

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

**NC Cooperative Extension Agricultural Center
3309 Burlington Road, Greensboro, NC 27405
JUNE 8, 2022, 6:00 PM**

A. Roll Call

Chair Donnelly called the June 8, 2022 meeting to order and asked for a roll-call of members present.

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

James Donnelly, Chair; Sam Stalder; Ed Apple; Guy Gullick; and Ryan Alston.

The following Board members were in attendance remotely/virtually for this meeting:

Dr. Latoya Gathers.

Members not present at the meeting were:

David Craft and Cara Buchanan.

Staff present in-person or virtually: J. Leslie Bell, Planning and Development Director; Kaye Graybeal, Planning and Development Deputy Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Admin. Officer; and Rachel Teague, PT Office Specialist.

B. Agenda Amendments

J. Leslie Bell stated that there were no Amendments to the Agenda.

C. Approval of Minutes: May 11, 2022

Chair Donnelly pointed out an error on page 2, second paragraph, relevant to "NC DOT does not maintain the roads on that property". Mr. Gullick moved approval of the amended May minutes, seconded by Mr. Apple. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.)

D. Rules and Procedures

Chair Donnelly explained all the rules and procedures that would be followed during the meeting of the Guilford County Planning Board.

E. Continuance Requests

None

F. Old Business

None

G. New Business**Non-Public Hearing Item(s)**

None

Public Hearing Item(s)

Mr. Gullick stated that he would have to recuse himself from the following case citing a conflict of interest and he would step out of the room until the case is completed.

Mr. Alston moved to recuse Mr. Gullick from Case # 22-05-GCPL-02477, seconded by Mr. Apple. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.). Thereupon, Mr. Gullick left the room.

RESOLUTION TO CLOSE A PUBLIC ROAD - CASE #22-04-GCPL-02477:**CAHILL DRIVE AND KING STREET (previously referred to as Lambert Lane)**

Request adoption of Resolution to close a portion of Cahill Drive and all of King Street (previously referred to as Lambert Lane) which fronts Lots 22, 23-24, 25-26, 26-28, 29, 31-32, 100-101, 102, 103-105, 106-108, 109, 110, 124, 125 & PT of 124, and 126, all as shown on Plat Book 11, Page 73 in Fentress Township as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 135258, 135259, 135263, 135265, 135266, 135267, 135268, 135269, 135270, 135271, 135272, and 135275, running south from the intersection of S. Elm-Eugene Street and Highway I-85 N and terminating approximately 700 feet north of Creston Street. **(RESOLUTION GRANTED)**

Planner Aaron Calloway stated that this request is for adoption of a Resolution to close and remove from dedication a portion of Cahill Drive and all of King Street (previously referred to as Lambert Lane) which fronts Lots 22, 23-24, 25-26, 26-28, 29, 31-32, 100-101, 102, 103-105, 106-108, 109, 110, 124, 125 & PT of 124, and 126, all as shown on Plat Book 11, Page 73 in Fentress Township as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 135258, 135259, 135263, 135265, 135266, 135267, 135268, 135269, 135270, 135271, 135272, and 135275. These roads are located southeast of the intersection of S. Elm-Eugene Street and I-85 North and terminate approximately 700 feet north of Creston Street.

Mr. Calloway continued by saying that the Planning Board has received the request as described previously and that Cahill Drive and King Street (previously referred to as Lambert Lane) have not been improved since their dedication in 1940. This request only includes that portion of Cahill Drive and King Street (previously referred to as Lambert Lane), as described previously, and no closing of utility easements is included in this application. Per TRC staff comments provided in the packet, all parcels shall be assured access to the public right-of-way. To accomplish this, staff will require a re-combination plat to facilitate that assurance. Per Guilford County Tax records, Thomas Monroe and Wilma Monroe, are the listed owners for Tax Parcel #s 135269 and 135267 (4001 and 4005 S. Elm-

Eugene Street, respectively) and whose property also is adjoining Cahill Drive, were notified by certified mail (#7020-3160-0000-5486-0525) on May 27, 2022.

Chair Donnelly asked if there was anyone wishing to speak on this matter and no one came forward. Seeing no opposition, the Public Hearing was closed by unanimous vote.

Chair Donnelly moved approval of the request for a Resolution as presented for Case #22-04-GCPL-02477, seconded by Mr. Apple. The Board voted 5-0 in favor of the motion. (Ayes: Donnelly, Stalder, Apple, Gathers and Alston. Nays: None. Recused: Gullick)

CONDITIONAL ZONING CASE CZ 22-05-GCPL-03277: 413 NC HWY 150 W.; AGRICULTURAL (AG) AND RESIDENTIAL SINGLE FAMILY (RS-40) TO CONDITIONAL ZONING 0 GENERAL BUSINESS (CZ-GB)

Chair Donnelly asked if there were any updates to this application. Senior Planner Oliver Bass stated that the applicants wish to remove from the following Use Conditions: Bar/Private Club/ Tavern; and Pawn Shop and retain Used Merchandise Store. Chair Donnelly asked the applicant to confirm that information. Amanda Hodierne, attorney representing the applicant, stated that they do confirm that.

Mr. Apple moved to accept the updated and amended information regarding the Use Conditions in the application, as presented by staff, seconded by Mr. Alston. The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Apple, Gullick, Gathers and Alston. Nays: None.)

Mr. Bass stated that this is a request to conditionally rezone the property from AG and RS-40 to CA-GB. The applicant proposes the following conditions for Guilford County Tax 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. **Use Conditions:** Office; Medical or Professional Office; Personal Service; Bank or Finance with drive-through; Insurance Agency; Laundromat or Dry Cleaner; Pest or Termite Control Service; 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 and retain~~ Used Merchandise Store; Bakery; ~~Bar/Private Club/Tavern~~; Restaurant with Drive-Through; Restaurant without Drive-Through; Wireless Communications Tower-Stealth Camouflage Design or non-Stealth Design; Small Cell Wireless Tower.

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 (1) free-standing sign along any (each of two) public right-of-way frontages and such signage shall not exceed eight (8) feet in height. Property is owned by First Acres, LLC.

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

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 by minimal front off-street parking. Quality design, shared access, and shared parking are encouraged.

The property has been in the Northern Lakes Area Plan which was updated in 2016. The recommendation for that area was voluntary AG and Light Commercial Node. This request is inconsistent with the Northeast Area Plan recommendation. The voluntary AG is intended to support the property currently used as a Bona Fide farm and the Light Commercial Node is intended to accommodate low intensity non-residential uses that are typically found in Limited Office and Neighborhood Business 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.

Staff recommends approval and although it is inconsistent with 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. This parcel is located at the key intersection of NC Highway 150 W. 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. If approved, a plan amendment to Moderate Commercial Node would be required. **(REZONING REQUEST DENIED)**

Mr. Bell added that the Voluntary Agricultural District Agreement was signed in 2002 and it runs ten years and that ten years was up in 2012.

Chair Donnelly asked Mr. Bass to walk through some of the maps that were shown so everyone in the audience would have a better understanding of the location of the request. Mr. Bass presented maps of the surrounding area.

Chair Donnelly asked if there was anyone present who wished to speak in favor of this rezoning request. He reminded speakers that there was a twenty minute time-limit for speakers.

Amanda Hodierne, 804 Green Valley Road, Greensboro, NC, attorney representing the applicant, stated that she is here on behalf of the contract purchaser for this property, T. Cooper James and Associates. She is joined by Tom James and a couple of the design and engineering specialists to provide additional clarity during the deliberations; Bob Dischinger, Evans Engineering; and John Davenport of Davenport Engineering, who has conducted a traffic study for this project. She presented handouts for the Board members' review during her comments. She thanked Mr. Bass for his presentation and stated that it covered all of the requisite specifics of the case. This is a request to go from the AG District with some RS-40 on it, as well, to CZ-GB, which is one of the commercial districts. The intent being to infuse this heavily concentrated area of the county, in terms of population and residential mass, with some goods and services to support and augment that existing population and the community in this area with the daily conveniences of everything that people need for their households. They went with the GB zoning request, as the Board has heard in the staff report that the Comprehensive Plan from 2016, and the Northern Lakes Area Plan does indicate this particular intersection as a Light Commercial node, which is correlated more with the Neighborhood Business District or the Limited Business District. They have gone back and forth on how to most transparently and appropriately structure the request to accommodate the vision that her clients have for this area and what they think the area calls for, due to its current built environment. They

did not go with the GB zoning based on any particular use that is or isn't allowed in the other districts, it was not about a specific use, it's about scale of the use and the square footage allowances. The Ordinance has square footage caps on the amount of gross square footage that can be built in both the Neighborhood Business district and the Limited Business district. You're at 3,000 square feet as your cap in Neighborhood Business so that would be a very small footprint for a small user to come in and serve a very isolated, minute need. Limited Business takes you up to 50,000 square feet for the entire gross area of square footage. They did contemplate that one, but felt they did not want to pull in destination shoppers, this still is meant to be a community serving localized shopping center. However, when you start to think about a grocery store, that is already at about 40,000 square feet and some are even larger than that. They realized that 50,000 square feet would be limiting to the vision of the client for this property. Her clients are industry-tried and proven retail developers, this is what they do and they have been doing it for 50 years and their strategic analysis has chosen this site as being capable, and the area as being underserved from more than just a little bit of outpost retail. This is an area that can support and meets the strategic number demographics to support more than just a 10,000 square foot outpost type of retail. It is meeting the numbers and the warrants for a true community retail center. From there, they do recognize that it does need to be tailored in and appropriately parametered, so that it is not overly intense for this location. They have gone through the permitted uses in the GB District and pulled out the ones they felt would be appropriate for those types of needs. They have revised those permitted uses to better exemplify and illustrate their intentions. The last two conditions are about curating and putting the appropriate parameters on this request, so that it is scaled as it should be. In regard to the Comp Plan item, it is Light Commercial node on the 2016 update, which would fit very well with their request. This intersection is the better candidate to be the Moderate node because the site at Lowes just down the road is hemmed in by the development around it. This site is twice as large at 30 acres, and the other site is 17 acres. This site also already has the infrastructure already in place; there are already roads with turn lanes to make this a commercial intersection.

John Davenport, Davenport Engineering, 119 Brookstowne Avenue, Winston-Salem, NC, stated that they have been looking at this site at the request of the client to gain an understanding of how a rezoning of this nature would impact this intersection in particular. There is no formalized site plan at this point in time, but based on the square footage in general, this site would produce there at Hwy. 150 W and Spencer-Dixon Road. The improvements that are in place are sufficient to handle the traffic for this development because retail has a different peak-hour of traffic than schools do. Schools are generally 2-4 pm in the evening and retail would be 4-6 pm and there would not be any overlap of those peak times. The a.m. peak for retail would be after the start of school. Turn-lanes will be needed and on Spencer-Dixon there is already a center turn-lane installed. They have not worked all the turn-lanes through the NCDOT, because they are in the process of going through the rezoning first.

Betty Adams Smith, 5920 Clapton Road, stated that she has a real estate company there and they work a lot with people that are relocating and moving out to the county. Often, the comments they hear are, how far are they going to have to go to the grocery store and some other places? She finds this site to be a good site that would help offer services for folks so they would not have to travel longer distances. She feels this is a very appropriate use of this property and she sees the need for these services.

Chair Donnelly asked if there was anyone present who wished to speak in favor of this rezoning request. He asked that those who are in favor of this development stand and there were five (5) people in attendance.

Nicole Martin, 7132 Spencer-Dixon Road, stated that she is the second house on the top-right of the aerial shown. She has lived there since 2010, when she bought the house and that was after the school had been built. In reference to the traffic and monitoring the patterns, it is for two schools, a high school and a middle school. She was at a meeting last week where they are already talking about overcrowding and where they would put portable classrooms for the high school. Since that study was first done to show it was adequate for schools, traffic and volume has continued to grow in that area. She has no problem going to the Lowes grocery store that is about 1 mile down the road, 5.8 miles to the Harris Teeter, and 3.2 miles to the Food Lion where there is an ABC store. Her normal day-to-day is not just from 4:00 to 6:00 for schools, because schools don't get out until 4:15 and 4:45 and then there are sports that take place all year round at the schools, and Summerfield Rec Center, Guilford County and Northern Rec centers - all are playing and using the fields that are in the front part of "P", where it is shown on the map. There is traffic all the time up and down Spencer-Dixon Road. In years past, there was no opportunity for sidewalks to be done by the City because this is County and County funding was denied for that. Along with traffic in the morning, traffic in the afternoon, traffic at night and weekends from all the sporting events taking place, she also sees kids walking in the road because there are no bike lanes, no sidewalks, no easement because on the right side, all of the houses are all the way across to the neighborhood - there is a very big drop-off. She is much more concerned about the kids' safety than about what kind of meats she can buy at which grocery store. She also does not feel that they were given enough notification to get together for any kind of feedback to this application. She also pointed out that there are a lot of places to go grocery shopping nearby and there is not a need for another grocery store or retail in this particular area. They would like a better representation for the people of this community, especially safety for the children going to these local schools. In response to a question by Mr. Gullick, Ms. Martin stated that there has been no type of neighborhood meeting with the developer and the letter that was received was not really worthwhile.

Rachael Scott, 597 Foxbriar Drive, stated that she also went to Northern High School and the traffic does peak during the school opening and closing every day. There are student drivers who are not as experienced and don't know how to judge the difference in stopping. The community already has a convenience store, several grocery stores and there is a strip shopping center that still has vacant spots that have not been filled. She asked if the developer did any research to ask the community what they actually need and what they want. The community needs a place to help kids do something after school instead of just hanging around.

Terry Moore, 412 NC Hwy 150, stated that he agrees with the other speakers in regard to traffic concerns. Traffic always backs up in front of his property and he understands the difference between school hours and retail hours. He is also concerned about the safety of the kids that walk on NC Hwy 150 and feels that with the increased traffic, it will just add to the unsafe conditions on this road. He feels that there needs to be more research done on the traffic in this particular area.

Ronnie Shelton, 8106 Cedar Hall Road, stated that he also is concerned about the traffic and he agrees with comments previously made on that subject. The State came in at the high school and added a turning lane to the school so that they could bring traffic off the road and now you cannot get into the school between 3:00 and 5:00. The middle school has traffic out in the road every day because there isn't a turning lane. There is a major problem out there in that particular area. There are over 2,200 students in the middle and high school, so if 50% are car-pooling, that makes for a lot of additional traffic. Safety is not sufficient at this time. There are a lot of wrecks and he would like to see something done to turn down this request.

David Stever, 716 Spencer-Dixon Road, stated that he is in agreement with the other speakers in opposing this request. He wants to live in the country and not in the city and they do not need to be brought into Greensboro. Within a 5-mile radius there is all the conveniences that are needed and they do not need anything added to that.

Chair Donnelly asked if the applicants would like to speak for five (minutes in rebuttal or responding to the comments made by the opposition.

Amanda Hodierne stated that since the letter was mentioned, she presented a copy of the letter to the Board members for their review. She highlighted that Mr. Davenport eluded to this, they are at a rezoning request phase of this project right now, which is asking for permission to pursue a certain land use. It is a broad land use, which is General Business – Commercial, so in an effort to be transparent and to be fully disclosed what her clients want to do, they just want General Business zoning and the list that has been provided. All the concerns about actual users and tenants are certainly not what they are allowed to base zoning decisions on. All that come later as this is a multi-stage process. If they are fortunate enough to get rezoned, then they start work on redesigning something and submitting something to the County's rigorous review process to see if they can meet all the standards, which includes a NC DOT review. That is an independent review, separate from their engineer, where they decide what is safe here, what the capacities are, what the required improvements would be to make it safe, where the driveways would be located, and they are the ones who state if they can have a driveway permit and how many they can have and where they can go. If all that happens, then Mr. Cooper and Mr. Tom James go to work to actually find tenants for this location. That is all based on people who have done rigorous amounts of research to decide what businesses would be successful in this location.

John Davenport, Davenport Engineering, stated that they recognize that there is traffic out there when school is getting in or out, the question they are looking at is, can the intersection handle additional traffic. Anything that is put on this site is going to generate additional traffic and everything would have to be analyzed and considered for that intersection. Bike lanes or sidewalks would have to be addressed by NC DOT if they get beyond this phase of the development.

Amanda Hodierne pointed out that the Comp [Comprehensive] Plan already calls for commercial here at this location.

Mr. Gullick stated that he has gone out to the site and visited with some of the folks living in that area and he has had phone calls and everyone has heard the concerns of the community. He wanted to share what he has heard: 1) That sidewalks are needed for this area and that is a very valid concern for the community. Kids walking to and from school is a major concern as they should not have to walk on the side of the road, nor should anyone else have to walk on the road for this commercial use. The neighbors would like to see a walkable community, and to him, that makes sense. He has also heard a lot about the ABC store and the community does not think this is an appropriate use in this particular area. To address the buffers, there should be something to stop the kids from going through the buffers, such as a hard fence or something. He wanted to know if the proposed center will be made with masonry or something cheap. Ms. Hodierne stated that they have given thought to the buffer suggestions and the type of façade that will be used on the buildings. NC DOT is the responsible party for issues about a sidewalk or walking path at the roadway and the developer will certainly address that issue with them and with Guilford County Schools.

Chair Donnelly stated that there seems to be a potential condition which would be the inclusion of sidewalks on the street frontages on Spencer-Dixon Road and NC Hwy 150, subject to approval by the Guilford County Schools in the TRC process. Mr. Gullick stated that he would be in agreement with that and support a proposed condition as long as there is some type of dedicated easement for something that the students could use to walk to and from school.

Chair Donnelly invited staff to weigh in on this, for everyone's benefit here. There are a lot of concerns about traffic and the applicant has indicated, there is some general traffic information but the traffic study is actually part of the site review plan. He asked staff how that process works so that everybody has an understanding of how the traffic assessment fits into this overall development process.

Mr. Bell stated that the traffic review is part of the Technical Review Committee (TRC) and would be addressed when the proposal is submitted to the Planning Department. Chair Donnelly asked if there was a condition that they would have the opportunity to bring forward at this time. Ms. Hodierne responded that they could commit to going ahead and dedicating an easement for it and that way the space is there and is reserved and they know it is accounted for and would not be eaten up with something else that would preclude it later. That way if the school says, "yes", it is there and they can build it. To give everyone the assurance that they actually mean it, they will go ahead and plot the easement for it on Spencer-Dixon Road. Then on Hwy 150, as Mr. Davenport has raised, because that is not up to the developer, it can be submitted on a site plan and then see if NC DOT will approve it.

Chair Donnelly stated that it sounds like they have a proposed condition that would dedicate an easement for sidewalk along Spencer-Dixon Road, and that would be pursued with the support of Guilford County Schools, and we would have a commitment to submit as part of the plat, a sidewalk along Hwy 150. Ms. Hodierne stated that they would be willing to offer an additional condition, in order to provide the best opportunity for sidewalks on Spencer-Dixon, to provide an easement as part of their site planning for a sidewalk and then the sidewalk would be built so long as it is approved during TRC and Guilford County Schools doesn't have any concern with it. Additionally, they will pursue the possibility of sidewalks on Hwy 150, with NC DOT.

Chair Donnelly stated that, as an amendment, they would need to accept that as a Board. Ms. Hodierne stated that there may be some more, as they talk through this process. Ms. Hodierne stated that regarding fences and the buffer with the school property, if the community wants a fence, they will provide a fence in that buffer. That can be included in the buffer part of the proposal. She pointed out that there is an issue of getting down to the buffer to maintain it because of the topography. That is why it is difficult to do the buffering and the fence. If that is the preferred opacity, a fence is a good way to achieve that. They can certainly make that revision if that is preferable. In regard to the building materials, this is proposed to be masonry building and they will add that into their conditions when they get to that point of adding final conditions. The signage would be compatible so there would be some sort of masonry-based with the illuminated paneling.

Tom James, T. Cooper James Associates, 600 Green Valley Road, Suite 202, Greensboro, NC, stated that regarding the building materials for the sign and building, there would be no exposed metal on the building fascia or the building sign, so it would be a combination of CMU, which is split-faced block or brick exterior or EIFS (External Insulation and Finishing Systems), which is synthetic type of stucco material and it would have a very attractive appearance that you would see at a newer construction shopping center.

Ms. Hodierne stated that to address the other item on the list is the ABC store which seems to be a glaring WHY? She stated that their thought process is that in North Carolina, ABC stores are co-located with grocery stores and because of the high regulations, ABC stores are very strong, safe, secure tenants. They are well-lit, well maintained, they have great security, and are not the type of users that you see being the derelict or bad apple of a shopping center. They felt that it was a strong enough control against the notion that it is providing an inventory item that you wouldn't want for some members of the community, especially the teens of the area. ABC stores are not usually poor users of a shopping center, they are usually very strong tenants.

Mr. Gullick stated that he agrees with Ms. Hodierne, but he feels that the community feels that this is still somewhat of a rural community, and an ABC store is not something that is needed next to a house or walkability for the ABC store and they certainly do not want it near a school. Chair Donnelly stated that if you look at the Limited Business or Limited Office use, an ABC store would not be a part of this. So, if you go back to the sense of the long-range plan, that is really part of this higher intensity that they would be moving toward tonight, and that give him additional pause in making that kind of change and knowing that it would be located near a school. That is definitely something that he has some concerns about.

Chair Donnelly asked if there were additional questions by the Board members. There being none, he proposed that there should be a short break. The Board members voted unanimously to take a five minute recess. He announced that this concludes the rebuttal from the applicant and after the break, there would be rebuttal from those opposed to the application.

A short recess was taken from 7:42 pm until 7:51 pm.

Chair Donnelly called the meeting to order, which was moved and seconded. The Board voted unanimously in favor of opening the meeting. Chair Donnelly stated that Dr. Gathers has not returned to join the meeting. He asked if anyone in opposition would like to speak with a five- minute time-limit.

Harriet Shelton, 8106 Cedar Hollow Road, stated that at the beginning of the presentation, Ms. Hodierne said that this was an underserved area. If you look at the area, within three miles there is a grocery store, 2 restaurants, ice cream store, coffee shop, bakery, physical therapy, fitness center, 2 dentist offices, an optometrist, 2 small specialty shops. She does not understand how that can be termed an underserved area. They seem to have it all, right there. It is the community's preference that the Board deny the rezoning request.

Nicole Martin, 7132 Spencer-Dixon Road, stated that the point of being here tonight is to consider whether they zone this from Agricultural, or Residential, to this bigger level. The things they need are sidewalks for the children to walk and not hang-out behind dumpsters, etc., the way the building looks, whether it is real brick or stone is a moot point. To her, they should not be changing the zoning of this area, at all, without any research. There was no research from the community, sending letters to a few homes hoping they get it. The person in parcel "K" did not even get a letter. It is all about supply and demand. They are not serving a community, when a mile down the road at Lake Brandt there are open parcels that are now vacant. She does not feel that there is a demand for more retail. There have been several businesses that had to close because there was not enough demand for their goods or services. She asked that the Board deny this application.

Rachael Scott stated that she also is in opposition to this application as there is not enough demand for this type of use for the property.

Harriet Shelton returned and stated that Ms. Hodierne alluded that she had contacted the high school but did not get a return call. She asked if Ms. Hodierne has contacted the Administrative Offices of Guilford County Schools?

Mr. Moore stated that he just wanted to validate that Nicole Martin has done a very good job of relating what the community wants in this area. She brings up a very valid point that there has been a lot of retail that has failed in this area.

Chair Donnelly asked for those in the audience who are opposed to the request that did not speak, to stand for a head-count. There were six additional people in attendance who are opposed.

Chair Donnelly stated that he would give Ms. Hodierne an opportunity to respond to the question about the contact with the schools. Ms. Hodierne stated that they did reach out to Ms. Donna Bell, an Administrative employee of the Guilford County Schools and she did not provide any information concerning this particular rezoning request.

Chair Donnelly asked if there was any other information from staff before they close the Public Hearing on this matter.

Nicole Martin asked if any of the other Board members, other than Mr. Gullick, have gone out and looked at this area along with the schools? Chair Donnelly stated that he had gone on a Saturday and also on a Wednesday afternoon.

Chair Donnelly asked Ms. Hodierne if she had additional information concerning the conditions they wished to add? He thanked everyone for their attendance and attention during the meeting.

Amanda Hodierne stated that the applicant has come up with four (4) other conditions to add to the application:

- 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.

Mr. Apple moved to accept the additional conditions as presented by Ms. Hodierne, seconded by Mr. Stalder. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Donnelly, Stalder, Gullick, Alston, Apple, and Gathers. Nays: None.) Dr. Gathers did not rejoin the meeting. [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a "yes" on matters considered following Dr. Gather's departure.]

Chair Donnelly stated that ends the Public Hearing portion of the meeting and asked for a motion to close the Public Hearing. Mr. Gullick moved to close the Public Hearing, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly, Stalder, Gullick, Alston, Apple, and Gathers. Nays: None.) [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a "yes" on matters considered following Dr. Gathers' departure.]

Chair Donnelly announced that the Board would now have some discussion and subsequently make their decision. He thanked everyone for their participation in this Public Hearing.

Board Discussion

Mr. Gullick stated that he feels that this is a bit of a stretch to go from AG District and Residential district and bypass the Light Commercial use. He feels that there is a lot of public opposition and he feels like, from the input he got from the public, that sidewalks are very, very important for this area. With no complete assurance of sidewalks, he would oppose this application.

Mr. Apple stated that he agrees with Mr. Gullick.

Mr. Stalder stated that he feels sidewalks are important, but he feels that imposing one on Hwy 150, since it is a highway, is kind of unreasonable. He does agree with sidewalks on Spencer-Dixon Road.

Mr. Alston stated that he feels like it is too much of a land mass now for it not to develop into something, either now or in the future, but hearing from the community he thinks it is more of a safety issue and concern. He feels that it could benefit the community, in a way, because the population is so dense there and there are a lot of opinions that they are not hearing today. However, he is on the fence about it, at this time. Because he does want to take into consideration what the community had to say, but then again, he also understands that anything that is put there can bring more traffic. The Board's job is to rezone, and then if something happens later on in the process, that would be another issue to be addressed. He is still unsure whether he is for or against it. He is still thinking about the pros and cons of the matter.

Chair Donnelly stated that one of the things he observed is, he has listened to everyone here, and there is obviously a couple of very important issues for the Board's consideration. With any kind of rezoning, the Board has to look at whether or not something is reasonable and in the public interest. He thinks it is clear that there are a lot of residents in this area and when he was driving around, he was surprised at the numbers of residential developments that are approximal to this location. So, the idea that if there is a demand for residential needs, just based on the number of rooftops that he saw, and the sense that this is no longer a community that is primarily agricultural, but it is clearly still rural. There is not a lot of intensity and development that he saw out there. From his perspective, he wonders if it is reasonable to bring in some kind of commercial property here and his sense is, absolutely. It makes perfect sense. The second piece of what they are being asked to do, is to decide whether or not the proposed development merits changing, adapting, amending the long-range land use plan, which is required when we go from LB to GB. Both of the folks here have made compelling arguments at some level in terms of the rationale for private property development, it has to be something that makes money. So, the way to do that in trying to figure out what is the best way to develop that property, especially given that, in this case, they have eliminated many of the uses that might typically be in GB and narrowed that list down significantly. That is really important to him, and

at the same time, the Board is at a place where the long-range plan does clearly indicate that there is a commercial node there, but the question before the Board is, is this proposal, from a land use standpoint, reasonable for the Board to approve with the conditions that have been stipulated. That is what it comes down to and he is also wrestling with that, in terms of balancing the interests that has been heard today with the developer and the neighborhood.

Chair Donnelly asked if there were other thoughts or comments from the Board, or is someone in a position to make a motion?

Mr. Alston asked, as far as the citizens on Spencer-Dixon, are there any other safety concerns other than just the upturn in traffic? If the developer proposed something that the residents really want, would there still be an issue? Mr. Shelton responded that he has a neighbor further down Spencer-Dixon that on numerous occasions has experienced someone living very close to him going out and shooting over 100 rounds of ammunition and if that would be a concern for commercial property.

Chair Donnelly reminded everyone that the Public Hearing has been closed and he does not want to pursue any further information or questions from the public.

Chair Donnelly replied that as the Board thinks about this from a traffic study perspective, in his view, the traffic study is not something that seems to say “yes” or “no” to him. The traffic is work that the NC DOT will do and their task is to identify what are the improvements that are necessary for this development to meet their standards. There may be off-site improvements as well as on-site improvements and if the nature of those improvements are so extensive that the developer chooses not to move forward, that is certainly their decision, but their responsibility and their expertise is to try to manage that piece of the application.

There were questions surrounding how and if Dr. Gather’s vote would count since she did not maintain a virtual/remote connection following the recess.

Chair Donnelly explained that with six (6) members present, a vote of 75% would constitute final approval and that would require five (5) of the six (6) members voting. He also made mention about how the application would be considered [i.e., voluntary appeal vs. automatic appeal] based on the vote.

Mr. Bell reminded the Board that Dr. Gather’s left the meeting prior to the vote with no prior notice.

Mr. Gullick moved to deny the zoning amendment located at Guilford County Tax Parcel #139158 from AG and RS-40, to CZ-GB. The request is inconsistent with the Northeast Lakes 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 non-residential uses that are typically found in Limited Office and Neighborhood Business zoning districts of the Guilford County Unified Development Ordinance. The amendment is [in]consistent, not in the best public interest, and a change could endanger students in the local area and change the character of the local area. The motion was seconded by Mr. Apple. The Board voted 4-2 in favor of the motion to deny the application. (Ayes: Apple, Alston, Gullick, and Gathers. Nays: Stalder, Donnelly.) [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a “yes” on matters considered following Dr. Gather’s departure.]

Chair Donnelly stated that any appeal may be submitted to the Board of Commissions within fifteen (15) days, and there is a processing fee for that.

H. Other Business

Update on Comprehensive Plan process

Kaye Graybeal presented a brief update on where they are with the Comprehensive Plan. The Selection [Evaluation] Committee has interviewed the top two responding planning firms and they are in the process of accessing that feedback from references provided. The next step would be negotiating a contract with the chosen firm. She appreciates Chair Donnelly's participation on the Committee. Once they choose a firm, staff will request that the Planning Board appoint members to a steering committee.

Chair Donnelly stated that it has been great for him to participate in that process, given what the Board is doing and he has really enjoyed the opportunity to dig into the Comprehensive Plan process and helping to get to a place to move forward. He asked the members to think about the possibility of serving as a part of a steering committee as that is something they will address in a future meeting.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 8:28 p.m.

Mr. Apple moved to adjourn, seconded by Mr. Alston. The Board voted 5-0 in favor of adjourning the meeting. (Ayes: Donnelly, Apple, Alston, Gullick, Stalder, and Gathers. Nays: None.). [As Dr. Gathers was not present for the vote, subsequent review of the Planning Board Rules of Procedure adopted by the Board of Commissioners on June 19, 2014 indicate that her vote shall be recorded as a "yes" on matters considered following Dr. Gather's departure.]

THE NEXT SCHEDULED MEETING IS TO BE HELD JULY 13th AT 6:00 P.M.