

**Guilford County
Planning Board
June 12, 2019**

The Guilford County Planning Board met in regular session on Wednesday, June 12, 2019 at 6:00 p.m. in the Meeting Room, Second Floor, Old Guilford County Courthouse, 301 West Market Street.

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

Members Absent: None

Staff Present: Matt Talbott and Tonya Hodgin -- Planning Department; Leslie Bell, Guilford County Planning Director; and Kaye Graybeal, Guilford County Deputy 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: April 10, 2019

Ms. Hayworth moved approval of the April 10, 2019 meeting minutes, seconded by Mr. Alexander. The Board voted unanimously in favor of the motion.

APPROVAL OF MINUTES: May 8, 2019

Ms. McKinley moved approval of the May 8, 2019 meeting minutes, seconded by Mr. Thompson. The Board voted unanimously in favor of the motion.

CONTINUANCE REQUESTS:

None

OLD BUSINESS:

Evidentiary Hearing Items:

Special Use Permit Case #19-04-GCPL-03144: Landscape and Horticultural Services

(Continued at May 8, 2019 regular meeting) 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. The petitioner is seeking a Special Use Permit to operated 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 building on the property are unheated and will only be used for storage.

Mr. Mann, Mr. Geter and Mr. Jones left the meeting for this item, due to not being present at the May 8, 2019 meeting.

Matt Talbott stated that this request is 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.

The property is 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.

The existing land uses on the property are single-family home. The surrounding uses to the north are single-family residential. The property to the south is vacant. The property to the east is single-family residential. The property to the west is single-family residential. There are no inventoried Historic Properties located on or near the property.

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 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 landowners 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 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 landscaped 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.

IN SUPPORT OF:

Shannon Dunlap stated that he had cleaned up the garbage in the backyard. He also stated that he and the neighbors talked about putting up a 6-foot shadow box fence between the properties.

IN OPPOSITION OF:

Robert Stockham stated that he would like a fence along the backside of the property.

DISCUSSION:

The Board talked about adding the fence as a condition.

Ms. McKinley moved to approve the condition for the applicant to install a 6' high shadowbox fence on the west side of the property extending a minimum of 150' from the R/W to the rear of the property and on the east side of the property extending a minimum of 100' from the back of the existing house to the rear of the property, seconded by Mr. Alexander. The motion was approved by unanimous vote.

MOTION:

Ms. McKinley moved to **approve** the Special Use Permit based on the 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** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The house will be for office use only and there will be no signage on the property.
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; and 4) Other storage buildings on the property are unheated and will only be used for storage, 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 finding is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will comply with all requirements of the Guilford County Development Ordinance.
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: The property will be kept in a neat and orderly condition and no equipment or trucks will be seen from the street.
5. The use **will not** substantially injure the value of adjoining or abutting the property, or the use is a public necessity. This finding is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will be maintained and improved as needed.

Therefore, based on all the foregoing, it is Ordered that the application for Special Use Permit for **Landscape and Horticultural Services** be **granted** subject to the following:

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: The applicant will install a 6' high shadowbox fence on the west side of the property extending a minimum of 150' from the R/W to the rear of the property and on the east side of the property extending a minimum of 100' from the back of the existing house to the rear of the property.
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.

Mr. Alexander seconded the motion. The Board voted 6-0-3 in favor of the motion (Ayes: Thompson, Mann, McKinley, Alexander, Hayworth and Leonard Nays: None Abstained: Geter, Apple and Jones).

Mr. Mann, Mr. Geter and Mr. Jones rejoined the remainder of the meeting.

NEW BUSINESS:

Evidentiary Hearing Items:

Special Use Permit Case #19-05-GCPL-04128: Landscape and Horticultural Services

Located at the northwest corner of the intersection on Pratt Road and East Mountain Street in Deep River Township. Being Guilford County Tax Parcel #168850, approximately 3.67 Acres owned by Warren Jones & Cheryl Brinkley. The petitioner is seeking a Special Use Permit to operate a Landscape and Horticultural services.

Matt Talbott stated that this request is to consider granting a Special Use Permit for Landscape and Horticultural Services. The property is located at the northwest corner of the intersection of Pratt Road and East Mountain Street in Deep River Township. Being Guilford County Tax Parcel #168850, approximately 3.67 acres owned by Warren Jones & Cheryl Brinkley.

This request is in an area that is a mix of moderate to low density residential uses, public and Institutional uses, highway business uses, and industrial uses on varying acreage tract. The existing land use is vacant single-family with garage. The surrounding uses to the north are single-family residential. To the south is a convenient store and auto sales. To the east is a landscaping company and to the west is single-family residential. There are no inventoried Historic Properties located on or near the property.

East Mountain Street is a two-lane major thoroughfare with an annual daily traffic count of 6,900 vehicles per day. The land use plan is the Airport Area Plan. The plan recommendation is mixed density residential. This request is consistent with the adopted plan, it is compatible with the surrounding uses and zoning. It 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 that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. A written application was submitted and is complete in all respects. The owner was out of the country at the time of application submittal and used DocuSign to complete their application. DocuSign is a firm which assists both government and businesses to secure electronic signatures. Signatures obtained through DocuSign are legally binding, and are equivalent to handwritten signatures;
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**, 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;
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; 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 for the Planning Board to consider:

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.
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.

SPEAKING IN SUPPORT:

Brad Coleman, 1503 E. Mountain Street stated that he has been on the property he is currently on for about 12 1/2 years. The business has grown, and he needs room to expand. Mr. Jones asked what kind of buffer would be required. Matt Talbott stated that a type A buffer would be required. Ms. Hayworth asked Mr. Coleman what his hours of operation would be? Mr. Coleman stated that they operated Monday through Friday 8 a.m. to 5 p.m. and on Saturdays they operate 8 a.m. to 2 p.m.

SPEAKING IN OPPOSITION:

Rex Sheffield stated that he was worried about the dust and dirt flying around and the noise that would be created. He also expressed concern for the kids in the neighborhood. He is worried about his property value going down. He likes the buffer idea but thinks that it should be 75 feet instead of 50 feet.

Kyle, Board of Neighborhood Association of Kently Ridge, stated that they were against this Special Use Permit being approved. The neighborhood has kids and they play in the woods between said property and the neighborhood.

Gina Gentry stated that she was worried about her property value decreasing and wanted a buffer that would be at least 100 feet.

Brian Autry stated that he would also like a 100-foot buffer.

Chris stated that he was worried about the overflow of traffic.

Kathy stated that she was home all day and night and there is noise until about 8 or 9 in the evening during the summer. She is concerned with her property value decreasing.

IN SUPPORT REBUTTAL:

Brad Coleman stated that he would be willing to make a condition for the fence and gate to secure entrance and there would be no intrusive lighting. Matt Talbott asked Mr. Coleman if he would be willing to make a condition for enough turnaround spot inside the perimeter for trucks to turn around. Mr. Coleman stated that was fine with him.

There being no other speakers the Public Hearing was closed.

DISCUSSION:

Additional conditions to be considered: 1. Enough turnaround for trucks; 2. Fence and gate to secure entrance; 3. Additional evergreens to existing buffer at the rear of the property; and 4. No intrusive lighting and any lighting be directed away from other properties.

Mr. Mann made a motion to approve additional conditions, seconded by Ms. McKinley. The Board voted unanimously in favor of the conditions as stated.

MOTION:

Mr. Alexander moved to **APPROVE** this Special Use Permit based on the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

1. A written application was submitted and **is** complete in all respects.
2. The use **will not** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will be used to sell mulch and landscape supplies; all products are organic and natural having no effects on the environment.
3. The use, **Landscape and Horticultural Services**, is in conformance with all the special requirements applicable to this use. The use meets all required conditions and specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will comply with all requirements of the ordinance and conditions.
4. 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 it's environ. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will be cleaned up and overgrown vegetation removed. Evergreen trees will be planted as buffers along adjoining property lines. There will be a fence and gate to secure entrance.
5. The use **will not** substantially injure the value of adjoining or abutting property, or the use is a public necessity. This based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following: The property will be maintained and landscaped professionally to assure aesthetically pleasing look to the community.

Therefore, based on all the foregoing, it is Ordered that the application for a Special Use Permit for a **Landscape and Horticultural Services** be **granted** on the subject to the following:

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 plan 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: 1) Installation of fence and gate at entrance of property, 2) No intrusive lighting to be installed on the property, 3) Sufficient truck turn-around space shown on Site Plan, 4) Add evergreen trees to the existing buffer.
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.

Seconded by Ms. Hayworth. The Board voted 8-1 in favor of the motion (Ayes: Mann, Geter, Apple, McKinley, Alexander, Hayworth, Leonard, and Jones Nays: Thompson).

The Commission took a break from 8:15 p.m. until 8:20 p.m.

Public Hearing Items:

REZONING CASE #19-05-GCPL-04031: RS-40 to AG

Located approximately 170 feet northeast of the intersection of Old Randleman Road, and Concord Church Road in Sumner Township. Being Guilford County Tax Parcel #141798, approximately 0.65 acres owned by the Chilton Revocable Living Trust.

(APPROVED)

Matt Talbott stated that this request is to rezone Guilford County Tax Parcels #141798 from RS-40 (Single-Family Residential) to AG (Agriculture). The RS-40, Residential 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 overall gross density in RS-40 areas will typically be 1.0 unit per acre or less.

The AG, Agriculture 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.

The property is located on approximately 170 feet northeast of the intersection of Old Randleman Road, and Concord Church Road in Sumner Township. Being Guilford County Tax Parcel #141798, approximately 0.65 acres owned by the Chilton Revocable Living Trust.

This request is in an area that is primarily moderate to low density residential and agricultural uses as well as public and institutional uses on varying acreage tracts. There is a duplex home currently on the property. Duplex homes are not permitted in the RS-40 zoning district but they are permitted in the AG zoning district. The surrounding uses to the north are single-family home and a vacant brick building. The south, east, and west are single-family home. There are no inventoried Historic properties located on or near the property.

The Land Use Plan is the Southern Area Plan. 1. An AG zoning is consistent with the Agricultural land use designation in the Southern 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 accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions; 3. It is reasonable in the public interest as the request will limit future residential and agricultural uses; 4. The subject property is located within 250 feet to current property

which is zoned AG; and 5. The proposed AG zoning district would bring the nonconforming use (duplex) into compliance.

This request is consistent with the plan for the area and compatible with the surrounding development patterns. The Southern Area Plan land use classification of Agricultural is consistent with the proposed AG zoning, thus no plan amendment is needed if the rezoning is approved.

SPEAKING IN SUPPORT:

None.

SPEAKING IN OPPOSITION:

None.

There being no other speakers the Public Hearing was Closed.

DISCUSSION:

MOTION:

Mr. Leonard moved to **Approve** this zoning amendment located on Guilford County Tax Parcel #141798 from **RS-40 to AG** because:

1. The amendment **is** consistent with applicable plans because: AG zoning is consistent and accommodates uses.
2. The amendment **is** reasonable and in the public interest.

Mr. Apple seconded the motion. The Board voted 9-0 in favor of the rezoning request. (Ayes: Jones, Hayworth, McKinley, Apple, Alexander, Geter, Mann, Leonard and Thompson. Nays: None).

Non-Public Hearing Items:

Resolution of Intent for Easement Closing Case #19-04-GCPL-03328

Being all 10-foot utility easement located on Lot #4 as shown on Plat Book 39 page 31, located on Guilford County Tax Parcel #156212 in Jamestown Township.

MOTION:

Mr. Leonard made a motion to approve, seconded by Mr. Mann. The Board voted 9-0 in favor of the motion (Ayes: Jones, Hayworth, McKinley, Apple, Alexander, Geter, Mann, Leonard and Thompson Nays: None).

OTHER BUISNESS:

Leslie Bell gave an update on the UDO Project. He stated that they were working on Articles 5 and 6. The next meeting is June 25, 2019 at BB&T from 9 a.m. to 11 a.m.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 8:30 p.m.

FJ:pr/jd