

**GUILFORD COUNTY PLANNING AND DEVELOPMENT  
PLANNING BOARD REGULAR MEETING MINUTES**

Old County Courthouse – Carolyn Q. Coleman Conference Room  
301 W. Market Street, Greensboro, NC 27401

**April 9, 2025  
6:00 PM**

**Call to Order**

Chair Donnelly called the meeting to order at 6:00 p.m. and stated that he is under the weather and asked for a vote of the Board to allow Vice Chair Craft to officiate for this meeting.

Mr. Gullick moved that Vice Chair Craft would lead the meeting for tonight, seconded by Dr. Bui. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

**I. Roll Call**

The following members were in attendance in person for this meeting:

James Donnelly, Chair; David Craft, Vice Chair; Guy Gullick; Dr. Nho Thi Bui; Ryan Alston; Rev. Gregory Drumwright; and Sam Stalder

The following members were absent from this meeting:

Jason Little and Cara Buchanan

The following Guilford County staff members were in attendance in person for this meeting:

J. Leslie Bell, Planning & Development Director; Oliver Bass, Planning and Zoning Manager; Avery Tew, Senior Planner; Troy Moss, Planning Technician; Robert Carmon, Fire Marshal; and Matthew Mason, Chief Deputy County Attorney

**II. Agenda Amendments**

None

**III. Approval of Minutes:** October 2, 2024 Special Meeting & March 12, 2025 Regular Meeting

Oliver Bass stated that a link to the October 2 meeting was provided for the members to review. Any corrections or changes would be provided by the transcriber.

Rev. Drumwright moved to approve the October 2, 2024 minutes, with any corrections, seconded by Chair Donnelly. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

Chair Donnelly moved to approve the March 12, 2025 minutes, with any corrections, seconded by Mr. Stadler. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

#### **IV. Rules and Procedures**

Vice Chair Craft provided information to everyone present regarding the Rules of Procedure followed by the Guilford County Planning Board.

#### **V. Continuance Requests**

None

#### **VI. Old Business**

None

#### **VII. New Business**

##### **Non-Legislative Hearing Item(s)**

##### **A. RESOLUTION OF INTENT TO CLOSE A PUBLIC ROAD CASE #25-03-PLBD-00115 (APPROVE-TO BE HEARD MAY 14, 2025)**

Request adoption of Resolution of Intent and to schedule a public hearing for May 14, 2025, as presented herein, to close a .11-mile section of Bishop Road, located in Sumner Township, and that runs east from its intersection with S. Holden Road fronting Guilford County Tax Parcels #141884, #141874, and #141896 and terminating at the western margin of the US Highway 220 S right-of-way.

Oliver Bass stated that this is a request to set the date for a Public Hearing at the May 14 meeting to hear this case.

Rev. Drumwright moved to approve the date of May 14, 2025, to hear the above-mentioned case, seconded by Dr. Bui. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

##### **Legislative Hearing Item(s)**

##### **A. RESOLUTION TO CLOSE A PUBLIC ROAD CASE #25-02-PLBD-00109: UNNAMED ROAD (OLD EXTENSION OF BETHEL CHURCH ROAD) (APPROVED)**

Request adoption of Resolution to Close and remove from dedication a portion of an unnamed road (old extension of Bethel Church Road) which fronts Guilford County

Tax Parcels #117327 and #117329 in Jefferson Township and runs approximately 175 feet northwest from the intersection of Knox Road and Bethel Church Road.

Oliver Bass summarized the request. An informational map was shown for clarification. Mr. Bass stated that the proposed road closing was presented to the TRC for review and they had no comments. The closing would have no impacts on ingress and egress for adjoining properties. The Resolution of Intent was adopted at the March meeting to set today for the Public Hearing. This road has been removed from the NC DOT system and is no longer under their maintenance.

Vice Chair Craft opened the Public Hearing and asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Jeff Deal, 5716 Freedom Church Road, McLeansville, representing the Bethel Presbyterian Church of McLeansville, stated that staff has given a very accurate description of this request. The state maintenance of the former Bethel Church Road extension was relinquished some time in 1978. He is just asking to formalize the closure at the County level.

Mr. Gullick moved to adopt this Resolution to Close for case #25-02-PLBD-00109 and enter into the record the resolution in the members' packets, seconded by Chair Donnelly. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

**B. ROAD RENAMING CASE #25-01-PLBD-00106: BAYNES FOREST LANE (PRIVATE ROAD) (APPROVED)**

Presently known as Baynes Forest Lane, this private road is located in Fentress Township, running south of Wiley Lewis Road, along Guilford County Tax Parcels #131099, #131107, #131104, #131094, #131098 and terminating at Guilford County Tax Parcel #131078, and recorded in Plat Book 208, Page 49. This request to rename the road to Little Miss Muffin Lane is in response to a voluntary petition filed and signed by more than 51% of the property owners along the road.

Mr. Bass presented the case. He said the request was initially scheduled for the March 12<sup>th</sup> meeting but was held over due to some technical corrections that needed to be made on the application. This request to rename the road is in response to a voluntary petition filed and signed by 100% of the property owners along the road.

Vice Chair Craft opened the Public Hearing and asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Shannon Harris Thompson, 3707 Baynes Forest Lane, the applicant, stated that she lives on a private drive and the road is named after someone else. She has a daycare called Little Miss Muffin on the property and she would like the road to have the same

name. She is the only one that owns property on the road and the requested renaming would not affect anyone else.

There being no one to speak in opposition, the Public Hearing was closed.

Mr. Gullick moved to adopt Case #25-01-PLBD-000106 and enter it into the record from the information packets, seconded by Chair Donnelly. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

**C. ROAD RENAMING CASE #25-03-PLBD-00113: MCGINNIS DRIVE (PRIVATE ROAD) (APPROVED)**

Presently known as McGinnis Drive, this private road is located in Monroe Township, running north of Scott Road, along Guilford County Tax Parcels #125619, #125608, #125627, #125638, #125639, #125625, and terminating at Guilford County Tax Parcel #125607 and recorded in Plat Book 58, Page 119. This request to rename the road to Lewis Farm Lane is in response to a voluntary petition filed and signed by more than 51% of the property owners along the road.

Mr. Bass presented the case. This request is in response to a voluntary petition filed and signed by 100% of the property owners along the road.

Vice Chair Craft opened the Public Hearing and asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Bruce Lewis, 2117 Scott Road, stated that his son's address would also change. They are the only people that live in this area and he would like it named for his family.

Mr. Gullick moved to adopt the amended resolution to change "Road" to "Lewis Farm Lane" in the Resolution, Case # 25-03-PLBD-00113 and enter into the record the adopted Resolution from the packet, seconded by Mr. Stalder. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

**D. REZONING CASE #25-02-PLBD-00108: RS-40, RESIDENTIAL TO AG, AGRICULTURAL: 6178 BELLFLOWER ROAD (APPROVED)**

Mr. Tew presented the staff report for this case.

The subject property is located at 6178 Bellflower Road (Guilford County Tax Parcel #101108 in Washington Township), approximately 1,000 feet south of the intersection of NC Highway 61 N and Bellflower Road, and comprises approximately 7 acres.

This is a request to rezone the subject property from RS-40, Residential, to AG, Agricultural.

The RS-40, Residential District is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

The AG, Agricultural District is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

The vicinity of the subject property is predominantly agricultural and rural residential. The only existing land use on the property is a single-family detached dwelling. To the north and west are primarily agricultural uses; to the south and east are predominantly residential uses. No inventoried historic resources or cemeteries are located on or adjacent to the subject property.

There is no anticipated effect on public school facilities. The property is located in Fire Protection District #28 and is approximately 2.1 miles from the closest fire station. Water and sewer services are provided by private septic systems and wells. Bellflower Road provides direct frontage for the property and is classified as a local road under the Greensboro Urban Area Metropolitan Planning Organization's Comprehensive Transportation Plan. The annual average daily traffic of Bellflower Road is not provided by NCDOT. There are currently no proposed road improvements in the area. Any new development would be subject to an NCDOT driveway permit.

The topography of the subject property is gently sloping and moderately sloping. There is no regulated floodplain on the property per FIRM Map No. 3710882800J, effective 6/18/2007. There are no mapped wetlands on the property per the National Wetland Inventory. There are no mapped streams on the property per the USGS Topographic Quadrangle Map or the Guilford County Soil Survey Map. The property is located in the NPDES non-water supply watershed area.

The Northeast Area Plan contains a future land use recommendation of AG Rural Residential for the subject property.

The AG Rural Residential designation is Intended to accommodate agricultural uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer, with densities not to exceed two (2) units per acre. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance. Higher densities may be appropriate as determined by the Guilford County Residential Rezoning Matrix.

The proposed rezoning is consistent with the Northeast Area Plan recommendation of AG Rural Residential.

Staff recommends approval of the request. Approval is reasonable because the surrounding area is entirely zoned AG; therefore, the requested rezoning would align the permitted uses of the subject property with adjacent properties, including single-family detached dwellings, modular homes and manufactured homes.

The requested rezoning is also consistent with Policies 1.1.1 and 1.4.3 of the Future Land Use Element of the Guilford County Comprehensive Plan, which state:

Policy 1.1.1 – Planning staff will continue to utilize the future land uses depicted on citizen based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations.

Policy 1.4.3 – Reference adopted Land Use Plans and recommended uses and densities/intensities, when applicable, in conjunction with rezoning staff reports presented to the Planning Board.

The proposed rezoning is consistent with the Northeast Area Plan recommendation of AG Rural Residential. If the request is approved, no land use plan amendment will be required.

Vice Chair Craft asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Robert Thompson, 6178 Bellflower Road, stated that he is trying to align the zoning of his property with surrounding properties. He has owned the property for 27 years and the property was rezoned to residential back in the 1980s.

There being no one to speak in opposition, the Public Hearing was closed.

Mr. Alston moved to approve the zoning map amendment located at 6178 Bellflower Road (Guilford County Tax Parcel #101108 in Washington Township), Case #25-02-PLBD-00108, from RS-40, Residential, to AG, Agricultural. He said the amendment is reasonable because it aligns with the Northeast Area Plan recommendation of AG Rural Residential and supports the intent of accommodating agricultural use and low-density residential development. The change is also consistent with Policies 1.1.1 and 1.4.3 of the Future Land Use Element of the Guilford County Comprehensive Plan, which promotes alignment with citizen-based area plans and land use policy recommendations. The motion was seconded by Dr. Bui. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

**E. CONDITIONAL REZONING CASE #25-03-PLBD-00116: LO, LIMITED OFFICE, AND RS-40, RESIDENTIAL, TO CZ-LI, CONDITIONAL ZONING -- LIGHT INDUSTRIAL: 1008 AND 1016 NC HIGHWAY 62 E (APPROVED)**

Mr. Tew presented the staff report for this case.

The subject property is located at 1008 and 1016 NC Highway 62 E (Guilford County Tax Parcels #132843 and #132892 in Fentress Township), approximately 500 feet west of the intersection of NC Highway 62 E and Appomattox Road, and comprises approximately 4.69 acres in total.

This is a request to conditionally rezone the subject property from LO, Limited Office, and RS-40, Residential, to CZ-LI, Conditional Zoning – Light Industrial, with the following conditions:

Use Conditions – (1) Utility Company Office, and (2) Utility Equipment & Storage Yard

The LO, Limited Office District is intended to accommodate low intensity medical-related, professional, or administrative office uses on small to mid-sized sites close to residential areas. Development should be consistent in visual character and architectural scale and include pedestrian improvements. Visual buffers may be required adjacent to existing residential.

The RS-40, Residential District is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

The LI, Light Industrial District accommodates limited, small-scale manufacturing, wholesaling, research and development, and related commercial activities that have little adverse effect, through noise, odor, or visual distraction, on neighboring properties. Development shall provide adequate screening and buffers and be located where there are adequate public utilities and access to arterial streets and highways.

The CZ, Conditional Zoning District is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU, CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use 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 shall apply.

The vicinity of the subject property is predominantly residential and agricultural with significant commercial and industrial development extending east along NC Highway 62 E and Old Climax Road. The subject properties are surrounded by: residential and

commercial uses to the north; residential and agricultural uses to the south; and residential uses to the east and west. There are no inventoried historic resources or cemeteries located on or adjacent to the subject properties. The subject parcel currently zoned LO is used as a Utility Company Office, which is not permitted under the current LO zoning.

There is no anticipated impact on public school facilities. The subject properties are located in the Climax Fire Protection District, approximately 0.6 miles from the nearest fire station. Water and sewer services are provided by private septic systems and wells. The subject properties have road frontage on NC Highway 62 E, which is classified as a Major Thoroughfare in the Greensboro Urban Area Metropolitan Planning Organization's Comprehensive Transportation Plan. The annual average daily traffic for NC Highway 62 E is 4,200 vehicles per the 2022 North Carolina Department of Transportation traffic count. There are currently no proposed road improvements in the area. Any new development would be subject to an NCDOT driveway permit.

The topography of the subject properties is gently and moderately sloping. There is no regulated floodplain on the properties per FIRM Map No. 3710778800J, effective 01/02/2008. There are no mapped wetlands on the properties per the National Wetland Inventory. There are no mapped streams on the properties per the USGS Topographic Quadrangle Map or the Guilford County Soil Survey Map. Both properties are almost entirely within the Lake Mackintosh (Big Alamance Creek) WS-IV, General Watershed Area. A small sliver of 1008 NC Highway 62 E is within the Polecat Creek WS-III, General Watershed Area.

The future land use recommendation for the subject properties is Agricultural and Rural Residential within the Southern Area Plan.

The Agricultural designation is intended to recognize areas that generally are used for crop, animal, and forest product production. Scattered homes and institutional uses such as churches are common. Major residential development consisting of less than 2-acre lots is not appropriate.

The Rural Residential designation is intended to accommodate agricultural uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer with densities generally up to two (2) dwelling units per acre. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, and RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance.

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Agricultural and Rural Residential.

Staff recommends approval of the request. Approval is reasonable because there is significant commercial and industrial development just east of the subject property



along NC Highway 62 E and Old Climax Road. The proposed rezoning would permit an existing local business to continue its operations, and the subject property also has direct road frontage on a major thoroughfare capable of providing sufficient transportation infrastructure for the business. The requested CZ-LI zoning would also require a Type A Planting Yard, with a minimum average width of 50 feet, as a landscape buffer between the subject property and adjacent residentially-zoned properties.

The requested rezoning is consistent with Objective 1.5 of the Future Land Use Element of the Guilford County Comprehensive Plan, which states: "Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities."

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Agricultural and Rural Residential. If the request is approved, an amendment to Light Industrial will be required. If the rezoning is denied, an amendment to Light Commercial will be required for Parcel #132843 based on the current LO zoning.

Vice Chair Craft asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Jason McElvey, 5307 Bolingbrook Drive, Julian, NC, stated that he is the owner of both of the subject properties. He hopes to move his office into the existing doctor's office and later build a small warehouse to move his company materials. The proposed warehouse would be 60' x 100' and would be a metal building used for storage.

In response to questions concerning what type of outside equipment would be stored on the property, Mr. McElvey stated that the containers that are currently on the property are only temporary until he is able to build the storage warehouse.

Chair Donnelly stated that he feels the changes that are proposed will be a great asset to the community. Mr. Gullick agreed with Chair Donnelly's comments.

After some discussion, Mr. Bell stated that the warehouse described by Mr. McElvey would fall under Warehouse, General Storage (Enclosed). That use is permitted in the LI district, however, the applicant has conditioned that use out of the application.

Mr. Bell stated that it reads, "Warehouse, General Storage (Enclosed)" is defined as, "Facilities for the storage of goods and materials of any nature, includes cold storage, does not include storage or mini storage facilities for rent or lease to the general public or warehouse facilities primarily used for wholesaling and distribution or terminal facilities for handling freight." For Utility Equipment Storage Yard, "The storage of various materials outside of a structure as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment".

Mr. McElvey stated that he just wants to be able to start pulling permits so he can start work on the land.

Counsel Mason stated that the decision to approve the rezoning, if the Board were to go forward, would not, in itself, prevent the Board from later and approving another change to that zoning and/or the conditions of the conditional zoning or to another category, altogether. So, a decision tonight would not prevent the applicant from coming back later with something different.

After some discussion between the applicant and Board members, it was determined that the applicant would go ahead with the request and then come back at a later date with additional conditions.

There being no speakers wishing to speak in opposition, the Public Hearing was closed.

Mr. Gullick moved to approve the zoning map amendment from LO, Limited Office, and RS-40, Residential, to CZ-LI, Conditional Zoning-Light Industrial, located at 1008 and 1016 NC Highway 62 E (Guilford County Tax Parcels #132843 and #132892 in Fentress Township). This approval amends the Southern Area Plan. The requested zoning is consistent with Objective 1.5 of the Future Land Use Element of Guilford County Comprehensive Plan which states, "Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities." Approval of the request to rezone the subject property from LO and RS-40 to CZ-LI is reasonable because there is significant commercial and industrial development just east of the subject property along NC Hwy 62 E and Old Climax Road. The proposed rezoning will permit an existing local business to continue its operations and the subject property also has direct frontage on a major thoroughfare capable of providing sufficient transportation infrastructure for the business. The requested zoning CZ-LI, would require a Type A planting yard with a minimum average width of 50' between the subject property and adjacent residentially zoned properties. The motion was seconded by Rev. Drumwright. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

At this time a short break was taken from 7:40 to 7:50 p.m.

**F. CONDITIONAL REZONING CASE #25-03-PBLD-00114: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING-RESIDENTIAL (DENIED)**

Mr. Bass presented the staff report for this case.

The subject property is located at 5475 Yanceyville Road (Guilford County Tax Parcel #129849 in Monroe Township), approximately 2,990 feet south of the intersection of NC Highway 150 E and Yanceyville Road and comprises a portion of approximately 37.66 acres. The portion subject to rezoning fronts Oldsquaw Drive and comprises approximately 21.29 acres.

This request is to rezone a portion (21.29 acres) of Tax Parcel #129849 fronting Oldsquaw Drive from AG to CZ-RS-40. The remaining acreage (16.37 acres) fronting Yanceyville Road will remain AG.

Use Conditions: Permitted uses shall include all uses allowed in RS-40 Residential Zoning District except the following:

- (1) Cemetery or Mausoleum.

Development Conditions: None

The AG, Agriculture district is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

This RS-40, Residential district is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

Conditional Zoning is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use 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 shall apply.

The area has generally developed with single-family dwellings within major subdivisions. A single-family dwelling is located on the parcel in its current configuration. The portion of the parcel subject to this rezoning is undeveloped. The subject property is surrounded by: undeveloped & low-density single-family residential uses to the north and south; single-family, low-density residential uses to the east; and a single-family residential subdivision to the west. There are no inventoried historic resources or cemeteries located on or adjacent to the subject property.

A report from Guilford County Schools estimates that the proposed rezoning would result in 11-13 additional students at Northern Guilford Elementary School, 7-9 additional students at Northern Guilford Middle School and 11-13 additional students at Northern Guilford High School. The subject property is located in the Northeast Fire Protection District, approximately 1 Mile from the nearest fire station. Water and sewer services are provided by private septic systems and wells. Oldsquaw Drive is a local subdivision road that stubs into the portion of Parcel #129849, which is the subject of this request. Yanceyville Road is a major thoroughfare under the 2015 Guilford County Thoroughfare Plan prepared by the Greensboro MPO. The NCDOT annual average daily traffic count in 2023 was 1300 vehicles. Streets in major subdivisions must be installed by the developer.

The topography of the subject property is classified as gently sloping, strongly sloping, moderately steep, steep and very steep. There is no regulated floodplain on-site per FIRM map #3710787900J, effective 06/18/2007. There are no regulated wetlands on-site per National Wetlands Inventory. There are multiple mapped streams on-site per US Geological Survey and NRCS Soil Survey maps. This property is within the Greensboro (Reedy Fork) WS-III, Watershed Critical Area Tier 4.

The Northern Lakes Area Plan contains a future land use recommendation of AG Rural Residential for the subject property.

The AG Rural Residential (AGRR) is intended to accommodate agricultural uses, large-lot residential development, and low-density residential subdivisions not connected to public water and sewer with densities not to exceed two (2) units per acre. Large major residential subdivisions in the AG Rural Residential area should incorporate into their design a minimum of two (2) policies recommended by this plan. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts, including but not limited to institutional and recreational uses, as determined by the Guilford County Development Ordinance.

This request is listed as generally consistent with the Northern Lakes Area Plan recommendation of AG Rural Residential under the Future Land Use Compatibility Matrix.

Staff recommends approval of the request. Approval is reasonable because it is adjacent to a single-family residential subdivision with the same RS-40 zoning. It will advance Goal #1 of the Housing Element of the Comprehensive Plan which states "Provide current and future residents of Guilford County with a variety of housing options and opportunities. The use and density of development that would be allowed is consistent with development in the vicinity of the subject parcel.

The request is consistent with Policy 1.1.1. under the Future Land Use Element of the Guilford County Comprehensive Plan which states "Planning staff will continue to utilize the future land uses depicted on citizen-based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations."

The proposed rezoning is generally consistent with the Guilford County Northern Lakes Area Plan recommendation of AG Rural Residential. If the request is approved, an amendment to the Northern Lakes Area Plan will not be required

Vice Chair Craft asked anyone wishing to speak in favor of this case to please come forward, sign in and state their name and address for the record.

Nathan Duggins, attorney representing the developer, 400 Bellemeade Street, stated that he would like to add a condition that would exclude the Land Clearing and Inert Debris Landfill, Minor as a permitted use to the application.

Mr. Duggins stated that this is a parcel that sits between the Triple Lakes Development and Yanceyville Road and consists of the western 21 acres of the subject parcel. The road system is a state-maintained NCDOT road and Oldsquaw does terminate. There is not a cul-de-sac there. He provided a conceptual plan that his client has approved. There are some shared wells for eleven lots. Each lot is a little under an acre. The AG zoning will remain and will connect on Yanceyville Road. The RS-40 surrounds the site and they cannot connect to the south because they don't own the property there. There were two community meetings by ZOOM, which were well-attended with about 15 neighbors in the first meeting and about 22 neighbors in the second meeting. There were lots of questions concerning connectivity, buffers, construction traffic, impact on the value of the existing homes in the area, all of which were addressed and answered to the best of his ability.

Mr. Gullick asked if it is possible to put in a construction entrance off Yanceyville to alleviate some of the construction traffic. Mr. Duggins stated that there is a creek that runs through the property which would make it very difficult to cross.

Chair Donnelly asked if the property owner was involved in the community meetings? Mr. Duggins stated that the property owner was not at either of the meeting, but they have talked to him about the concerns raised at the meetings.

Vice Chair Craft asked if there was anyone wishing to speak in opposition to this case.

Dr. Kevin Munson, 713 Gadwall Drive, stated that he owns property that abuts this parcel and his objection is that when he purchased his property, he wanted to be isolated and private with the woods backing up to his property. The proposed rezoning would certainly change the character of his property to its detriment. In response to a question from Chair Donnelly, Mr. Munson stated that he would not find a vegetated buffer appealing.

Don Madren, 712 Oldsquaw Road, stated that he lives in the last house on the right at the end of Oldsquaw Road. He also agreed with Dr. Munson that they chose this property because of the privacy and not backing up to other residential properties. This would disrupt their privacy, also. He is also concerned about additional traffic in their quiet neighborhood, especially the construction traffic. He has heard several different values of the homes that are proposed to be built on the subject property. He is also concerned about the point of entry to that new subdivision. An alternate entrance should be provided by the developer. He feels that the existing homes are probably valued at mid-\$600,000 and up.

In response to a question concerning EMS accessibility, Robert Carmon, Guilford County Fire Marshal, stated that by NC Code and General Statute, multiple access is only required once you reach a threshold of 100 lots. Previously, it was a threshold of 30 lots and due to legislation and builder actions that number has been raised.

Shane Taylor, 7802 Gadwall Court, stated that he is concerned about the developer not participating in any of the community meetings so the neighbors could get some

feedback from him. He pointed out that there could be a maximum of 23 lots put on the subject property. He asked if there is anything to restrict the developer to those potential 11 lots instead of a possible 23 lots. The proposal is to use state roads for access to the property and is there any contingency for the builder to have a bond or something of that nature because the roads are going to see a lot of wear and tear, and that concerns him. He asked if there has been any site evaluation done, other than by the developer. He pointed out that there is already a problem in the existing neighborhood, according to the topography map, where there is excessive water run-off at the lower end of those abutting properties. He is also concerned about the entrance to the property off Yanceyville Road.

Kristin Jarrett, 614 Wigeon Drive, stated that she lives at the opposite end of the neighborhood. She is concerned about all the different answers the neighbors have received about the value of the homes to be built. None of the quoted prices are consistent. There seems to be a lot of uncertainty in their plans. The new residents would be using their entrance, their roads, their gates, their common areas as they drive through and walk in the neighborhood without having any ownership to their area. They would have no architectural guidelines that are comparable to their homes. She has reached out to the developer with no conversations taking place.

Terri Connor, 705 Oldsquaw Drive, stated that she is on the corner of Oldsquaw and Harlequin, and she has seen many construction vehicles come through the neighborhood over the last 5 years. The road is very narrow and can barely fit 2 cars, so the construction vehicles have a very big struggle to get around the corner without hitting the side of her yard. She is concerned about the safety of her 7-year-old child, who is outside a lot, and is concerned about the condition, and asked if they can do additional changes to their plans. She wanted to know what else could be added to their plans.

Vice Chair Craft stated that the Board is not really getting into any development conditions other than not having a cemetery or landfill. Ms. Connor stated that is part of her concern that they have not been told what their final plans are and everything has been contradictory. She is concerned whether they could put a duplex on the properties.

Leslie Bell stated that the developer could not have a duplex unit, but are allowed to have accessory dwelling units on the property. It would have to be a separate dwelling subordinate to the principal structure, such as a mother-in-law unit.

Jennifer Hutchens, 7895 Shoveler Drive, stated that she opposes this development as there are now 5 developments on Church Street and she is concerned about the additional traffic. She also does not want a development that might reduce her property values.

Stacey Hobart, 602 Wigeon Drive, stated that she attended one of the meetings and she is on the HOA Board. She is concerned about the planting buffer that is proposed by the developer and there doesn't seem to be a plan for integration. The neighbors

just don't feel like there has been much clarity or communication with the developer, himself.

Troy Raines, 7800 Gadwall Court, stated that he has lived in the area for 18 years and is also on the HOA Committee. He showed on the overhead map where the construction trucks would be entering their neighborhood. Construction will be going on for over a year. There are a lot of children in this neighborhood and a lot of school buses. The kids ride their bikes, roller skates and scooters on the roadways, walks the dogs and he is concerned about their safety. He would feel more comfortable if a bridge were installed to take care of the traffic across the stream. There is already a problem when there is a lot of rain, with flooding in his back yard.

Shane Taylor returned to the speaker's stand and stated that it takes a long time to get out of this neighborhood because of the school bus. When construction vehicles are coming in, the traffic will be much worse.

Leslie Bell stated that in regard to the question about manufactured or mobile homes on these properties, the only way mobile homes could go out there is if there was an overlay district on top of this parcel.

Counsel Mason stated that he has done some checking on a previous question, and it is his opinion that it would not be proper to accept or impose a condition having to do with the value of existing homes in the neighborhood.

Daniel Baker, 711 Gadwall Drive, stated that the developer is going to come in and develop what he can and then leave. There is no way that construction or moving trucks can make the sharp turn on the road. They will end up on that person's property, tearing up her yard. These are neighborhood walking roads and NC DOT roads. There is an HOA-owned septic field and if vehicles park there, it will cause some problems with the septic system. Mr. Gullick asked Mr. Baker to provide more information about the septic fields. Mr. Baker stated that these septic fields are HOA-owned and he showed their location on the maps provided. The problem is that there is a creek or stream running through and along Oldsquaw and that creek disallows septic weeping systems, so they are pumping septic weeping systems to available HOA-owned property. Adjacent to the developing property is septic weeping system.

Vice Chair Craft stated that speakers **in favor** of the case would have 5 minutes of rebuttal.

Nathan Duggins returned to the speaker's stand for some rebuttal comments. He stated that they cannot push stormwater onto other people's property. The UDO does not allow it and the regulations don't allow it. NC DOT has to issue a driveway permit and they are not going to issue a driveway permit until the cul-de-sac or the infrastructure that allows for a driveway for residential use is constructed. The natural consequence of that would be that there would be no parking along the existing Oldsquaw Road, the parking for the construction would happen inside the new development and NC DOT routinely issues driveway permits, not only for the connection on Oldsquaw, but onto the driveways that would be on the infrastructure

to be installed. The questions about the stream have been addressed and answered for the community well locations. The long-range plan calls for this to be RS-40 and it is consistent with the Northern Lakes Area Plan. This is a stubbed out road so connectivity is encouraged in the UDO, and that is why the request is being supported by the staff. These are public roads and there will be traffic on these public roads. They have committed to stay in contact with the neighborhood and he is easy to get in touch with. They want to work with the community. They are not required to have neighborhood meetings, but they have held 2 meetings. They are listening and they want to hear what their concerns are. This is a question of a zoning hearing, moving from AG to RS-40 and that is what this Board has to determine. In regard to the homes' values, he misspoke in stating that they would be \$400,000.00 homes, they are going to be high-end houses at approximately 7,000 square feet per home. The intention is to have large lot, large value properties. They cannot put a condition that they would be \$1M or \$500,000.00 homes, that is not allowed by the zoning laws of the state. They can commit that they will be large lots because RS-40 requires it.

Vice Chair Craft stated that speakers **in opposition** to the case would have 5 minutes of rebuttal.

Shane Taylor returned to the speaker's stand and stated that he might be reassured if the developer provided a minimum size of houses proposed for the properties.

Don Madren stated that if they are going to build 7,000 square foot dwellings, this being a very rural community, it would be vastly unprecedented to have a 7,000 square foot home in this particular area. There is a relatively newer subdivision across 150 from Triple Lakes with larger homes but they are not providing anything around the 7,000 square foot homes. With the driveway permit by NC DOT, related to the large amount of construction vehicular traffic, the existing roadways would not be able to handle that traffic and the size of the trucks. The forest and natural area will have to be removed to accommodate this development and it would also have a major increased impact on the water runoff to their area. The proposed development is going to take a long time to complete development and that means their roads are going to carry the brunt of the construction traffic in this neighborhood. He is very opposed to this rezoning request.

Stacey Hobart stated that if she had to put a condition on this request, she would ask that Oldsquaw is not the access point to enter into this project site. She would prefer some other access point from Yanceyville Road. That is one of the major concerns that all the neighbors agree on.

Troy Raines stated that when those existing trees are cut down, they would have to bring in very long, heavy trucks to haul them away, and again, the roadways would not be able to handle that kind of traffic.

Teri Connor pointed to one of the properties in the neighborhood and stated that property is full of deer every day, so they would no longer have anywhere to bed down and be safe.



There being no speakers wishing to speak in rebuttal the public hearing was closed and Vice Chair Craft open the floor up for discussion.

### Discussion

Mr. Bell reminded the Board that Mr. Duggins had offered an additional condition and it was to exclude the land clearing and inert debris landfill, minor, and if the Board agrees to amend the application, that needs to be addressed.

Mr. Alston stated that he doesn't feel that the additional condition should be accepted and the rezoning request should be denied. There are so many unanswered questions from the community that he feels the developer needs to review the request some more before coming back to ask for a rezoning.

Mr. Gullick moved to accept the amendment to the application to include the condition to exclude landfill (minor) or inert debris, seconded by Mr. Stalder. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Craft, Gullick, Bui, Stalder, Drumwright, Alston. Nays: None.)

Chair Donnelly asked if someone could explain construction bonds on a project like this. Leslie Bell responded that it could be a bond or letter of credit or cash equivalent. They are typically related to and by ordinance for meeting design requirements or development requirements. It can be infrastructure, buffering or landscaping, depending on the time of year when it must go in, and stormwater control measures to complete those. Those are typically the ones a developer would have when there are financial guarantees.

Chair Donnelly noted that, rather than being reviewed as part of an original subdivision plan, the plan review for this development would be done separately. How does the review staff look at the relationship between the new and original development? While plan review is done by staff in context, Mr. Bell noted that all roads are NC DOT system roads and are maintained by NCDOT. Counties do not have the authority to do anything within the NC DOT right-of-way, so anything that would be required relative to roads would be under the purview of NC DOT as it relates to the driveway permit process.

Mr. Alston stated that he thinks it is very unprepared presentation for this request. The Board has denied applications for less in the past, and there are way too many unanswered questions for this to move forward, in his opinion. As the community came forward to speak in opposition, it seems like the developer is trying to strong-arm his way into making a development with no real answers to the community's questions, which is very concerning, and a lack of information that has been provided, so far.

Mr. Stalder stated that a lot of things that have been brought up are not necessarily related to land use and a lot of speculation over the conceptual plan, which would be finalized in the TRC and beyond the Board members' purview. If you look at just the land use and it is RS-40 around them, and this neighborhood has a lot of stub roads,

so the obvious continuation of the neighborhood is into the AG properties and is the land use plan that fits the surrounding areas.

Mr. Alston stated that he does feel like it is within the realm of the Planning Board to identify traffic and access concerns, construction impact to the surrounding communities, home pricing and value impact, and community engagement and transparency, is very important and there has been a big lack of that in this process. RS-40 does fit, but it is a lot of other stipulations that he was looking at and he feels haven't been met.

Reverend Drumwright stated that given the land use plan and the undeniable fact that this development fits within it, which is why staff has recommended approval, this Board would come under much greater and far more intense scrutiny if they were to not approve the developer's request. However, having construction on a very narrow residential street, with 18-wheelers parked on the street, and having to back up to get through it to someone's driveway, he understands the community's concerns. This is hard for him, because he concurs with the community residents and he is learning that when a request meets the area plans and the use of the land use, their hands are, basically, tied. Many of the neighbor's concerns fall beyond the purview of the Board's authority.

Dr. Bui asked if the Board can consider the factors of public interest? Leslie Bell responded that N.C.G.S. 260(d) does allow the Board to take into account public interest.

Vice Chair Craft stated that this land is going to get developed and can get developed under the AG zoning for residential. It would not be as dense, but it could get developed and it will affect the deer, the truck traffic, water runoff and all those things. That is what happens when there is new development. This request does fit the land use plan of this area and it will end up being a nice development. He does not see any reason not to approve it.

Counsel Mason added that to amplify Mr. Bell's response to Dr. Bui's question, and that is to talk a little about what is meant by public interest, if it is simply whether folks show up and are either for or against a request, that is not really a factor that should drive the vote. What is going to be relevant is legitimate land use concerns and impact concerns that these speakers may have brought forward. Dr. Bui stated that she was thinking more about public health and safety.

In response to a question posed by Mr. Alston, Counsel Mason stated that if there are reasonably anticipated impacts, positive or negative, to the properties in that existing and adjoining neighborhood, those can be taken into consideration. Mr. Alston stated that he feels it would only be fair for the community residents to hear from the developer, himself on some of the concerns that have been raised. He feels that the Board would be negligent to not be able to consider some things that have not been answered by the developer.

Mr. Alston moved to deny the request related to Rezoning Case #25-03-PLBD-00114, AG to CZ-RS-40, 5475 Yanceyville Road, because the proposed amendment is not

reasonable in the public interest at this time, due to the lack of demonstrated planning around key infrastructure impacts, particularly traffic flow, road wear and emergency access associated with having only a single point of entry into the proposed development. There are significant concerns from the community regarding the lack of direct engagement from the developer, himself, and unanswered questions about the pricing and density of future homes and potential negative impact of surrounding property values. The applicant has not sufficiently addressed how the development will mitigate adverse affects on the surrounding neighborhood, nor provided a clear plan for coordinating with existing residents or protecting existing infrastructure during and after the construction. Until these concerns are addressed in a more transparent and community manner, he does not feel that this rezoning request meets the threshold of being compatible, reasonable or equitable for the residents it will affect, seconded by Dr. Bui.

Leslie Bell stated that they should be clear about where the proper break is. The motion is to deny and is it consistent with the Area Plan? That needs to be answered. Mr. Alston responded that it is consistent with the Area Plan. Leslie Bell asked if Mr. Alston wanted to include all the reasons to deny that he had within his motion to be included and Mr. Alston stated that he did.

Chair Donnelly stated that he appreciates the contention by the applicant's attorney that the Board's primary responsibility is to look at land use, and whether or not this is both consistent and reasonable and he appreciates Mr. Alston listing the particular things to be articulated. In many cases they have had the opportunity to look at these as stand-alone by cases. This particular one, on the one hand, because they are looking at a connection to a stub-out, as was pointed out, the likelihood is that there is going to be development when there is a stub-out like that. At the same time, it becomes more incumbent to have community meetings and developer relationships such that there is clearly demonstrated interest or benefits on the part of this development that the entire community can benefit from. He is not sure that, in this case, as there are some challenges, and he is not sure that he has heard any benefits to the surrounding community. He is concerned that while the land use decision is more clear-cut in terms of the consistency, he has some similar concerns about whether or not they are meeting the criteria of reasonableness in the way that is being proposed, and the fact that there is a Conditional Zoning application, which creates the opportunity for there to be conditions that provide that assurance to the community and he is not sure they have gotten that. He is not sure that, without some additional conditions that he would be in a position to approve the request.

Vice Chair Craft stated that there has been a motion and a second and asked for a roll-call vote on this matter.

The Board voted 3-4 and the motion fails. (Ayes: Alston, Bui, Drumwright. Nays: Craft, Gullick, Stalder, Donnelly.)

Vice Chair Craft stated that now the Board can entertain a motion to approve.

Chair Donnelly stated that one of the things he has heard articulated tonight is that the density of the development probably has some correlation with the type of homes that are going to be built and it was pointed out by a number of speakers that the sketch plan, previously seen, is only one portrayal and in fact, the number of lots could be doubled. He has every reason to believe that the developer would intend to develop a smaller number of lots and he would be interested in exploring whether or not the applicant would consider a "maximum number of lots" condition, that matches or is similar to the sketch plan that was provided beforehand.

Vice Chair Craft asked Mr. Duggins to return to the Speaker's Stand to address the concern stated by Chair Donnelly.

Nathan Duggins stated that the zoning for 21 acres and they are zoning for the least dense residential use in the County at RS-40. He is not in a position to say yes to that and cannot agree to that without specific permission from the developer. He wants this to work for the community.

Reverend Drumwright stated that he thought that Chair Donnelly's comments before the roll call vote were that he did not feel comfortable approving the applicant's proposal because of the reasons he previously stated. However, his vote was contrary to those comments. He asked Chair Donnelly to expand on those comments. Chair Donnelly stated that he also stated that part of the reason that he voted the way he did was because his belief that there might be a space in which they could find some kind of agreeable option. If he had voted, initially, that would have denied the motion and that would have ended the conversation here tonight and that would have prevented any additional conversation exploring potential conditions.

Reverend Drumwright went on to say that he also made some comments before the vote, as well, it was truly to tip an affirmative vote of denial, but Mr. Alston raised some very valid and concrete points that helped him to better discern the direction he would go in. He thought that it was well enough for him to reconsider, which is why he did vote to deny the request.

Vice Chair Craft asked if they needed to take another vote, restating a motion to approve or deny the application to finalize the board's action on the application. Counsel Mason stated that it was correct.

Mr. Gullick moved to approve the amended zoning request located at Guilford County Tax Parcel #129849 from AG to CZ-RS-40, as the RS-40 is intended to accommodate Agricultural uses, large lot development, low-density residential subdivisions not connected to public water and sewer, with densities not to exceed 2 units per acre. Large major residential subdivisions in AG Rural Residential area should incorporate into their design a minimum of 2 Policies recommended by this path. Anticipated land uses are those that are permitted in the AG, RS-40 Residential and RS-40 and Planned Unit Development (PDR), are rural preservation zoning districts, including but not limited to Institutional and Recreational uses as determined by the Guilford County Development Ordinance. The request is listed as generally consistent with the Northern Lakes Area Plan and the recommendation of AG, Rural Residential of the

Future Land Use Matrix. The request is reasonable because it is adjacent to a single family residential subdivision with the same RS-40 zone. It would advance Goal #1 of the Housing Element of the Comprehensive Plan which states, "Provide current and future residents of Guilford County with a variety of housing options and opportunities." This use and density of the development that would be allowed is consistent with the development in the vicinity of subject parcel. It is consistent with Policy 1.1 of the Future Land Use Element, seconded by Mr. Stalder.

Chair Donnelly stated that he is struggling with this one and looking, specifically, back at the Statutes that the Board is asked to consider in terms of the reasonableness of a request, and the factors that can be considered, include the size, physical condition and other attributes of the area to be rezoned. The benefits and detriments to landowners, neighbors and the surrounding community, the relationship between development of the tract and adjoining areas in the development would be permissible under the proposed amendment, is why something is in the public interest. This parcel is designed in such a way that the access to this part of the property could be through the property itself, and he understands that there may be arguments from a developer's perspective on why they are choosing not to do that. However, in this case, he thinks the results of that is to put a significant detriment on the surrounding community. For that reason he is not going to be able to support the motion.

The Board voted by roll call 3-4 in favor of the motion; therefore, the request was denied. (Ayes: Craft, Gullick, Stalder. Nays: Alston, Bui, Drumwright, Donnelly.)

Vice Chair Craft stated that constitutes final action unless appealed to the Guilford County Board of Commissioners within 15 days.

### **Evidentiary Hearing Item(s)**

None

## **VIII. Other Business**

### **A. Comprehensive Plan Update**

Leslie Bell stated that the Steering Committee will meet tomorrow on the post-public-input draft plan, and based on how that goes, it may be forthcoming to the Board members very soon for consideration. April 23<sup>rd</sup> has been set as the Special Meeting to receive the presentation on the Draft Plan.

Mr. Bell also reminded the Board members that at the April 23<sup>rd</sup> meeting, the Board is scheduled to take action on the orders from the Duke Energy special use permit case from the October 2, 2024 special meeting.

## **IX. Adjourn**

There being no further business before the Board, the meeting adjourned at 9:53 p.m.

*The next regular meeting will take place May 14, 2025.*