

**CONDITIONAL ZONING CASE CZ 22-05-GCPL-03277: 413 NC HIGHWAY 150 W;
AGRICULTURAL (AG) AND RESIDENTIAL SINGLE-FAMILY (RS-40) TO
CONDITIONAL ZONING-GENERAL BUSINESS (CZ-GB) -- AMENDED ON 6/8/22**

Property Information

Guilford County Parcel #139158, approximately 30.31 acres; located at 413 NC Highway 150 W; southwest of the intersection with NC Highway 150 W and Spencer-Dixon Road. Property is owned by First Acres, LLC.

Zoning History of Denied Cases: There is no history of denied cases on file.

Nature of the Request

This is a request to conditionally rezone the property from AG and RS-40 to CZ-GB. The applicant proposes the following Use Conditions: Office (General); Medical or Professional Office; Personal Service; Bank or Finance With Drive-through; Insurance Agency; Laundromat or Dry Cleaner; Pest or Termite Control Services; Studio/Artist/Recording; Retail (General); ~~ABC Store~~; Auto Supply Sales; Auto Rental or Leasing; Car Wash; Garden Center; Garden Center or Retail Nursery; ~~Pawn Shop~~ or Used Merchandise Store; Bakery; ~~Bar/Private Club/Tavern~~; Restaurant With Drive Through; Restaurant without a Drive-Through; Wireless Communications Tower-Stealth Camouflage Design Or Non-Stealth Design; Small Cell Wireless Tower. The application was amended at the 6/08/2022 Planning Board meeting to remove ABC Store; Pawnshop (but retain Used Merchandise Store); and remove Bar/Private Club/Tavern.

Development Conditions: 1) All buffers along the western and southern property lines of the subject property shall be planted with sufficient evergreen planting materials to achieve an opaque vegetative screen; and 2) ground signage shall be limited to one freestanding sign along each of two public right-of-way frontages and such signage shall not exceed eight (8) feet in height. The application was amended with the following at the 6/8/2022 Planning Board meeting:

- 1) ABC stores to be eliminated from the list of permitted uses;
- 2) The buffer along the western property line of the subject property shall be planted with sufficient evergreen planting materials to achieve an opaque vegetative screen and a buffer along the southern property line shall include an opaque fence, in addition to the requisite UDO plantings;
- 3) All building façade materials shall consist of masonry, EIFS or similar construction, with no exposed metal; and
- 4) The applicant shall include an easement for sidewalk along its frontage of Spencer-Dixon Road and shall pursue the possibility of a sidewalk with NC DOT on Hwy 150 W.

District Descriptions

The **AG** 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** 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 **General Business** district is intended to accommodate moderate to large-scale retail, business, and service uses along thoroughfares and at key intersections. The district is characterized minimal front setbacks, off-street parking. Quality design, shared access, and shared parking are encouraged.

Conditional Zoning, bearing the designation CZ, is established as a companion district for every General Use district established in the UDO. These districts include the CZ-GB district. 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 purpose of **Voluntary Agricultural District Program** is to promote the health, safety, rural agricultural values, and general welfare of the County, and more specifically, increase identity and pride in the agricultural community, its way of life, and its importance in preserving the agrarian heritage of the County; encourage the economic and financial health of farming; increase protection from undesirable, non-farm development; and, increase the protection of farms from nuisance suits and other negative impacts on properly managed farms.

Character of the Area

This request is in an area with a range of uses that includes residential subdivisions, light or limited commercial and office and office uses, and institutional uses.

Existing Land Use(s) on the Property: Agricultural within a Voluntary Agricultural District.

Surrounding Uses:

North: Single-family subdivision and Daycare Center
South: Northern Middle and High School
East: Single-family subdivisions
West: Office use

Historic Properties: There are no inventoried Historic properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities: No expected impact for commercial uses.

Emergency Response:

Fire Protection District: Fire District 13 FPSD

Miles from Fire Station: Approximately 1.5 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: This parcel is not within Greensboro Tier 1 Growth Boundary.

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Parcel is at intersection of a Major Thoroughfare (NC Hwy 150) and a Collector Street (Spencer-Dixon Rd). 2019 NCDOT Traffic Count: 7100 ADT near Church St.

Proposed Improvements: Required improvements will be subject to NCDOT Driveway Permit

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Gently sloping and moderately sloping.

Regulated Floodplain/Wetlands:

There are no mapped wetlands on the subject property. There is no regulated floodplain on the subject property.

Streams and Watershed:

The property is located in the Greensboro (Reedy Fork) WS-III Water Supply Watershed, in the General Watershed Area. There are no mapped streams on the subject property.

Land Use Analysis

Land Use Plan: Northern Lakes Area Plan (2016 Update)

Plan Recommendation: Voluntary Agricultural District and Light Commercial Node

Consistency:

This request is inconsistent with the Northern Lakes Area Plan recommendation. The Voluntary Agricultural District is intended to support property currently used as a Bona fide Farm. The Light Commercial Node is intended to accommodate low-intensity nonresidential uses that are typically found in the Limited Office and Neighborhood Business zoning districts of the Guilford County Unified Development Ordinance. Limited Office conditional zoning is to the adjacent west and Limited Business conditional zoning is to the north across NC Highway 150 W.

Recommendation

Staff Recommendation: Staff recommends approval.

Although inconsistent with the recommendation of the Northern Lakes Area Plan, the requested action is reasonable and in the public interest because it is in an area with several residential subdivisions and a public school. The parcel is located at the key intersection of NC Highway 150

and Spencer Dixon Road. A GB zoning would create opportunities to provide retail and services in the area. Limited Office conditional zoning is to the adjacent west and Limited Business conditional zoning is to the north across NC Highway 150 W.

Area Plan Amendment Recommendation:

The proposed Conditional Zoning is generally inconsistent with the Northern Lakes Area Plan recommendation for Voluntary Agricultural District and the Light Commercial Node, thus if approved, a plan amendment to Moderate Commercial Node would be required.

TABLE OF PERMITTED USES FOR CZ-GB CASE # 22-05-GCPL-03277

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations
P = Use by Right D = Individual Development Standards Apply - See Article 5 S = Individual Development Standards per
Article 5 Apply & Special Use Permit Required
Strickthrough text=Excluded uses as proposed by applicant

Use Category	Use Type	WCA Prohibited Use	GB
Agriculture/Animal Services	Animal Services (Other)		D
	Multifamily Dwelling (including Condominium)		P
Household Living	Live/Work		P
	Nursing and Convalescent Home		P
Group Living/Social Service	Homeless Shelter		D
	Indoor Recreation		P
Recreation and Entertainment	Athletic Fields		P
	Club or Lodge		P
	Country Club with Golf Course		D
	Golf Course, Miniature		P
	Physical Fitness Center		P
	Public Park (including Public Recreation Facility)		D
	Special Event Venue		P
	Shooting Range, Indoor		D
	Swim and Tennis Club		D
	Theater (Outdoor)		D
	Theater (Indoor)		P
	Place of Worship		P
	College or University		P
	Vocational, Business or Secretarial School		P
	Daycare Centers in Residence (In Home) (12 or Less)		D
Civic, Educational, and Institutional	Daycare Center (Not In Home)		D
	Emergency Services		P
	Community or Social Service Agencies		P
	Fraternity or Sorority (University or College Related)		P
	Government Office		P
	Library		P
	Museum or Art Gallery		P
	Post Office		P
	Hospital		P
	Office (General)		P
	Medical or Professional Office		P
	Personal Service		P
	Advertising, Outdoor Services		D
	Bank or Finance without Drive-through		P
Business, Professional, and Personal Services	Bank or Finance with Drive-through		P
	Boat Repair	X	P
	Building Maintenance Services		P
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	X	P
	Insurance Agency (Carriers and On-Site Claims Inspections)		P
	Kennels or Pet Grooming		D
	Laundromat or Dry Cleaner	X	P
	Motion Picture Production		P
	Pest or Termite Control Services	X	P
	Studios-Artists and Recording		P
	Animal Slaughter or Rendering	X	P
	Bed and Breakfast Home for 8 or Less Guest Rooms		P
	Hotel or Motel		P
	Retail (General)		P
Lodging	ABC Store (Liquor)		P
	Auto Supply Sales		P
	Automobile Rental or Leasing	X	P
	Automobile Repair Services	X	P
	Car Wash	X	D
	Building Supply Sales (with Storage Yard)		D
	Convenience Store (with Gasoline Pumps)	X	P
	Equipment Rental and Repair, Light		D
	Garden Center or Retail Nursery		P
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	X	P
	Pawnshop or Used Merchandise Store		P
	Service Station, Gasoline	X	P
	Tire Sales		P
			P
Retail Trade			P

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P = Use by Right D = Individual Development Standards Apply - See Article 5 S = Individual Development Standards per Article 5 Apply & Special Use Permit Required

Strickthrough text=Excluded uses as proposed by applicant

Use Category	Use Type	WCA Prohibited Use	GB
Food Service	Bakery		P
	Bar/Private Club/Tavern		D
	Microbrewery, Private Club/Tavern		D
	Restaurant (With Drive-thru)		P
	Restaurant (Without Drive-thru)		P
Funeral and Internment Services	Cemetery or Mausoleum		D
	Funeral Home or Crematorium		P
	Automobile Parking (Commercial)		P
	Automotive Towing and Storage Services	X	D
	Equipment Rental and Leasing (No Outside Storage)		P
	Equipment Repair, Light		D
	Truck and Utility Trailer Rental and Leasing, Light	X	P
	Beneficial Fill Area		D
	Bus Terminal and Service Facilities	X	P
	Courier Service Substation		P
	Communication or Broadcasting Facility		P
Transportation, Warehousing, and Wholesale	Wireless Communication Tower – Stealth Camouflage Design		D
	Wireless Communication Tower – Non-Stealth Design		D
	Small Cell Wireless Tower		S
	Radio or TV Station		P
	Utilities, Major		S
	Utilities, Minor		P
	Taxi Terminal	X	P
	Utility Company Office		P
	Construction or Demolition Debris Landfill, Minor		D
	Land Clearing & Inert Debris Landfill, Minor		D
Waste-Related Uses	Warehouse (General Storage, Enclosed)		D
	Warehouse (Self Storage)		D
	Laundry or Dry Cleaning Plant	X	P
	Laundry or Dry Cleaning Substation	X	P
General Industrial			
Special Events	Temporary Events/Uses		D

**AG & RS-40 TO CZ-GB
+/-30.31 Acres**

The map displays several key roads: SUTTER RD, AIRPORT HEIGHT RESTRICTION, WALKOVER DR, SCOTT CT, NC HIGHWAY 150 W, CEDAR HOLLOW RD, WHIPPLE TRL, and SPENCER-DIXON RD. Zoning areas are labeled in red: RS-30, RS-40, AG, CZ-LB, CZ-LO, and CZ-RS-30. Parcels are lettered A through Q. A large grey-shaded area covers parcels A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and Q. A dashed line runs diagonally across the map, separating the grey area from other parcels. A blue river or stream flows along the top edge of the map.

A	FIRST ACRES LLC
B	JARRELL, TIMOTHY G;JARRELL, TAMMY G
C	ALLEN, TIMOTHY R
D	MOORE, BRANDIE G;MOORE, TERRY L
E	SCOTTS GLEN FARM LLC
F	SHELTON, JAMES R;SHELTON, EVELYN B
G	HILTON, JAMES W JR
H	GREENE, PATRICIA B
I	MARTIN, NICOLE
J	MOON, JULIE F
K	SCERBO, CHARLES
L	BROWN, JAMES H TRUSTEE;JAMES BROWN LIVING TRUST
M	ADKINS, WILLIAM D;ADKINS, MARGARET A
N	STEVE, DAVID L;STEVE, BETTY M
O	CRAIG, RUBY C
P	GUILFORD COUNTY BOARD OF EDUCATION
Q	HAMBY, RICHARD E;HAMBY, JANICE R

- A FIRST ACRES LLC
B JARRELL, TIMOTHY G;JARRELL, TAMMY G
C ALLEN, TIMOTHY R
D MOORE, BRANDIE G;MOORE, TERRY L
E SCOTTS GLEN FARM LLC
F SHELTON, JAMES R;SHELTON, EVELYN B
G HILTON, JAMES W JR
H GREENE, PATRICIA B
I MARTIN, NICOLE
J MOON, JULIE F
K SCERBO, CHARLES
L BROWN, JAMES H TRUSTEE;JAMES BROWN LIVING TRUST
M ADKINS, WILLIAM D;ADKINS, MARGARET A
N STEVER, DAVID L;STEVER, BETTY M
O CRAIG, RUBY C
P GUILFORD COUNTY BOARD OF EDUCATION
Q HAMBY, RICHARD E;HAMBY, JANICE R



JURISDICTION:
GUILFORD COUNTY
Guilford County
Planning & Development
Department

Rezoning Case #

22-05-GCPL-03277

Scale: 1" = 400'

Map:

139158



POPULAR RIDGE CT W



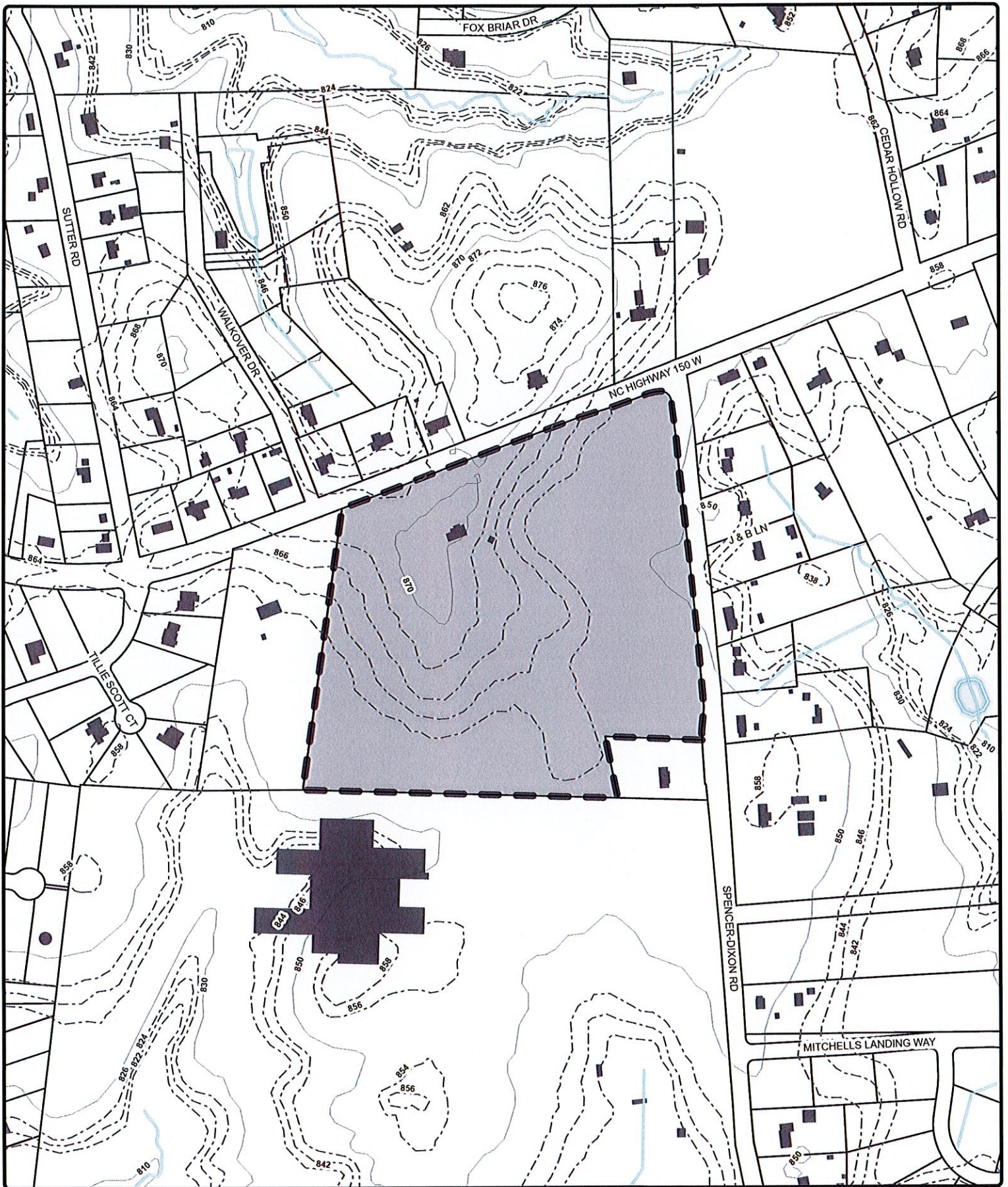
CASE #22-05-GCPL-03277
SCALE: 1" = 1000'



CASE #22-05-GCPL-03277

Scale: 1" = 400'





CASE #22-05-GCPL-03277

Scale: 1" = 400'



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ZONING-GENERAL BUSINESS (CZ-GB) – APPEAL PUBLIC HEARING**

**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	#4

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**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel # **139158** from **AG and RS-40** to **CZ-GB** because:

1. The amendment **is** consistent with applicable plans because:

[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:

[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

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GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT STATEMENT OF CONSISTENCY

DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel # **139158** from
AG and RS-40 to **CZ-GB** because:

1. The amendment **is not** consistent with applicable plans because:

[Describe elements of controlling land use plans and how the amendment is not consistent.]

2. The amendment **is not** reasonable and in the public interest because:

[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

**CONDITIONAL ZONING CASE CZ 22-05-GCPL-03277: 413 NC HIGHWAY 150 W;
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ZONING-GENERAL BUSINESS (CZ-GB) – APPEAL PUBLIC HEARING**

**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel # **139158** from **AG and RS-40** to **CZ-GB**.

1. This approval also amends the **Northern Lakes Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Northern Lakes Area Plan** amendment are based on the following change(s) in condition(s) in the **Northern Lakes Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

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**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel # **139158** from **AG and RS-40** to **CZ-GB** because:

1. The amendment **is** consistent with applicable plans because:

[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** consistent but not in the public interest because:

[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]
