle yesterday or the day before. There are cars parked over there every morning and all day long. People have been parking in the street here lately. The trucks come in everyday about 5:00 or 5:30 p.m., sometimes its 7:00 or 8:00 p.m. The garbage that is there now is all Mr. Dunlap's garbage.

Patricia Bushee, stated that Mr. Dunlap stated that you couldn't see the garbage from the road. From Cade Road if you look to the right you can see a clear shot of all that mess. Another concern is the trucks are not being kept at this property. They sit out in the driveways and in the front. They are not parked in the back. This place is an eye sore and the value of the properties around them will go down. Mr. Alexander asked Ms. Bushee if she had any kind of evidence to prove that it would affect the property value. Ms. Bushee stated that it was just her opinion.

There being no other speakers the Public Hearing was closed.

DISCUSSION:

Ms. Hayworth asked if there was any kind of condition that they could offer to add into cleaning up the property and asking for a six-foot privacy fence to shelter the residence. J. Leslie Bell stated that they could place whatever conditions they want to. Ms. Hayworth asked if there was any kind of ordinance to say this needs to be cleaned up? J. Leslie Bell stated that one of things that could be done would be to

add the condition that it must be compliant with the Environmental Services. Mr. Mann stated that there was a couple of things on the Findings of Fact that are difficult prove. He doesn't think they can prove all these facts today. Ms. Hayworth asked if they could continue it. Mr. Leonard stated that if they vote on it today, they could appeal the decision or they would have to wait a year and come back or they could make a continuance to let them all get together and try to come up with something in sixty days. Ms. Hayworth stated that her concern would be that Mr. Dunlap can't operate his business until he gets this Special Use Permit. J. Leslie Bell stated that it would be an enforcement issue. Ms. Hayworth asked Mr. Dunlap if he would be willing to continue and talk with his neighbors. Mr. Dunlap asked if he would be able to operate if they continued it. J. Leslie Bell stated that they would send out a notice and he would have 30 days to fix it and then the County will send another notice out. Mr. Leonard asked if a notice had been issued yet. Mr. Dunlap stated that he has not received a notice. Ms. Hayworth stated that they do a continuance until the next meeting. In the meantime, Environmental Services could go out and then Mr. Dunlap would know what needs to be cleaned up. Mr. Thompson asked what is compliant. J. Leslie Bell stated he would have to get a Special Use Permit. Ms. McKinley asked the applicant if he would be willing to continue the case until the following month giving him 30 days to clean up, speak with his neighbors then come back here? Mr. Dunlap stated that he would be more than happy to work with his neighbors and get this worked out. Ms. Hayworth stated that he would have until June 12th and vote then, or they can vote tonight. Mr. Dunlap stated that he is willing to give it another 30 days.

Mr. Thompson made a motion to continue until the June meeting, seconded by Mr. Mann. The Planning Board vote 6-0 in favor (Ayes: Leonard, Thompson, Mann, McKinley, Alexander, and Hayworth Nays: None).

OTHER BUSINESS:

UDO Project Update

J. Leslie Bell stated that the next meeting is tentatively scheduled for June 25th and that will be finalized by the end of May. They are now dealing with the development standards which are uses that are allowed with certain additional development standards/requirements. Certain zoning districts have certain criteria that must be met, and they are working through that now.

Adjournment:

The Planning Board adjourned at 7:15 p.m.

Respectfully submitted,

Frankie Jones, Chairman

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

FJ:pr/jd
Pr/jd