

CONDITIONAL REZONING CASE #24-08-PLBD-00093: A MAP AMENDMENT TO ASSIGN ORIGINAL ZONING OF CZ-GENERAL BUSINESS (GB) FOR TAX PARCELS #149659, 217566, 149658, 150130, 149642, 149643, and 149688 LOCATED IN THE NORTHEAST QUADRANT OF I-73 AND OAK RIDGE ROAD; AND, AMEND THE GUILFORD COUNTY NW AREA PLAN TO ADD AND DESIGNATE LAND USE OF MODERATE COMMERCIAL TO THE AFOREMENTIONED TAX PARCELS DE-ANNEXED FROM THE TOWN OF SUMMERFIELD PER SESSION LAW 2024-20 HB 909

Property Information

Guilford County Tax Parcels #149659, 217566, 149658, 150130, 149642, 149643, and 149688 in Summerfield Township comprise approximately 83.15 acres. The parcels are generally located at the northeast quadrant of I-73 and the Oak Ridge Road interchange.

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

Nature of the Request

This is a County-initiated rezoning due to de-annexation from the Town of Summerfield under Session Law 2024-20, House Bill 909, effective June 30, 2024. The parcels subject to this request are Guilford County Tax Parcels #149659, 217566, 149658, 150130, 149642, 149643, and 149688, which comprise approximately 83.15 acres, located at the northeast quadrant of I-73 and Oak Ridge Road (Highway 150).

After a legislative hearing at its October 23 special meeting, the Planning Board voted 5 to 3 to assign an original zoning of CZ-GB with conditions as listed on the application dated 8/28/24, revised on 10/10/2024 per the attached letter to the application dated 10/4/2024 and approved by the Planning Board at its 10/23/2024 special meeting. Additional Conditions (see attached) were offered by the Owner and also approved by the Planning Board on 10/23/2024 based on comments and discussion during the legislative hearing and approved by the Planning Board at its 10/23/24 meeting. The subject parcels were zoned CZ-BN (Business) by the Town of Summerfield prior to de-annexation.

Per NCGS 160D-202(h) when a city relinquishes jurisdiction over an area that it is regulating to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner...Additionally, per UDO Section 1.4.B "...zoning shall be established within sixty (60) days of discovery of the property becoming unzoned. Zoning must be established before any development of the property can occur. The property owner may initiate a zoning map amendment (rezoning) at any time after the County has established original zoning." The Guilford County Planning Board initiated original zoning action within sixty (60) days of the effective date of de-annexation.

This is a request to assign original zoning for the subject parcels as follows:

At the northeast quadrant of I-73 and Oak Ridge Road (Highway 150): Assign original zoning of Conditional Zoning-General Business (CZ-GB) to Guilford County Tax Parcels

#149659, 217566, 149658, 150130, 149642, 149643, and 149688 with the following conditions offered by the property owner.

Use Conditions: All uses permitted in the GB district except (1) Multifamily Dwelling (including Condominium), (2) Homeless Shelter, (3) Psychiatric Hospital (Hospital), (4) Bus Terminal, (5) Cemetery and Mausoleum, (6) Country Club with Golf Course, (7) Massage Parlor (Personal Service), (8) Construction or Demolition Debris Landfill, Minor, (9) Land Clearing & Inert Debris Landfill, Minor, (10) Fraternity or Sorority (University or College Related), (11) Taxi Terminal, (12) Truck and Utility Trailer Rental and Leasing, Light, (13) Electronic Gaming Establishment & Internet Sweepstakes (Other Indoor Uses Not Listed)

The following additional conditions were added at the Planning Board's October 23, 2024 special meeting and also are attached to and part of this application:

A. Additional Use Restrictions

1. No outdoor theaters
2. No microbreweries immediately adjacent to residential properties on the east side of Deboe Road and the south side of Oak Ridge Road (NC Highway 150).
3. Operating hours for an event center shall be limited to operations from 8:00 a.m. to 11:00 p.m.

B. Development Conditions:

1. Buffer yards
 - a. All side yard buffers adjacent to residential properties shall be comprised of evergreen plantings that thrive in native soils and are installed and continuously maintained by the owner.
 - b. Where adjacent to residential properties, the minimum width of the buffer yard shall be increased from 40 to 45 feet and the minimum average width from 50 to 55 feet.
 - c. Street yards shall have 2 understory trees per 100 feet, and the minimum average width shall be increased from 8 feet to 10 feet, subject to any exception required by NCDOT during the NCDOT driveway permitting process, and shall be installed and continuously maintained by the owner.

Junk Motor Vehicles, Theater, Adult, Live Entertainment Business, Adult, Ice Manufacturing, and Bookstore Adult uses proposed for exclusion by the property owner are prohibited in the GB district and, therefore, were not accepted as conditions.

The Board of Commissioners is not limited to the proposed zoning of these parcels and may consider substantial changes to the proposed zoning.

District Descriptions

The **GB (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 setbacks, off-street parking. Quality design, shared access, and shared parking a/re encouraged.

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.

Character of the Area

The subject parcels that were de-annexed from the Town of Summerfield are adjacent to the I-73 and Oak Ridge Road interchange.

Existing Land Use(s) on the Properties: Undeveloped, vacant, and single-family residential.

Historic Properties: Tax Parcel #149659 has an inventoried historic resource, the Saunders Inn, which is a federal Folk Victorian structure dating to the 1810s. Any development should account for and provide a buffer from these resources and avoid damage to or removal of the resources to the greatest extent possible. Prior to any proposed demolition or removal of these historic resources, it is advisable for the property owner to contact the State Historic Preservation Office (SHPO) and/or Preservation Greensboro for alternate options, including potential tax credits for rehabilitation.

Cemeteries: No known cemeteries are shown to be located on or adjacent to the subject properties, but efforts should be made to rule out potential grave sites.

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact.

Emergency Response:

Fire Protection District: Summerfield FPSD

Miles from Fire Station: Variable

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Land Use Analysis

Land Use Plan: The parcels are not currently under any Guilford County area plan. However, the de-annexed parcels are geographically close to the area of the County covered by the Northwest Area Plan. To be covered by an existing area plan, the Northwest

Area Plan would need to be amended to incorporate the affected parcels.

Similarly, the draft Guiding Guilford Comprehensive Plan was prepared before the de-annexation of the subject parcels. Therefore, if approved, the parcels would fall within the northwest quadrant of the Plan's Future Land Use Map (FLUM) element. The Commercial FLUM place type would reflect the GB zonings.

Plan Recommendation: Currently not covered (see Area Plan Amendment Recommendation below).

Consistency: The request is consistent with Objective 1.5 and Policy 1.4.3 of the Future Land Use Element of Guilford County's Comprehensive Plan which state:

- Objective 1.5 - Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities.
- 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.

Recommendation

Staff Recommendation: Staff recommends approval.

Planning Board Recommendation: By a 5 to 3 vote, the Planning Board recommended approval to assign the original zoning of CZ-GB to the subject parcels as presented. (Ayes: Dr. Bui, Mr. Craft, Mr. Little, Mr. Stalder, Mr. Donnelly, Nays: Ms. Buchanan, Rev. Drumwright, Mr. Gullick).

The request to zone the subject parcels to CZ-GB under the Guilford County UDO is reasonable and in the public interest because initiating this action complies with **NCGS 160D-202(h)** and **UDO Sec 1.4.B**. The CZ-GB district is recommended for the parcels in the northeast quadrant of the Oak Ridge Road and I-73 interchange as Oak Ridge Road is a major thoroughfare and creates a key interchange with I-73.

Area Plan Amendment Recommendation:

The properties currently are not subject to any of Guilford County's area plans. If the request is approved, a land use plan amendment to the Northwest Area Plan will be required to extend the Moderate Commercial (MC) land use classification to the subject parcels.