

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

**NC Cooperative Extension Agricultural Center and Virtual  
3309 Burlington Road,  
Greensboro, NC 27405**

**March 9, 2022, 6:00 PM**

The Guilford County Planning Board convened on Wednesday March 9<sup>th</sup>, 2022, at 6:00 p.m. at the NC Cooperative Extension-Agricultural Center, 3309 Burlington Road, Greensboro, NC.

**A. Roll Call**

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

James Donnelly, Acting Chair; Ed Apple; Guy Gullick; Mr. Sam Stalder; David Craft;

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

Dr. Latoya Gathers

Members Absent:

Cara Buchanan

**Staff Present:** J. Leslie Bell, Guilford County Planning Director; Robert Carmon, Fire Inspections Chief; Oliver Bass, Sr. Planner/Planner II; Kaye Graybeal, Guilford County Planning Deputy Director; Jessie Baptist, Admin. Officer; and Rachel Teague, NC Works Intern

Acting Chair Donnelly called the meeting to order and welcomed everyone in attendance.

**B. Agenda Amendments**

Mr. Bell stated that staff is asking that Case #22-05-GCPL-04166 be moved to be heard at the April 2022 meeting. Mr. Gullick moved in favor of moving said Case, seconded by Mr. Craft. The Board voted 6-0 in favor of the motion. (Ayes; Donnelly, Gullick, Stalder, Apple, Gathers and Craft. Nays: None.)

**C. Approval of January 26, 2022 and February 9, 2022 Meeting Minutes.**

Mr. Stalder stated that the February minutes did not indicate that he was in attendance and he was at the meeting. Staff indicated that this would be corrected.

Mr. Gullick moved to approve the January and February minutes, as corrected, seconded by Mr. Craft.

The Board voted unanimously (6-0) in favor. (Ayes: Donnelly, Stalder, Craft, Gathers, Gullick and Apple. Nays: None.)

**E. Continuance Requests**

*(Addressed in Agenda Amendments)*

**F. Old Business**

None

**G. New Business**

**Public Hearing Item(s):**

**EASEMENT CLOSING CASE #21-05-GCPL-04166 Amended** Request approval of Resolution of Intent as presented herein to close all 20-foot utility easement(s) located on Lot #s 31, (part of), 32, 33, 35, 36, 37, 39 & 40 as shown on Plat Book 32, Page 20 in Monroe Township, and located on Guilford County Tax Parcel #125757 **(MOVED TO APRIL MEETING)**

Mr. Gullick moved to postpone the public hearing for this case until the April 13, 2022 meeting , seconded by Mr. Craft. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly, Stalder, Craft, Gathers, Gullick and Apple. Nays: None.)

**ROAD CLOSING CASE #22-01-GCPL-00150:** Groundhog Trace Request approval of Resolution of Intent as presented herein to close that portion of Groundhog Trace which fronts Lots 73, 74, 75, and 76, all as shown on Plat Book 148, Page 55 in Rock Creek and Greene Townships as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 109496, 109492, 109493 and 109484, running southwest from Raccoon Run and terminating at the cul-de-sac of Groundhog Trace. **(ROAD CLOSING GRANTED)**

Acting Chair Donnelly asked staff to make their presentation.

Mr. Bell stated that this is a request approval of Resolution of Intent as presented herein to close that portion of Groundhog Trace which fronts Lots 73, 74, 75, and 76, all as shown on Plat Book 148, Page 55 in Rock Creek and Greene Townships as recorded in the Register of Deeds of Guilford County, and located on Guilford County Tax Parcels 109496, 109492, 109493 and 109484, running southwest from Raccoon Run and terminating at the cul-de-sac of Groundhog Trace. Whereas, a petition was filed pursuant to NC GS153A-241, Chapter 282 of the 1979 Session Laws and Chapter 59 of the 1981 Session laws requesting that the Board close a public road. Whereas, pursuant to a Resolution of Intent to close said road, adopted by this Board on February 9<sup>th</sup>, 2022, an electronic Notice was published at the Guilford County website that a Hearing would be held virtually and in person concerning said petition on today's date. Therefore, be it resolved that the following described road is hereby closed and removed from dedication to the public use, being all of Groundhog Trace which was previously described, a certified copy of this resolution together with a copy of this hearing is hereby ordered recorded at the Register of Deeds of Guilford County, North Carolina, is the request is approved by this Board.

**D. Rules of Procedure**

At this time, Acting Chair Donnelly stated that he needed to go back and read the Rules of Procedure. Acting Chair Donnelly explained the rules of procedures to be followed during the meeting.

**Public Hearing Item(s) continued with Case # 22-01-GCPL-00150:**

Mr. Bell added that the Resolution of Intent was adopted on February 9<sup>th</sup>, 2022, and according to General Statute 153A-241 concerning closing roads, the Planning Board must hold a public hearing before the Road can be closed. Based upon the information presented at the hearing, the Board must find that the closing of said road is not contrary to public interest. Staff submits the following finding for consideration by the Board. He read the description earlier and would like to submit that information. This request only includes the portion of Groundhog Trace as described above and no closing of utility easements are included by the applicant. A map has been provided for the Board member's review.

Acting Chair Donnelly asked for anyone wishing to speak in support of the request to come forward.

Amanda Hodierne, attorney representing the applicant, stated that her client and his wife own the property concerning this application. She stated that the Exhibit that was submitted with their application shows that the property is located on the eastern portion of the cul-de-sac. There are four (4) contiguous parcels that comprise the lot makeup of these properties. The applicant and his wife own all four (4) of those parcels and they are the only property owner of any properties in the cul-de-sac. This is a very large, spaced-out, private, estate-type subdivision with lots of privacy and vegetation. The owners have not built anything or sold any of the other parcels in this cul-de-sac, which was to create a bigger lot for themselves. In addition to the fact that there are no other property owners on this cul-de-sac, she also pointed out that there is a preliminary plat that has been filed with the TRC because the ordinance has a requirement that all lots have to have frontage on a public right-of-way. If this petition were to become successful, most of these lots will become non-conforming to that standard. This request would cure that and re-combine all those lots and make the right-of-way into one (1) unified parcel, adjacent to Racoon Run. This is a very isolated nature of this request in terms of its impacts on other property owners in the area. It is felt that this request is not contrary to the public interest. This closure would not cut off any of the other neighborhood residents from any of their personal private properties.

Bryan Cassetta, 3302 Groundhog Trace, presented a handout for the Board's review and stated that they built their home on their property about ten years ago and then they acquired the other surrounding parcels. They are very secluded at the back of the subdivision with a total acreage of approximately 150 acres with over 50 homesites. They have dealt with break-in issues in the neighborhood for many years now, especially at the back of the subdivision where it is most secluded and remote to the other homes in the area. They have had issues with people coming into the immediate area, trespassing and some lingering in the cul-de-sac or using that area to access hunting or riding ATVs on the adjoining property. He has received emails in support of the request but there has been no HOA meeting where their plans were discussed, in detail.

Ms. Hodierne pointed out that the applicants are not trying to detract from the neighborhood or take away from the experience of their neighbors enjoying their own homes. They like this neighborhood and they want to stay there. The origin of the request was not to close the right-of-way, it was because

they wanted to get the security fencing in place and in exploring that, they learned from Guilford County that they could not do that on a public right-of-way. That is what led to this request and they want to make sure that the correct sequence of events is followed so that they can put up some type of security fencing, which would be something that would be very architecturally styled, something that would look like any kind of fencing that would already be in the neighborhood. They have tried to work with the HOA in terms of soliciting their input on how that might look and making sure that is not something that would be an eyesore to the community or look overly intrusive or stand out like a sore thumb in the community.

Acting Chair Donnelly asked that those who wished to speak in opposition to the request, please come forward.

Lawson Brown, attorney representing Beaver Hills Estates HOA and 29 of the 43 homeowners in the area. They have signed a petition, individually, stating that the petition to oppose the road closure of Groundhog Trace, and he opposes the closing of Groundhog Trace south of Raccoon Run Drive. Closing of this publicly dedicated road is completely out of character from the single-family home subdivision, in which all houses are served by private drives connected to the public road. The design of the subdivision was referenced as Groundhog Trace is such that the only vehicular turn-around in Groundhog Trace is located on a portion of Groundhog Trace that is proposed to be closed. Property owners, fire and emergency vehicles and others traveling through the neighborhood will be required to make a pull-up, back out into the Raccoon Run Drive of the other portion (western portion) of Groundhog Trace is inconsistent with the approved, recorded plat, further, it interferes with traffic and creates an unnecessary safety risk. The HOA, of which he pays dues, expended approximately \$20,000 in roadway improvements to NC DOT standards. The applicants have taken full advantage of these improvements and he supports the HOAs decision that the southeastern portion of Groundhog Trace is not an improvement and expenditure that it is willing to turn over to the Cassetts. Beaver Hills lot owners have complied with the easements in and to all other roads in the subdivision, including

Groundhog Trace. The HOA contends that they own the road and not the Cassetts. There were approximately 17 people in the audience who had shown up to show their support of opposing the request.

Mr. Gullick asked if the neighbors have attempted to get together with the Cassetts to discuss this matter. Mr. Brown responded that they met in 2020 to talk about the gate and fence that was proposed earlier. There were several calls to the Police and Sheriff's office about some safety issues in the neighborhood. Mr. Gullick stated that he wanted to know if they have gotten together with the Cassetts to see how this could be worked out. In 2020 they were blind-sided by a request and they have not met since then.

Mr. Craft asked if this is considered a public street, regardless of whether it is being maintained by the State or not. Could anybody drive into this cul-de-sac, turn around and park? Mr. Brown stated that was correct.

Jill Paleties, 3296 Groundhog Trace Road, stated that she lives at the other end of Groundhog Trace, so she and Bryan are the only houses on that road and they are a fine family. In looking at the map it is basically on the other side of the cu-de-sac. Her concern is that it would close off this road and any traffic has to go down on her end of the road or straights and then turn around and back up and it

forces that additional traffic down on her road to turn around, in her driveway. There have been some issues in the community since the signs were posted, the people in the neighborhood are starting to talk about that they need the best security in the whole neighborhood and not just one person.

Acting Chair Donnelly stated that those wishing to speak in rebuttal, to please come forward.

Amanda Hodierne, returned to the speaker's table and stated that she wished to address the turn-around aspect of the request because it is an important point and has been reviewed by the Fire Department and they found out that a turn-around is a very important feature that they could not take away. They actually gave the applicant a possible alternative for a turn-around and a location to safely place the gate based on fire access or any other emergency access people being able to come in and be able to turn around and go back out without having to use a neighbor's driveway or yard to make that maneuver. Ms. Hodierne pointed out that when an easement is granted, and a road is publicly dedicated it is owned by the State and is not owned by the HOA. There is no prohibition against this type of request and no requirement for approval by the HOA.

Speaking in opposition rebuttal, Lawson Brown stated that the cul-de-sac turn-around is critical because of the safety issue of emergency vehicles being able to access properties. All the neighbors have easement rights entering into the street. Mr. Donnelly asked Mr. Brown if he was here as a representative of the homeowners as a homeowner himself, or on behalf of an attorney? Mr. Brown responded that he is here as an attorney for the HOA but his personal view is the same as the HOA.

Leslie Bell stated that there is special Legislation passed by the General Assembly for Guilford County that does lay out a process that regardless of the decision made by the Board this evening, there is an appeal period that would go to the County Commissioners and then an appeal to Superior Court, if necessary,

Mr. Gulick moved to close the Public Hearing, seconded by Mr. Craft. The Board voted unanimously in favor of the motion.

### **Board Discussion**

Mr. Craft stated that he feels that some of the issues brought up today are beyond the scope off this Board. The law is set up and if you own the adjacent parcels and you apply to get a road closed, that road reverts all the adjacent landowners, and in this case, this one property owner. The Board does not get a say in that and whether the HOA has an interest in this. Mr. Stalder stated that he agrees with Mr. Craft and does not think it is their place to enter a land dispute over that easement. Mr. Gullick stated that he understands HOAs, and everybody's concerns and frustrations, but this is a tough case for the Board and there is limited power for the Board. He thinks the applicant has met the requirements of the General Statute to close this road.

Acting Chair Donnelly stated that he is ready to accept a motion and that motion would simply to be to adopt the Resolution as read by Mr. Bell and then there would be a roll-call vote on it.

Mr. Gullick moved to approve the request for a Resolution of Intent to close the pre-described portion of Groundhog Trace, as discussed, seconded by Mr. Apple. There being no other speakers for this particular case, the Board voted 6-0 in favor of approval of the request. (Ayes: Donnelly, Stalder, Gullick, Craft, Gathers, Apple. Nays: None.)

**REZONING CASE # 22-02-GCPL-00857: 5754 & 5818 LIBERTY ROAD, AG, AGRICULTURAL TO PI, PUBLIC AND INSTITUTIONAL** Located on the west side of Liberty Road approximately 950 feet south of intersection with Cade Road, Guilford County Tax Parcels 122667 and 122825, approximately 26.95 acres. This is a request to rezone two parcels from AG to PI. **(GRANTED)**

Oliver Bass stated that this property is located on the west side of Liberty Road approximately 950 feet south of intersection with Cade Road, Guilford County Tax Parcels 122667 and 122825, approximately 26.95 acres. This is a request to rezone two parcels from AG to PI. The applicant is Anthony Vogt. The proposed Rezoning is consistent with the Alamance Area Plan land use classification of Conditional SFR (Single-family Residential), thus if approved, no plan amendment would be required. The requested action is reasonable and in the public interest because it is adjacent to a PI zoned property with a use that is permitted in the PI zoning district and provides opportunities for government, arts and culture, recreation and sports and other similar activities.

Acting Chair Donnelly asked if there was anyone in favor of this request to come forward to speak.

Anthony Vogt, 3819 Raintree Drive, Greensboro, NC, stated that he owns a construction company in Guilford County that he started in 2013 and he moved to this area in 2005 and attended A&T State University. He has been working for about the past 2 years to purchase this airport and that came from Love Aviation where he got his pilot's license about 2 years ago. The reason for the rezoning request is because the parcels in the request are zoned AG and are not consistent for the rest of the airport. The rest of the area is zoned PI and the family that owned the airport previously, did not have an understanding about the zoning requirements. From 1992 until 2010, there was AG properties that could have a Special Use Permit and be used as airports. When the UDO changed, the AG was taken out and he would like to keep it all consistent. This is known as the Southeast Greensboro Airport. He feels this will make a positive impact on this area.

Edward Rozenski, 5816 Liberty Road, stated that he supports Mr. Vogt on this request. He has been in his current location for about 25 years and at one time it was zoned Heavy Industrial and the previous owner had it all rezoned PI. The property has been PI for about 15 years now and there is a 3,000-foot runway and there is no room for expansion and there are only a few airplanes that can land on a 3,000 foot runway. Most people don't even know that airport is there.

Larry Shackelford, 6101 Davis Mill Road, stated that he lives about 5 miles from the airport and he is 100% in favor of the request and he thinks it is a good thing for the whole community.

There being no other speakers, the public hearing was closed by unanimous vote.

Mr. Gullick moted to grant approve the request, as submitted and explained by staff, because the proposed rezoning is consistent with the Alamance Area Plan use classification for single family residential, thus if approved, no plan amendment would be required. The requested action is reasonable and in the public interest because it is adjacent to a PI zoned property with the use of a private air strip that is permitted in the PI district. It provides opportunities for governments, arts, culture, recreation, sports and other similar activities, seconded by Mr. Apple. The Board voted 6-0 in favor of approval of the request. (Ayes: Donnelly, Stalder, Gullick, Craft, Gathers, Apple. Nays: None.)

**REZONING CASE # 22-02-GCPL-00876: 105 NC HIGHWAY 62 E, HB, HIGHWAY BUSINESS AND RS-40, RESIDENTIAL SINGLE-FAMILY TO RS-40, RESIDENTIAL SINGLE-FAMILY** Located on the north side of NC Highway 62 E approximately 214 feet east of intersection of Randleman Road, Guilford County Tax Parcel 143378, approximately 1.53 acres. This is a request to Rezone a parcel from HB and RS-40 to RS-40. The applicant is Larry R. Shackelford. The proposed Rezoning is inconsistent with the Southern Area Plan land use classification of Moderate Commercial, thus if approved, a plan amendment to extend the Agricultural land use classification to the entire parcel would be required. **(GRANTED)**

Mr. Bass stated that this property is located on the north side of NC Highway 62 E approximately 214 feet east of intersection of Randleman Road, Guilford County Tax Parcel 143378, approximately 1.53 acres. This is a request to Rezone a parcel from HB and RS-40 to RS-40. The applicant is Larry R. Shackelford. The proposed Rezoning is inconsistent with the Southern Area Plan land use classification of Moderate Commercial, thus if approved, a plan amendment to extend the Agricultural land use classification to the entire parcel would be required. Staff recommends approval of the request even though the request is inconsistent with the Southern Area Plan, as it is in the public interest because the zoning is consistent with the current Residential use of the property and the request will extend the RS-40 district to other adjacent residential properties to the subject property and the request, if approved, will remove the non-conforming status of the current residential use of the property.

Aaron Gray, 4222 Shirley Weavil Road, Winston-Salem, NC, stated that he is a licensed general contractor and he represents the applicant, Mr. Shackelford who purchased the property thinking he was going to use it for a commercial property. In the planning process, Wilson Surveying determined that the property could not be sub-divided and the proposed addition to a building on the property could not be done without a lot more planning. He pointed out that more than 95% of the property is HB and there is just a small portion involved in this request.

Acting Chair Donnelly asked if they had been in contact with any of the neighbors to see if there were any concerns. Mr.

Gray stated that the neighbor was the previous owner of the property and there were no objections.

There being no other speakers for this case, the public hearing was closed by unanimous vote.

Mr. Gullick moved to approve this zoning amendment because the approval also amends the Southern Area Land Map and the associated southern area of the Plan are based on the fact that this will change and add residential parcels where other residential parcels adjoin this area. This action returns this parcel to a conforming area status. The amendment is reasonable and in the public interest because although the requested action is inconsistent with the Southern Area Plan recommendations, it is reasonable and in the public interest because the zoning is inconsistent with current uses of the subject property, the request will extend RS-40 of adjacent residential properties and subject parcel. If approved, the request will remove non-conforming status and current residential use of the property, seconded by Mr. Craft. The Board voted 6-0 in favor of approval of the request. (Ayes: Donnelly, Stalder, Gullick, Craft, Gathers, Apple. Nays: None.)

**CONDITIONAL ZONING CASE # 22-02-GCPL-00917: 1766 & 1768 SCALESVILLE ROAD, AG, AGRICULTURAL TO CZ-RS-30, CONDITIONAL ZONING-RESIDENTIAL, SINGLE-FAMILY** Located on the north side of Scalesville Road near intersection of Lake Brandt Road, Guilford County Tax Parcels 136454 and 136461, approximately 39.14 acres. This is a request to Conditionally Zone property from

AG to CZ-RS-30. The applicant proposes the following Use Condition: (1) Single-family detached dwelling; and Development Conditions: (Density of properties to be limited to one unit per acre (1du/ac). Application includes an attached Sketch Plan. Applicant, Russell A. Ball for Phoenix Farms, LLC. The original sketch plan was reviewed by the TRC, with a comment letter submitted for review.

Oliver Bass stated that this property is located on the north side of Scalesville Road near intersection of Lake Brandt Road, Guilford County Tax Parcels 136454 and 136461, approximately 39.14 acres. This is a request to Conditionally Zone property from AG to CZ-RS-30. The applicant proposes the following Use Condition: (1) Single-family detached dwelling; and Development Conditions: (Density of properties to be limited to one unit per acre (1du/ac). Application includes an attached Sketch Plan. The applicant is Russell A. Ball for Phoenix Farms, LLC. A sketch Plan was shown for the Board members' review. The AG zoning is intended to provide location for primarily agricultural uses. The RS-30 is primarily to accommodate single family detached dwellings with a minimum lot size of 30,000 square feet. With conditional zoning it is a companion district for area zoning districts including the RS-30 zoning district of the Unified Development Ordinance. If approved, all regulations that apply to the general use zoning district on the RS-30 zoning District would also apply to the conditional zoning district. The request is consistent with the predominantly single-family residential area. There is an historic property located near the subject property, and if approved, it would not be impacted by the rezoning.

Acting Chair Donnelly asked for those wishing to speak in favor of the request to come forward.

Milt Rhodes, 4304 Parrish Street, stated that they have been able to keep the lot sizes fairly consistent with a normal 1-acre lot range, but being able to provide a few more features and other assets on this property and to add a common space, which preserves the integrity and provide for a little less disturbance in this area. He is thankful to get the staff report recommending the approval of the request. They held a community meeting a few weeks ago, via ZOOM and there were some technical difficulties at the beginning of the meeting, but there were able to address some of the concerns about drainage and preservation of trees and other assets that are on the parameter of the property.

Fred Sievers, 8518 Triad Drive, Colfax, NC, stated that his engineering firm worked on the plans to develop the property and he is available for any questions posed by the Board members.

Mr. Gullick asked what kind of buffers the applicant planned to use at the property? Fred Sievers stated that there will be different sizes from some natural areas and some trees that may not have to be disturbed. On the southern property line there looks to be about a 15-foot zone and on the western property line there is other growing life and on the northern and eastern side there are areas of existing tree pockets that will probably not be disturbed. There may be a Type 2 buffer yard.

Acting Chair Donnelly asked if there was anyone wishing to speak in opposition to this request, to please come forward.

Robert Douglas, attorney representing Melinda Ballentine, who is the owner of the adjacent property, as shown on the slide as Tract J, which is immediately east of a substantial part of that property. This area is a jot-bed of development and residential development and some people have concerns about the water run-off situation of this property. Ms. Ballentine has a pond that is located right at the intersection of lots #4 and #5, and another pond that is located at the intersection of lots #6, #7 and



#8. The property now drains in the direction of the ponds and the concern is that if this property is development with the number of subdivision lots and the number of asphalt roads, that will increase the waterflow on these properties. There is also a creek and a number of feeder creeks there. There is the fear that the additional run-off is going to very seriously negatively impact Ms. Ballentine's property. It is felt that this proposed development will exacerbate the water run-off, in addition, there are concerns about additional fertilizer run-off from the new developments. They would like some assurance that the County will secure and protect the adjacent property. There is currently a large portion of the property that is timber now, and certainly, that will be removed.

Mr. Donnelly pointed out that the Board's responsibility is to really look at zoning and land use applications and some of the questions that come up in these requests, cannot be addressed by the Board.

Leslie Bell stated that the TRC looks at the plans and stormwater and watershed are part of their review on all requests before the plan is finalized.

Randy Boles, 1776 Scalesville Road, stated that he is not speaking against the request, he just had a few questions and comments. His property is identified as Lot #L, so he borders the subject property on two sides. In speaking to other property owners in the community meeting, the buffers seem to be thin on the north side. He has horses and a horse pasture with an electric fence and he is concerned about somebody getting too close to the electric fence, especially children, and getting hurt. That is why he was asking about a buffer on that portion of the property. He has signs on the fence, but unless someone can see those signs they could get hurt. He feels that a large buffer might help, perhaps a planting row of some kind.

Acting Chair Donnelly asked if the applicant would like to come forward with rebuttal.

Milt Rhodes stated that there would already be some type of tree buffer on the properties that back up to the residential properties to the rear.

Fred Sievers stated that the plan goes through TRC and the roadway goes through NC DOT. He pointed out that a lot of governmental agencies are involved and will review the plan to make sure the applicant does everything required.

Mr. Gullick asked if it would be proper and acceptable to add a condition to put a fence along Mr. Boles' property border for protection from the electric fence. Mr. Sievers responded that it would depend on the placement of the septic area and Environmental Health would have to go out and make their evaluation and they don't allow certain things to be constructed in that area. There are also utilities that are on Mr. Boles' property that have to be considered.

Acting Chair Donnelly stated that there being no other speakers, the public hearing would be closed by unanimous vote.

Mr. Craft moved to approve the request for a zoning amendment as reviewed, because the zoning would provide expanded housing opportunities in the area and it is reasonable and in the public interest, in addition to the zoning condition presented by staff, seconded by Mr. Apple. Board voted 5-1 in favor of approval of the request. (Ayes: Donnelly, Stalder, Craft, Gathers, Apple. Nays: Gullick.)

At this time, Mr. Apple moved for a five-minute break, seconded by Mr. Craft. There was a short break from 8:15 until 8:21 p.m.

**CONDITIONAL ZONING CASE # 22-02-GCPL-00845: 8424 FAIRGROVE CHURCH ROAD, AG, AGRICULTURAL; PI, PUBLIC AND INSTITUTIONAL, RS-40, SINGLE-FAMILY RESIDENTIAL AND UN-ZONED TO CZ-RS-30, CONDITIONAL ZONING-RESIDENTIAL, SINGLE-FAMILY** Located on the south side of Fairgrove Church Road at the southwest intersection Brooks Lake Road, part of Guilford County Tax Parcel 128427, approximately 66.76 acres. This is a request to Conditionally Zone property from partially zoned AG, PI, RS-40 and Un-zoned (approx. 11.2 acres) to CZ-RS-30. The applicant proposes the following Development Conditions: (1) 1 du/acre. No use condition is proposed, and no sketch plan was submitted with the application. Applicants: Cynthia A. Bowman Martin, Jason W. Busick, and Darwin E. Bowman. The proposed Conditional Zoning is consistent with the Northern Lakes Area Plan land use classification of AG Rural Residential, thus if approved, no plan amendment would be required. The Northern Lakes Area Plan boundary and AG Rural Residential land use classification should be extended to the un-zoned portion. **(GRANTED)**

Oliver Bass stated that this request is located on the south side of Fairgrove Church Road at the southwest intersection Brooks Lake Road, part of Guilford County Tax Parcel 128427, approximately 66.76 acres. There is some discrepancy on some portion of the property as to whether it is located in Rockingham County or Guilford County. There was a slide presentation shown for the Board members' review. This is a request to Conditionally Zone property from partially zoned AG, PI, RS-40 and Un-zoned (approx. 11.2 acres) to CZ-RS-30. The applicant proposes the following Development Conditions: (1) 1 du/acre. No use condition is proposed, and no sketch plan was submitted with the application. Applicants: Cynthia A. Bowman Martin, Jason W. Busick, and Darwin E. Bowman. The proposed Conditional Zoning is consistent with the Northern Lakes Area Plan land use classification of AG Rural Residential, thus if approved, no plan amendment would be required. The Northern Lakes Area Plan boundary and AG Rural Residential land use classification should be extended to the un-zoned portion. The request is in a predominantly single-family residential area of individual lots in subdivisions. The existing land use of the property is single family home and agricultural. The surrounding property is AG. Single family residential lots to the south, east, west and north., There is PI zoning also to the east. There was an early century single family house located on the property that is listed in the historic resource inventory but it is not regulated as a designated landmark. The area is on private septic and wells and there are no public systems proposed. Fairgrove Church Road is a collector street and is subject to improvements which will be subject to the NC DOT driveway permit requirements. There is no regulated flood plain on the property and it is not in the watershed but there are some streams on the property. The subject property is in the Northern Lakes Area Plan adopted in 2016 with a plan recommendation of AG rural residential. The requested action is consistent with the recommendations of the Comprehensive Plan and the AG rural residential classification is intended to accommodate large lot residential and low-density residential subdivisions anticipated land use include those permitted in the RS-30 zoning district. Staff recommends approval of the request and it is reasonable and in the public interest because it is consistent with the recommendation of the Northern Lakes Area Plan. The general area is substantially developed as low density which is less than 2 dwelling units per acre. The rezoning will expand housing opportunities for citizens in Guilford County. The proposed condition is consistent with the North Lakes Area Plan and land use recommendations and thus, if approved, no plan amendment will be required. Staff recommends the request is to include that unzoned portion of the lot.

Acting Chair Donnelly asked if there was anyone present wishing to speak in favor of the request to come forward.

Norris Clayton, engineers located at 1306 W. Wendover Avenue, representing the applicant, Cynthia Bowman Martin, Jason Busick and Darwin Bowman. They are asking for a Conditional Use rezoning of this property, which is primarily AG zoning, to be rezoned to CU-RS-30 and the condition being one dwelling unit per acre. He pointed out the discrepancy on the zoning map. Rockingham County had relinquished their jurisdiction of this particular property to Guilford County. He submitted a sketch plan to TRC but because of the deadlines they could not get it prior to the Planning Board deadline but he presented maps which showed the change in the boundary line.

Mr. Bell stated that this map was not submitted as part of the application, so it has not been approved and is not considered formally submitted.

Tony Johnson, 7495 Morrisville Road, Stokesdale, NC, one of the developers stated that they have sent out a letter to all the adjoining property owners and he has talked to 4 people since sending out the letters and no one was opposed to it, they were just curious and wanted to know more about the proposed development. He has told these interested parties that as they gained more information, he would certainly get in touch with them. Most of the concerns was about keeping the trees and they do want to keep as many as possible.

Desmond Brown, speaking on-line, 7404 Richardson Wood Road, Brown Summit, NC, stated that he was not in favor or opposed. He purchased his property that is next to the farm in November of last year and they were looking forward to the view and the peace and quiet. He wanted to know what kind of buffer is going to be put on the land. Mr. Johnson responded that there is a naturally wooded buffer along his left-hand property line and they do not intent on touching any of those trees, typically, within 20-30 feet because his lots will back up to Mr. Brown's property.

Nicole Ringer, speaking on-line, 3019 Pearson Farm Drive, stated that she also bought her house prior to the farm being sold and also liked the idea of the quiet in the area. She has the same concerns as the previous speaker, Mr. Brown.

Rachel Reed, speaking on-line, 8344 Fairgrove Church Road, stated that she is concerned about the loss of trees and the same issues as the previous speakers.

William Hammond, 8304 Christian Farm Court, stated that his concerns are about additional traffic in the area. He is on the Board of Directors for the Pearson Farm Homeowners Association and he is asking on their behalf, about the traffic increases for this area, and the additional driveways on Fairgrove Church Road and that raises some concerns.

Mr. Bell stated that, in general terms, NC DOT would review any plans submitted and make a determination as to what can be permitted.

Nancy Garcia, 8139 Brookslane Road, stated that she wanted to get out of the city of Greensboro and enjoy the country life and the peace and quiet. She feels this is too many properties for this area. Her house is within that Rockingham County area that is under consideration. She wanted to know if she will be changed from Rockingham to Guilford County. If that happens, she will have to pay a lot more

in taxes.

Mr. Bell stated that changes lot size in the county she is in, will not change if this request is approved.

To provide more information, Tony Johnson stated that the last speaker, Ms. Garcia certainly has every right to have a horse on her lot. He would be glad to meet with her to give more information and gave his cell phone number.

Acting Chair Donnelly stated that there being no other speakers, the public hearing was closed by unanimous vote.

Mr. Craft moved to approve the request as submitted by staff, because the proposed conditional zoning is consistent with the Northern Lakes Area Plan land use classification of AG rural residential, thus if approved, no plan amendment will be required. The Northern Lakes Area Plan boundary and AG rural residential use classification should be extended to the un-zoned portion. This amendment is reasonable and in the public interest because the rezoning will expand housing opportunities for the citizens of Guilford County, and the general area substantially developed as low density at 2 dwelling units per acre and will expand housing opportunities for the citizens of Guilford County, seconded by Gullick. The Board voted 6-1 in favor of approval of the request. (Ayes: Donnelly, Stalder, Gullick, Craft, Apple. Nays: Gathers.)

#### **H. Election of Officers for Remainder of 2022**

##### **Chair**

Mr. Gullick nominated Mr. Donnelly to serve as Chair for the remainder of 2022 [former Chair Frankie Jones has been appointed to fulfill Comm. Coleman's unexpired term on the Board of Commissioners]. Mr. Apple moved that nominations be closed; 2<sup>nd</sup> by Mr. Stalder. That being the only nomination, the Board voted unanimously 6-0 in favor of Mr. Donnelly serving as Chair for the remainder. (Ayes: Donnelly, Stalder, Gullick, Craft, Gathers, Apple. Nays: None.)

##### **Vice Chair**

Mr. Apple nominated Mr. Gullick to serve as Vice Chair for the remainder of 2022 [former Vice Chair Ms. McKinley has moved out of state]. Mr. Apple moved that nominations be closed; 2<sup>nd</sup> by Mr. Craft. That being the only nomination, the Board voted 5-0 in favor of Mr. Donnelly serving as Chair for the remainder. (Ayes: Donnelly, Stalder, Gullick, Craft, Apple. Nays: None.) Dr. Gathers during roll call vote did not respond and had given no prior notice of her not being unavailable (unexcused for the vote) and thus was assigned an affirmative vote. Final vote count changed to 6-0, with Dr. Gathers' vote counting as an affirmative vote on the motion.

On the 3<sup>rd</sup> call for Dr. Gathers' continued participation/presence, she indicated that she didn't know about Mr. Gullick being voted as Vice Chair following Mr. Donnelly's announcement to her. She then stated that she wanted to run for Vice Chair. The Chairman then asked Mr. Bell if there would be any reason why Vice Chair position could not be brought back up and changed at the next meeting if something changed and another [nomination] was brought back up for Vice Chair consideration? Mr. Bell indicated that the Chair may want to inquire of Dr. Gathers why she was off-line [not present for the vote] of Vice Chair as it may be due to a technology issue and he may want to make sure that she is given every opportunity and doesn't want her to be treated unfairly. The Chairman asked Dr. Gathers if she was aware of what may have caused her to be offline? She responded no and that she

got dropped somehow. The Chair indicated that the Board already had taken the actions it needed and he would be happy to discuss this further with her offline. Mr. Gullick made a motion to re-open nominations for Vice Chair; 2<sup>nd</sup> by Dr. Gathers. The Board voted 3-3 in favor of the motion to re-open nominations; thus, the motion failed. (Ayes: Gathers, Gullick, Donnelly. Nays: Apple, Craft, Stalder.)

**I. Other Business**

None

**J. Adjourn**

There being no further business before the Board, the meeting was adjourned at 9:21 pm.