

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

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

June 12, 2024, 6:00 PM

Call to Order

Chair Donnelly called the meeting to order at 6:00 p.m.

A. Roll Call

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

James Donnelly, Chair; Guy Gullick, Vice-Chair; Ryan Alston; Sam Stalder; Jason Little; and Rev. Gregory Drumwright

The following members were absent from this meeting:

Dr. Nho Bui; David Craft; and Cara Buchanan

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

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Avery Tew, Planner I; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

C. Approval of Minutes: April 10, 2024

Mr. Stalder stated that he found an error at the end of the minutes about the date of the next meeting which is scheduled for June 12th and not June 14th. Chair Donnelly noted duplicative information in the last 2 paragraphs on page 7. The last paragraph on page 7 will remain and the prior paragraph will be deleted. The second to last paragraph on page 7, the wording "reverence" should be changed to "reference". Mr. Gullick moved approval of the minutes for the April 10, 2024, meeting, as corrected, seconded by Mr. Little. The Board voted unanimously 5-0 in favor of the motion and the minutes were approved.

D. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

E. Continuance Requests

Leslie Bell stated that the applicant for Rezoning **Case #24-04-PLBD-00077**, 5541 Macy Grove Road, has asked for a 60-day continuance to work on conditions for the request.

Mr. Gullick moved to continue the request for 60 days, seconded by Mr. Stalder. The board voted unanimously, 6-0 in favor of the motion to continue the request.

Reverend Drumwright Arrived at 6:06 for the remainder of the meeting.

F. Old Business

None

G. New BusinessNon-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

CONDITIONAL REZONING CASE #24-04-PLBD-00077: AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL: 5541 MACY GROVE ROAD AND 423 FARLEY DRIVE (CONTINUED UP TO 60-DAYS)

UDO TEXT AMENDMENT CASE #24-03-PLBD-00075: AMEND SECTION 4.3, TABLE 4.3- 1 PERMITTED USE SCHEDULE AND SECTION 5.6 DEVELOPMENT STANDARDS TO ESTABLISH BATTING CAGES, PRIVATE CLUBS, AND RECREATION FACILITIES AS USES ALLOWED IN THE PI, INSTITUTIONAL ZONING DISTRICT (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

Leslie Bell stated that the Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 4, Zoning Districts, and Subsection 5, Development Standards for Individual Uses. The first change will amend Table 4.3-1, Table of Permitted Use Schedule, establishing Batting Cages, Private Clubs or Recreational Facilities, as uses allowed in the Public and Institutional (PI) zoning district. The second change will amend Section 5.6 to modify associated development standards for said uses. The final change is to move the Physical Fitness Center Use

Type from Recreation and Entertainment (Heavy) to the Recreation and Entertainment (Light) Use Category. Copies of the proposed text amendment were given to each Board member for their review. Additionally, Mr. Bell shared the following three (3) definitions for a Private Club for the Board's consideration as the UDO currently does not define a Private Club:

1. **Private Club:** An establishment mainly involved in promoting the civic and social interests of its members. It may also operate bars and restaurants and provide other recreational services to its members. (Based on 2022 NAICS Code 813410)
2. **Private Club:** Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business. (A Planners Dictionary, APA 2004)
3. **Private Club:** An establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. (Adapted from the NC ABC Commission)

Following discussion, the Planning Board selected the Private Club definition #2 from A Planners Dictionary.

Mr. Gullick asked if a Private Club has outdoor activities? Mr. Bell responded that they can.

Reverend Drumright asked, currently how these Private Clubs function under the current Text? Mr. Bell stated that Private Clubs or Recreation Facility, Other currently are not allowed in the PI zoning district but Development Standards do exist for Private Clubs where allowed currently.

Chair Donnelly stated that he initiated a conversation with Mr. Bell and Mr. Bass as he was looking at this amendment and the driver of his interest was primarily, that Private Clubs, as he looked through the information seemed to be minimally defined and he was concerned that, as it is set now, if that use were to show up in an AG zoned area, it would require a SUP. Thus, there are a number of conditions that have to be demonstrated by a developer who wants to bring that forward in order to get approval. By bringing this as a new use in the Public/Institutional arena, as a use under a Developmental Standard (without a lot of definition) he is concerned that might open the door to some negative things that could come into an area without strong control. In the conversation with Mr. Bell and Mr. Bass, they landed on these couple of options; one would be to use a SUP which is similar to what's done in the AG area. Mr. Bell made the point that this is also possible because in the AG zone, it will be much more likely to have some residential located nearby and that may warrant it, or to Mr. Bass' point, the SUP may be less necessary in the Public/Institutional zoning district. With a definition and providing some additional controls, that may cover the concerns that were there.

Mr. Gullick stated that would provide much more control and safety and a SUP just seems like a very safe way to control this.

Chair Donnelly stated that he would voice his original thought, which is that if they under the Public/Institutional zoning district, a Private Club would be allowed with an SUP that would provide the appropriate protections that he is interested in. The proposed change and the specific need now and the long-term need is probably not a very frequent occurrence and it is a very specialized occurrence within the broader spectrum of things. By having the SUP in place, that provides that level of protection and gives the Board the opportunity to still pursue a number of different things. So, that would be his proposal in order to move something forward.

Mr. Stalder asked if the thought is to consider adding one of these definitions or some definition tonight? Chair Donnelly responded that was correct. Mr. Stalder stated that he doesn't think that has been noticed. Leslie Bell stated that staff is not required to notice at the Planning Board level, so this would be a consideration that's being recommended. It was changed to be optional, which was adopted last month by the Board of Commissioners. Staff can pull that up on-line. The Planning Board is required to make a recommendation to the County Commissioners.

Leslie Bell added that in his conversation with the Parks and Recreation Director, they are working on a Master Plan and one of the anticipated goals is to increase the recreational footprint for Guilford County through a strategy of working collaboratively with the private sector. This is certainly something that could show up at some point in the future, in terms of having the private sector help to increase that footprint.

Reverend Drumwright stated that he would like to entertain the possibility of a little more time to understand what is being proposed here. Leslie Bell asked Reverend Drumwright what would make him feel comfortable so they can move this discussion along so they can get this scheduled? There is a Board of Commissioner meeting scheduled for [July 18th], and if it would please the Board, engage in a conversation and find something that the Board members are comfortable with so they can move forward. Reverend Drumwright stated that he would like to yield to his colleagues.

Chair Donnelly stated that he would resonate more with the second or third definition, as it was one of the things that he was particularly interested in, sort of avoiding, was the particular mention of a bar and restaurant. So, either of the other definitions narrow that field a little bit and doesn't invite the Board to be bringing that use into those areas as a Private Club. Either one of those would be his preference.

Mr. Stalder stated that he would lean more toward the second definition. Mr. Gullick stated that he would like to see a SUP, but that's just his opinion. Reverend Drumwright stated that changing the "D" to an "S" under the Private Club or Recreational Facility would be agreeable with him. He asked if it would be appropriate for him to confer with Mr. Bass, off the record, for just a moment?

Reverend Drumwright asked for clarification from the County about delineating or shedding more light on the shift from Heavy Recreational Use to Light Recreational Use for Physical Fitness Centers. Mr. Bell stated that when staff was looking at Private Clubs, one of the things that came up was, "How do we handle things like Planet Fitness, or just another type of facility where folks could go and work out and also play racketball or tennis?" One of the things they did was look at that and saw that lots of times those types of facilities are within a shopping center and are not just stand-alone facilities. They saw an opportunity to tighten that up a little bit and shift that from Heavy to Light.

Chair Donnelly stated that to clarify, the only thing that is moving from Recreational Heavy to Recreational Light is the Physical Fitness Center. The Private Club or Recreation Facility, Other was already listed in Light Recreation and Entertainment. Mr. Bell stated that was correct.

Reverend Drumwright stated that he also wanted to address the delineation between these two definitions that were being discussed here. He just wants to understand which of these definitions was more exclusive or more broad? Leslie Bell responded that the North American Industrial Classification System (NAICS) is often referred to as the NAICS code, and is used as a cross-walk to the Standard Industrial Classification (SIC) code which has not been updated since the late 1990s and the uses in the previous Ordinance was based on the SIC. The second definition is something that is endorsed by the American Planning Association from 2004, and it breaks the definition of Private Club down a little bit more in terms of a building or facility owned or operated by a corporation, association, person or persons who own a social club. They both include the term "recreational" use. Reverend Drumwright stated that satisfies all of his concerns.

Counsel Leslie-Fite stated, for the record, in determining a decision, one of the good things about utilizing one of these trade definitions when the Board is analyzing this conversation is that if they are ever challenged or questioned about why a certain definition is a certain way, or was the Board acting arbitrarily or capriciously, we can point to an objective trade organization definition and that there is some deliberate thought there.

Chair Donnelly asked Mr. Bell if their first step would be to adopt this change as a part of the recommendations and then that becomes part of the text amendment and then a subsequent action to actually make a recommendation on the text amendment? Mr. Bell stated that was correct.

Leslie Bell stated that the second decision is if the Board members are amenable to either one of the Private Club definitions presented earlier.

Mr. Gullick asked what is the driving force for this change? Attorney Leslie-Fite responded that she wanted to cite for the record that the decision on the recommendation coincides with the Ordinance and the Table, and that authority also lies in Chapter 160D-602 and would be according to the summation of the Planning

Board up to the Commissioners. She stated that there is a potential buyer for this property and part of the property is owned by Guilford County. As part of their consideration for purchasing the property, they want to explore how a potential text amendment could facilitate their use of the property. Recreational sports are increasing so there is an interest in this.

Chair Donnelly proposed a motion that the Board accept as the amendment to the proposed text amendment the change in the Private Club or Recreation Facility, Other (including Indoor Batting Cages) from a "D" to an "S" [Special Use Permit] and that they also add definition #2 for a Private Club: Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business. (A Planners Dictionary, APA 2004)

Mr. Gullick stated that his only concern with the SUP was just for the Private Bars, not Indoor Batting Cages. He has no problem with that being a developmental standard. Mr. Alston stated that he likes the 2nd definition. Mr. Gullick stated that he would like to see a SUP for this amendment.

After some discussion among the Board members, Mr. Gullick made a motion for a short recess to give staff an opportunity to discuss the text amendment for clarification at 6:38 pm., seconded by Reverend Drumwright. The Board voted unanimously, 6-0 in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Thereupon, Chair Donnelly resumed the meeting at 6:45 p.m. The Board was considering the second alternative proposed by Mr. Bell, which was looking at a Special Use Permit requirement and also looking at Definition #2 on the list. He asked if there was any additional information anyone wished to bring forward.

Mr. Gullick asked what is the driving force for this change? Attorney Leslie-Fite responded that she wanted to cite for the record that the decision on the recommendation coincides with the Ordinance and the Table, and that authority also lies in Chapter 160D-602 and would be according to the summation of the Planning Board up to the Commissioners. She stated that there is a potential buyer for this property and part of the property is owned by Guilford County. As part of their consideration for purchasing the property, they want to explore how a potential text amendment could facilitate their use of the property. Recreational sports are increasing so there is an interest in this.

Chair Donnelly stated that he would amend his motion so there would be three (3) things; first, they would remove the Indoor Batting Cages from the Private Club or Recreational Facility, Other and create a separate Use Type for Batting Cages, Outdoor that would be allowed with Development Standards in the Public and Institutional zoning district; and Private Club or Recreational Facility, Other [~~including Indoor Batting~~

Cages) the Indoor Batting Cages now will be a separate Use Type with Development Standards "D" in both the AG and the PI zoning districts] would change from a "D" to an "S"; and, the third piece would be adopting the 2nd definition of a Private Club, seconded by Mr. Gullick.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak on this matter, and no one came forward. The Public Hearing was closed by unanimous vote. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly asked for a roll-call vote on his previous motion that is on the floor and also add a "D" under the AG for Indoor Batting Cages. Mr. Gullick seconded the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)
Chair Donnelly asked if there is a motion to recommend the text amendment to the County Commissioners.

Mr. Gullick moved that the Board finds that the text amendments proposed [as revised] are consistent with adopted Comprehensive Plan sections which would be reasonable in the public interest and the proposed text amendment, as revised, will advance Goal #1, of Government Coordination Element of Guilford County Comprehensive Plan, which states that Guilford County shall seek to maximize the effective and efficient provisions of governmental programs and services by coordinating implementation and delivery efforts internally and with external partners; and the recommended action is reasonable and in the public interest because the proposed amendments [as revised] support Goal #1 of the Guilford County Comprehensive Plan by allowing Batting Cages, Private Clubs, and Recreation Facility in the PI district [as revised with a SUP] that will expand recreational opportunities for Guilford County and private entities to meet residents' recreational needs. Mr. Little seconded the motion and the Board voted unanimously (6-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

In clarification from Counsel Leslie-Fite, the motion was amended to include the draft definition language provided by staff for a Private Club.

The proposed text amendment will advance Goal #1 of the Governmental Coordination Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states that "Guilford County shall seek to maximize the effective and efficient provision of governmental programs and services by coordinating implementation of delivery efforts internally and with external partners". The recommended action is reasonable and in the public interest because the proposed amendments support Goal #1 of the Government Coordination Element of the Guilford County Comprehensive Plan. Allowing Batting Cages, Private Clubs, and Recreation Facilities in the PI district with development standards will expand recreational opportunities in Guilford County and private entities to meet residents' recreational needs.

UDO TEXT AMENDMENT CASE #24-05-PLBD-00082: AMEND SECTION 4.3, TABLE 4.3-1 PERMITTED USE SCHEDULE AND SECTIONS 5.6 DEVELOPMENT STANDARDS AS APPLICABLE TO THE MXU, MIXED USE ZONING DISTRICT. (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

Mr. Bass stated that before he starts his presentation, he would ask the Board to consider a change to the Permitted Use Table that was previously provided. On Page 3, “Other Indoor Uses Not Listed” was identified with a “D”. The intent was to make it consistent with other districts where the use is allowed and is asking to change the “D” to a “P” which would allow as a use by right instead of requiring Development Standards. There are no associated development standards in the Ordinance as it relates to that Use Type.

Oliver Bass, Planning & Zoning Mgr., stated that the Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 4, Zoning Districts 5.6 Development Standards for Individual Uses. The first change would add certain Use Types listed under Section 4.3, Table 4.3-1, Permitted Use Schedule of the UDO, as allowed under the MXU district. The second change will add MXU as a district where Development Standards for individual uses will apply under Section 5.6, Recreation and Entertainment. Mr. Bass described the uses that would be addressed in this amendment.

Mr. Gullick stated that his concern is with outdoor activities, and he feels there should be additional protections in the amendment or a Special Use Permit. For example, if someone is living in a Mixed-Use development and they moved in there thinking they are going to raise their children there, and next they know someone has put in a theater or private bar as outdoor activities and the homeowner did not plan on something like that being in the neighborhood, he feels that more protection needs to be addressed.

Counsel Leslie-Fite stated that in regard to Mr. Gullick’s previous concern about the Outdoor Theater being defined in the ordinance, she did not find a definition in the code which would, for statutory interpretation purposes, most likely lean into ordinary use and probably point to Webster’s Dictionary on what an Outdoor Theater is, if there were to ever be a question about that. That goes back to the earlier conversations about why it’s important to sometimes think about how we define terms if we want to drill down on what that might be.

Chair Donnelly pointed out that he did note in the Development Standards that there is a requirement that any performance and audience area be located a minimum of 200 feet from any adjacent residentially-zoned property. Mr. Gullick stated that does not satisfy his concerns because 200 feet is not that far when you have a lot going on, such as loud music. He does not know why the Board would give up the protections of a SUP where they could define what the activities are.

Mr. Stalder stated that he agrees with the protection of the SUP if they are going to adopt Outdoor Theater. If there were protections, he would be a little more comfortable with it.

Chair Donnelly stated that he would summarize what he hears. The fact that Mixed Use allows residential use would distinguish it from these other business entities, such that Mr. Gullick would be more comfortable with the protection of a SUP in a Mixed-Use district. Mr. Gullick stated that was absolutely correct.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak on this matter, and no one came forward. The Public Hearing was closed by unanimous (6-0) vote. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly moved that the Board make an amendment to the staff recommendation that would, under the Outdoor Theater item under MXU, change that from a "D" to an "S", requiring a SUP for that Outdoor Theater, and subsequently, at the very back of this proposed text amendment, they would drop MXU from the Development Condition for Theater, Outdoor [because it no longer applies]. As a part of that, they would also accept the original suggestion of Mr. Bass, that for other indoor uses not listed, the designation should be a "P" as originally intended and not the "D", which is what was received.

Mr. Bell stated that for clarification, at the top of the Permitted Use Table, because if we should get one in the future, where it says "S", in one of the Development Standards for a Permitted Use, those are the minimum standards, so what you may be asking for are additional conditions [standards] beyond those listed in the Development Standards.

Chair Donnelly asked if there was a second to the motion made? Mr. Stalder seconded the motion. Chair Donnelly stated that this is simply approving the language of the text amendment for the Board then to make a recommendation to the Board of County Commissioners. He asked for a roll-call vote on this matter.

The Board voted unanimously (6-0) in favor of the motion made. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly asked for a motion to recommend this text amendment to the Board of County Commissioners.

Mr. Gullick moved that Policy 2.4.7 of the Housing Element of the Guilford County Comprehensive Plan states, Review of Mixed Use Development Standards and Development Ordinance and pursue amendments as deemed necessary to foster more creativity in design and housing options, the recommended action is reasonable and in the public interest because it is consistent with Policy 2.4.7 of the Housing Element of the Comprehensive Plan and the intent of an MXU district under Section 4.2.17 of the UDO, which reads, "The district is intended for Mixed Use – High Intensity, Residential, Retail, and Commercial uses compatible with adjacent development. The mix of uses may be horizontal or vertical. This district shall consider connectivity via all modes of travel and provide multiple housing types to suit residents in all stages of life."

Chair Donnelly asked that it be added that “on the basis of the foregoing, the Planning Board recommends approval.”

Mr. Alston seconded the motion and the Board voted unanimously (6-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-05-PLBD-00083: AMEND SECTION 9.1, WATERSHED PROTECTION DISTRICTS, TO ELIMINATE RESTRICTION ON USE OF PUBLIC LAND USE ON CONTIGUOUS LOTS FOR DENSITY AVERAGING PURPOSES (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

The Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 9, Environmental Reference. The change would revise Section 9.1.(f).6.(a), Sub-paragraph 2, under Section 9.1, which addresses stormwater management and watershed protection, and would remove the restriction on using publicly held land for density averaging. The second change adds a provision to restrict the use of dedicated drainageways and open space areas, drainageways and open space easements, conservation easements, water quality conservation easements, open space, other land required to remain undeveloped for watershed protection for density averaging. That is the extent of what was covered in the packet sent to Board members in the staff report. There was recent subsequent communication from the State that indicates now that these aforementioned uses of land can now be used in density averaging calculations. Mr. Bass presented a slide that reconciled the text amendment description with the most recent communication by DEQ (just prior to this evening’s meeting).

Oliver Bass stated that in regard to consistency with the Comprehensive Plan, the recommended action is consistent with Objective 1.2 of the Natural Historic and Cultural Resources Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states: “Thoroughly review and revise, as necessary, existing development regulations and standards to promote creativity and/or flexibility in project design to better integrate natural and built components.” The text amendment, as presented, complies with G.S. 143-214.5(d2), Water Supply Watershed Protection rules regarding density averaging which has no clause prohibiting the use of publicly held land, and states in sub-section (6), “The property or portions of the properties that are not being developed will remain in a vegetated state and will be managed by a homeowners’ association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement...” indicating use of public land for density averaging purposes is allowable.

Mr. Bass stated that staff recommends the action because it is reasonable and in the public interest because it is consistent with Objective 1.2 of the Natural, Historic, and Cultural Resources Element of the Guilford County Comprehensive Plan. It will provide

a means to secure lands for public benefit such as parks, open space, greenways, or conservation areas, and simultaneously support economic growth in the community. Mr. Little stated that in looking at the packet it seems that someone raises the issue that the land is not already being used and it does not seem that is being addressed in the statement by Mr. Bass. Mr. Bell responded that is inherent with density averaging and the State initially stated that you cannot double count those areas.

Chair Donnelly stated that he was interested in the rationale behind this request. It is his understanding that there are a number of things coming together to bring this proposal forward to this point. Mr. Bell responded that Guilford County has had this provision in the watershed section of the ordinance for a very long time. It is not a requirement by the State, and they are presenting what is consistent with the N.C.G.S about what can be counted for density averaging purposes. This allows for publicly held lands to be used for density averaging purposes.

Chair Donnelly asked if there was anyone wishing to speak on this matter, and no one came forward. The legislative (public) hearing was closed by unanimous vote.

Mr. Stalder asked if there was a rush to get this amendment done for convenience. Mr. Bell stated that he would like to send it forward because this could hold up development if someone wanted to use density averaging and donate property to the County right now.

Mr. Gullick asked if there was something driving this request. Counsel Leslie-Fite stated that in the latest version of this Statute in 2022 this is reflected and there is a developer asking whether or not it could be omitted so it would be consistent with the State statute. There is also some interest that involves the County.

Chair Donnelly stated that there is still the flexibility, if they so choose, to keep a restriction in place around how density averaging is done. There has been a request to consider the inclusion of public lands as it is permitted by State statute. Staff is recommending language, at this point, that would change the ordinance to [allow publicly-held lands].

Mr. Gullick noted that the public was invited to come forward and speak on this matter and no one came forward.

Chair Donnelly moved to accept the revision to the text amendment as proposed by Mr. Bass, which removes all of subtitle number 2, under Section 9.1(f)6.a) and makes Item #3 then Item #2 [and renumber accordingly], seconded by Mr. Gullick. The Board voted (5-1) in favor of the motion. (Ayes: Donnelly, Gullick, Drumwright, Little and Alston. Nays: Stalder.)

Mr. Gullick moved to approve the revised text amendment Case #24-05-PLBD-00083, as the recommended action is reasonable and in the public interest because it is consistent with Objective 1.2 of the Natural, Historic, and Cultural Resources Element

of the Guilford County Comprehensive Plan. It will provide a means to secure lands for public benefit such as parks, open space, greenways, or conservation areas, and simultaneously support economic growth in the community. The recommended action is consistent with Objective 1.2 of the Natural Historic and Cultural Resources Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states: "Thoroughly review and revise, as necessary, existing development regulations and standards to promote creativity and/or flexibility in project design to better integrate natural and built components." The text amendment complies with G.S. 143-214.5(d2), Water Supply Watershed Protection rules regarding density averaging which has no clause prohibiting the use of publicly held land, and states in sub-section (6), "The property or portions of the properties that are not being developed will remain in a vegetated state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement..." indicating use of public land for density averaging purposes is allowable, seconded by Mr. Alston.

Mr. Stalder stated that it should be more thought out by staff before being recommended to the Commissioners. [Staff provided a copy of the email sent by DEQ].

The Board voted (5-1) in favor of the motion. (Ayes: Donnelly, Gullick, Drumwright, Little and Alston. Nays: Stalder.)

Evidentiary Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

Leslie Bell stated that they have received and reviewed comments from the Steering Committee and will be addressing these comments. There is a meeting scheduled for Friday to review the draft and then to set some subsequent dates, and hopefully get the Comprehensive Plan out for public review and comment, to the Planning Board, and to the Board of Commissioners.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:45 p.m.

Next meeting will take place July 10, 2024