

**Guilford County
Planning Board
APRIL 13, 2016**

The Guilford County Planning Board met on Wednesday, April 13, 2016 at 6:00 p.m. in the Commissioners' Meeting Room, Second Floor of the Old Guilford County Courthouse, Greensboro, North Carolina.

Members Present: Mr. Collins, Chair; Mr. Apple; Mr. Jones; Mr. Alexander; Mr. Cannon; Mr. Geter; Mr. Leonard, and Mr. Mann.

Members Absent: Ms. Gibson.

Staff Present: J. Leslie Bell, Les Eger, and Tonya Hodgin, Planning Department.

APPROVAL OF MINUTES:

March 9, 2016 Regular Meeting Minutes

Mr. Mann moved approval of the March 9, 2016 regular meeting minutes, seconded by Mr. Alexander. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Apple, Alexander, Cannon, Geter, Jones, Leonard, Mann. Nays: None.)

Chair Collins reviewed the rules and procedures of the Guilford County Planning Board.

AGENDA AMENDMENTS:

None.

OLD BUSINESS:

PUBLIC HEARING ITEMS:

**REZONING CASE #16-02-GCPL-00546: RS-40 to CZ-RS-30
(Case Continued from March Planning Board Meeting)**

Located at the terminus of Rambling Road in Bruce Township. Being Guilford County Tax Parcel #0148461. Approximately 70.37 Acres, owned by Rambling Road, LLC.

(APPROVED)

Mr. Eger said that Rezoning Case #16-02-GCPL-00546 was continued from last month's meeting. It is a request to rezone from RS-40 to CZ-RS-30. The site is approximately 70 acres. He explained that RS-30 is a low-density residential zoning district and a condition was placed on the request for a maximum of 50 lots for the entire parcel. This request is for a portion of the county that is primarily low-density residential and surrounding uses are also low-density residential and vacant. The land use plan for the area is the Airport Area Plan that recommends for low-density residential. This request is consistent with the land use plan, it is compatible with surrounding land use, and is being offered in the public interest to the provision of new or additional residential structures in Guilford County. Staff recommends approval of this request. If approved the applicant will be allowed to develop up to 50 residential single-family lots on 70 acres. There is no need to request a change to the area plan because this is consistent with the adopted area plan for the area.

Speaking in support of the request was Marc Isaacson, 804 Green Valley Road. He is an Attorney representing the owners of the property and the applicants for the rezoning request. Raising their hands to be recognized were the applicant and owners of the property, Buddy Lyons and Eric Dischinger, and the Civil Engineer for the project, Bob Dischinger, with Evans Engineering.

The purpose of the request is to allow development of this property for single-family homes. The applicants have established a reputation for developing quality communities in the northern area of the county and currently have six or seven projects underway that are very similar to what would be developed here.

Mr. Isaacson distributed and reviewed packets of information relative to the proposed request. The number of lots on the parcel would be limited to 50 single-family lots on approximately 70 acres. There are a variety of single-family type communities, density types, and housing types within a one-mile radius of the proposed project. This proposal is not out of character for this area of Guilford County. He provided examples of other similarly zoned properties in northern Guilford County where RS-40 and RS-30 zoning districts have existed well next to each other. Addressing traffic concerns, he noted there will be no increase in the number of trips that will be generated by this rezoning simply by limiting the number of residential lots to 50 lots. If the parcel was to be developed at 70 lots with a higher density, then traffic would be a genuine issue. A Department of Transportation form has been provided to the neighborhood to request a reduction in the speed limit on Rambling Road. Mr. Isaacson reviewed the illustrative sketch plan showing the layout of the proposed 50 lots and noted there are more trees that will be preserved, more open areas will be left undisturbed, and more streams will be protected. There are also fewer streets in the proposed layout meaning there is less runoff from impervious surfaces. A Homeowner's Association (HOA) could be created and fee simple ownership of the common areas could be conveyed into the HOA to facilitate the enforcement of rules.

Letters were sent out to property owners in the area advising them of the request in addition to some background information. The letter gave names and cell numbers of individuals who could be contacted if there were concerns. There were several responses to the letter and Don Vaughan, Attorney for the opposition, requested a continuance at the last Planning Board meeting. During the intervening 30-day period, several meetings were held in good faith with the leadership group of the opposition but common ground could not be found on every point and they reached an impasse.

Responding to a question from Chair Collins, Bob Dischinger, 4609 Dundas Drive, stated that the proposed RS-30 layout has the road basically running the ridge line. The area was timbered in the past by a previous owner. Most of the trees around the perimeter in the illustration would remain. The area that has been timbered is where the homes would be located.

In Opposition:

Don Vaughan is an Attorney with offices located at 612 West Friendly Avenue. He pointed out that this site is unique and posited that the developer is the only one in favor of this request. At the request of Mr. Vaughan, approximately 70 individuals in opposition to this request stood to be recognized. He said that the request is not compatible with these neighbors who feel the proposed project is a serious detriment to their homes. When residents in this neighborhood bought their homes, the terminus of the road was RS-40.

David Slinkard, 5417 Rambling Road, has lived in the neighborhood for 31 years. He is not opposed to development of the property; however, he is opposed to downgrading from RS-40 to RS-30. He felt that RS-30 was inconsistent, incompatible, and not in conformity to the neighborhood. The Rambling

Road neighborhood has been zoned RS-40 for decades. In addition, all three phases of adjacent Pleasant Oaks is RS-40. He indicated that there are 82 lots in the Rambling Road area with an average lot size of 1.874 acres and expressed concern that although homes in the proposed development will be deep, probably due to septic issues, they will have to be built shoulder to shoulder due to the zoning. The proposed zoning has an immediate negative impact on Rambling Road and the Pleasant Oaks community and sets a bad precedent for development in the area. Mr. Slinkard said that if RS-30 is approved for this parcel, an island of RS-30 will be created because it is surrounded by RS-40 or Agricultural zoning districts.

Brian Bailey, 5412 Rambling Road, said that he had no problem with the property being developed but it should be developed consistently with the neighborhood since it is part of the neighborhood. He noted the difference in spacing between homes in RS-30 and RS-40 zoning. He estimated there would be 77 feet between each house in RS-40 versus 27 feet in RS-30. In addition, he expressed concern that rezoning to RS-30 would result in valuation issues in the future.

Jason Blalock, 5002 Hunters Path Court, expressed his opposition to the proposed RS-30 rezoning request. This is the first down-zoning case from RS-40 to RS-30 in the county to be considered and he could find no benefits to the request for down-zoning for the homeowners and taxpayers in the community who have lived there for 40 plus years. He stated his opinion that the long term investments of the 82 families who live in the community will be negatively affected by rezoning from RS-40 to RS-30 because it does not mirror the community.

David Allen, 4909 Little Oak Drive, lives in the adjoining Pleasant Oaks neighborhood. He said the property was rezoned in 2006 from Agricultural to RS-40 and the developers have already purchased the property with full knowledge the property is RS-40. He felt they should be held to that responsibility because it is not the role of the Planning Board to help manage the financial risk of the developer. The developer should have to prove without any doubt that they cannot accomplish their goals with RS-40 zoning. Mr. Allen stated his opinion that the developer could put in the 50 lots on the land the way it is laid out today. There is less cost involved in developing 50 lots under RS-30 versus RS-40. The property must be kept consistent with the other homes in the general area.

Linda Carlisle, 5411 Rambling Road, stated that this request is not compatible and is not consistent with this neighborhood. RS-30 zoning is incompatible with the current neighborhoods that bound the property and this acreage is simply an extension of Rambling Road, all of which is RS-40 zoning. All the properties that bound this property are zoned RS-40. The developer has said that they want to develop 50 homes and RS-40 zoning will permit them to build 50 homes. There is no need for RS-30 in order for the developer to build 50 homes. She explained that RS-30 zoning would allow the developers to maximize the return on their investment as opposed to the RS-40 zoning.

Rebuttal in Support:

Mark Isaacson said that the Board is here to give careful consideration to the issues involved and the evidence that has been presented giving different weight to different matters that have been presented. He said that compatibility and consistency are matters for the Board to determine and these factors do not mean that the development must be identical to the land adjacent to it. He asked the Board not to rely on speculation, theories, or emotions; rather, the Board must evaluate the evidence and apply the ordinance in their consideration of this matter. In addition, financial matters should not play a part in the Board's consideration of this rezoning.

Bob Dischinger addressed the illustrative sketch for RS-30 zoning and clarified that the 100-year flood plain is required to be in open space or a common element. There is approximately eight acres of that

along the border line and the RS-30 zoning anticipates somewhere between 15 to 20 acres of open space. Approximately 25 percent of the site ends up being an open space in the RS-30 layout.

Rebuttal in Opposition:

Don Vaughan indicated that the maps in front of the Board are speculation and theory and have not been approved by the County. The maps are illustrative and are not set in stone. He reiterated the community's concern that this request is not compatible with their neighborhood. There is no HOA in this community and there is one way into and out of the neighborhood. It is unlike the other examples referred to by the developers in their informational booklets. He urged the Board to deny the proposed request.

Phillip Reed, 7705 Alder Court, addressed the issue of the water table. He has had four wells dug on his property with the last one dug in 2006. Fifty houses coming off the same water table run the risk of costly damage to wells. In addition, he cited the negative impact of increased traffic on Pleasant Ridge Road. The traffic on the road will more than double with the new development and the safety of neighborhood children will be at risk.

There being no other speakers, Chair Collins closed the public hearing.

Chair Collins expressed his disappointment that the two groups could not work anything out in the additional 30 days that were granted. He said that the neighborhood contained everything from 1,600 square feet to 5,000 square feet dwellings and he was not clear as to why consistency was such a concern.

Mr. Jones said that it was good to see the neighborhood caring and taking the time to participate in the local process. He said that the Board heard a narrow scope about what consistency meant but there was little discussed in terms of the plan. The area plan must be considered in terms of criteria that the Board must take into account. He felt that the deficiency was not hearing about inconsistency with the area plan.

Chair Collins asked Mr. Dischinger why he chose why to seek this rezoning rather than Conditional Use RS-40. Mr. Dischinger said they had a meeting with staff to discuss the layout and it was actually staff's recommendation to provide the extra open space to protect sensitive areas of the stream buffers on individual lots. Staff felt it was better from an environmental standpoint to put those areas in open space. Mr. Eger stated that he discussed preventing damage to drainage areas with Mr. Dischinger and supported Mr. Dischinger's recollection of their discussion.

Chair Collins stated that normally this would be seen as a Conditional Zoning. In several cases like this over the years, the Board has looked at the net effect. The developer has conditioned the application to fewer homes. The issues of the road, well and septic are not in the purview of the Board but will be reviewed at the TRC (Technical Review Committee) level when the developer applies for a permit. A Traffic Impact Study was not required and therefore, the road is not subject to the Board. He described the variety of lot sizes in terms of frontage in the neighborhood of the 82 homes. There is an assortment of lot sizes in the neighborhood but there will probably be a consistent product in the proposed development. He was supportive of the request because of the tradeoff of the number of lots. In addition, he did not feel that property values would be affected and it would be advantageous for the developer to have flexibility in developing the property to insure that everyone concerned could be successful.

In the matter of **Rezoning Case #16-12-GCPL-00546**, Mr. Mann moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax

Map Parcel #0148461, from RS-40 to CZ-RS-30, to be consistent with the adopted Airport Area Plan and considers the action to be reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Airport Area Plan Future Land Use Map; seconded by Mr. Apple. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Apple, Alexander, Cannon, Geter, Jones, Leonard, Mann. Nays: None.)

NEW BUSINESS:

PUBLIC HEARING ITEMS:

ROAD CLOSING CASE #16-02-GCPL-00561

BEING approximately 200 feet of Indian Drive extending west from the intersection with Staton Drive (Unopened) to the terminus of Indian Drive, in Deep River Township, Guilford County.

(APPROVED)

Mr. Eger said this is property that is right on the edge of High Point and there is development around it. It is a paper street and a request has been made to close the street. A Resolution of Intent was made last month to set the hearing for this evening. Staff and TRC looked at this request and determined that nobody would be denied access to the property by closing the road.

In the matter of **Road Closing Case #16-02-GCPL-00561**, Mr. Leonard moved the following resolution: WHEREAS, pursuant to a resolution of intent to close said road adopted by the Board on March 9, 2016, notice was published in the Greensboro Record once a week for two consecutive weeks that a hearing would be held concerning said petition on April 13, 2016 at 6:00 P.M. in the Old Guilford County Courthouse, Commissioners' Meeting Room, Second Floor, Greensboro, North Carolina; and WHEREAS, it appears that all owners of property adjoining said road have signed the petition or have been notified of the closing thereof; and WHEREAS, after inquiry by the Chairman, all interested persons were provided an opportunity to be heard on the request contained in the petition; and WHEREAS, after all interested persons were heard, it appears to the satisfaction of this Board that the removal of said road from dedication is not contrary to the public interest and that no individual owning property in the vicinity of said road will be deprived of any reasonable means of ingress or egress to his property; NOW, THEREFORE, BE IT RESOLVED THAT: (1) The following described road in Deep River Township is hereby closed and removed from dedication to the public use: BEING approximately 200 feet of Indian Drive extending west from the intersection with Staton Drive (unopened) to the termination of Indian Drive, in Deep River Township, Guilford County. (2) A certified copy of this resolution, together with a copy of the published notice of this hearing, is hereby ordered recorded in the Office of the Register of Deeds of Guilford County, North Carolina. The motion was seconded by Mr. Jones. The Board voted unanimously 8-0 in favor of the motion. (Ayes: Collins, Jones, Mann, Geter, Apple, Alexander, Cannon, Leonard. Nays: None.)

REZONING CASE #16-03-GCPL-01266 RS-40 to CZ-LO

Located at the northeast corner of the intersection of Guilford College Road and Hilltop Road in Friendship Township. Being Guilford County Tax Parcel #0155100.

Approximately .48 Acres owned by Jack Bailey, Jerry Bailey, and Jimmy Bailey.

(APPROVED)

Mr. Eger stated that conditions have been added to this request to limit certain uses permitted in the LO District. Uses will exclude: boarding houses, family care facilities, maternal care homes, clubs and

lodges, day cares, beneficial fill areas, construction-demolition debris, land clearing debris, and auto parking. One development condition was added as follows: (1) *Drive entrance as shown on sketch map*. The driveway will be moved as far north on the property as possible getting it away from Hilltop Road. Staff took the land use plan for the area into consideration while looking at this request. The plan is the revised Southwest Area Plan that calls for residential uses. Although this request is not consistent with the land use plan for the area, it is compatible with the commercial uses at the intersection within the City limits of Greensboro and High Point. Additionally, any impacts onto the residential areas to the rear of this property would be minimized due to the large buffering requirements when office uses are up against residential uses. He explained that the description of LO zoning is one where limited office with low-intensity office uses can be compatible with residential areas and therefore, this is the best district that is available for this request. Staff recommends approval of this request and feels it is compatible with surrounding commercial and residential uses. If recommended for approval, a recommendation would go forward to the Commissioners that the land use plan be updated showing that it is no longer residential at that corner but that it is recommended for office uses.

Jack Bailey, 3032 Maple Branch Drive, High Point, North Carolina, is one of the owners of this property. He spoke to the neighbor adjacent to the property who was supportive of the rezoning. Other neighbors also expressed support for the proposed rezoning. Given the surrounding businesses, he felt there is a demand for office uses.

Responding to questions, Mr. Bailey indicated that the main entrance to the property is on Guilford College Road. The building is currently empty although it was rented out for years to families who did not keep up the property. He felt a business would take better care of the property and it would be better for the neighbors as well.

There being no other speakers, Chair Collins closed the public hearing.

Mr. Mann commented that the parcel fits in perfectly with the proposed office use.

In the matter of **Rezoning Case #16-03-GCPL-01266**, Mr. Mann moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0155100, from RS-40 to CZ-LO, to be inconsistent with the adopted Southwest Area Plan and considers the action to be reasonable and in the public interest because although it is inconsistent with the Southwest Area Plan, it has been determined that rezoning the property to CZ-LO is compatible with the surrounding area; seconded by Mr. Jones. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Apple, Alexander, Cannon, Geter, Jones, Leonard, Mann. Nays: None.)

REZONING CASE #16-03-GCPL-01261 AG to RS-40

Located 1,800 feet southwest from the intersection of Pleasant Ridge Road and Stanley Huff Road in Bruce Township. Being Guilford County Tax Parcel #0145721. Approximately 12.15 Acres owned by Dennis and Catherine Torney.

(APPROVED)

Mr. Eger stated that this property is in an area of the county that is primarily low residential. There is existing residential on the property. It is surrounded by low-density residential and vacant wooded areas. The land use plan for the area is the Airport Area Plan that recommends for low-density residential but it also says this property is in the noise-impact zone. This request is consistent with the land use plan and is compatible with the surrounding zoning and is being presented in the public interest. Staff does recommend approval of this request to RS-40. It would allow the applicant to develop the property with 40,000 square foot lots. Additionally, staff recommends when the site is

developed that noise mitigation techniques be used with the residential structures as they are built and any type of aviation easements be established with the Piedmont Triad International Airport. There would be no need for a recommendation to change the area plan.

Barry Siegal, 3929 Tinsley Drive, High Point, North Carolina, was present on behalf of the owners, Dennis and Catherine Torney. The Torneys also own the adjacent property that is zoned RS-40. The purpose of the request is to permit the development of homes on this property and a portion of the owner's RS-40 property. The homes will be built in a significant price range. The Torney's home is located on the RS-40 property and will remain in place.

Kevin Curry, 6301 Thornblade Court, is the owner of 2721 Pleasant Ridge Road. He was present to get more information on the general plan for the proposed project. He was not in opposition to the request.

There being no other speakers, Chair Collins closed the public hearing.

In the matter of **Rezoning Case #16-03-GCPL-01261**, Mr. Cannon moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0145721, from AG to RS-40, to be consistent with the adopted Airport Area Plan and considers the action to be reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Airport Area Plan Future Land Use Map, seconded by Mr. Alexander. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Apple, Alexander, Cannon, Geter, Jones, Leonard, Mann. Nays: None.)

REZONING CASE #16-03-GCPL-01268 AG to RS-30

Located one-mile northeast from the intersection of Cedar Hollow Road and NC Highway 150 West in Center Grove Township. Being Guilford Tax Parcel #39002. Approximately 37.53 Acres owned by Jessup Enterprises, LLC. **(APPROVED)**

Mr. Eger said that the land use for the area is all low-density residential. There is a mixture of RS-40 zoning and RS-30 zoning. The property to the north is vacant and property to the south is residential. Property to the east is vacant and property to the west is residential. The land use plan for the area is the Northern Lakes Area Plan which recommends for Agricultural Residential. The request is consistent with the adopted land use plan. The request is compatible with surrounding zoning and is being offered in the public interest through the provision of residential housing. Staff recommends approval of this request. Mr. Eger estimated that the request would enable the applicant to build approximately 34 residential lots. The area plan for the area would not need to be recommended to the County Commissioners for updating if this request is approved because the plan recommends for low-density residential uses.

Marc Isaacson, 804 Green Valley Road, is an Attorney representing the Jessup family, owners. He distributed and reviewed packets of information to members for their review.

Mr. Isaacson stated that this property has been in the Jessup family for many years. The proposed project will be an extension of an existing development and therefore, it is consistent with the RS zoning to the southeast and east of this property. The family controls the property to the west and this will be the next phase of a development that will be consistent with the RS-30 zoning that is already there. The lots will be laid out consistently with the adjoining property.

Letters were sent to nearby property owners informing them of the request. Two HOA's have indicated their support of the proposed rezoning.

In Opposition:

Bill Trivett, 806 East Birch Bark Lane, lives across the street from the proposed rezoning. He has not attempted to communicate with the Jessup family and is speaking for himself and several other homeowners in the Cedar Hollow development which is zoned at RS-40. He asked the Board to approve the request at the RS-40 designation so that it will be consistent with the Cedar Hollow area. He expressed concern about traffic on Cedar Hollow Road which a two-lane road that is already congested.

There being no other speakers, Chair Collins closed the public hearing.

In the matter of **Rezoning Case #16-03-GCPL-01268**, Mr. Leonard moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #39002, from AG to RS-30, to be consistent with the adopted Northern Lakes Area Plan and considers the action to be reasonable and in the public interest because it is generally consistent with the land use category indicated for the property on the Northern Lakes Area Plan Future Land Use Map, seconded by Mr. Apple. The Board voted 8-0 in favor of the motion. (Ayes: Collins, Apple, Alexander, Cannon, Geter, Jones, Leonard, Mann. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Tony Collins, Chairman

Leslie P. Eger, Secretary to the Board

TC:sm/jd