

**Guilford County  
Planning Board  
OCTOBER 12, 2016**

The Guilford County Planning Board met in regular session on Wednesday, October 12, 2016 at 6:00 p.m. in the Blue Room, First Floor, Old Guilford County Courthouse, 301 West Market Street.

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

**Members Absent:** Mr. Jones and Mr. Cannon.

**Staff Present:** Les Eger and Tonya Hodgin, Planning Department. Also present was Leslie Bell, Guilford County Planning Director, and Jerry Coble, Fire Marshall.

**APPROVAL OF MINUTES:**

**September 14, 2016 Regular Meeting Minutes**

Mr. Alexander moved approval of the September 14, 2016 regular meeting minutes as amended, seconded by Mr. Leonard. The Board voted 6-0 in favor of the motion. (Ayes: Collins, Leonard, Apple, Alexander, Geter, Mann. Nays: None.)

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

**REQUEST FOR CONTINUANCES:**

None.

**AGENDA AMENDMENTS:**

None.

**OLD BUSINESS:**

**REZONING CASE #16-06-GCPL-03086: AG to RS-40  
(Originally Heard at the August 10<sup>th</sup> Meeting.)**

Located north of the intersection of Bernie Road and Monnett Road and running approximately 1,991 feet west down Bernie Road in Clay Township. Being Guilford County Tax Parcel #0123356. Approximately 20.02 Acres owned by Mark and Sandy Voigt. **(APPROVED)**

Mr. Leonard moved to give each side five minutes to tell the Board what has happened since the last meeting, seconded by Mr. Apple. The Board voted 6-0 in favor of the motion. (Ayes: Collins, Leonard, Apple, Alexander, Geter, Mann. Nays: None.)

Chair Collins stated that the Board is not looking for new evidence. They would like to hear what happened during their meeting and what might have been worked out between the two sides.

Mark Voigt, 5519 Dona Road, Julian, North Carolina, said that he met with several of the immediate surrounding neighbors and as a result, opposition was heard from only one of the neighbors. The neighbors he spoke with were under the belief that they were putting in either a trailer park or a combination of a trailer park and 20 or more homes. The neighbors were presented with the same information given to the Board at the August 10, 2016 meeting. The neighbors expressed if they had known the true intent for the property, they would not have opposed the request as they did. The neighbors were misled to believe the intent was something even beyond what the Guilford County Area Plan provides for.

### **In Opposition:**

Steve Sardi, 7100 Bethlehem Church Road, distributed copies of a presentation of new information to Board members. Chair Collins explained to Mr. Sardi that the Board cannot take new information at this meeting. This meeting is for the purpose of communicating to the Board the results of their meeting to sort out this matter. Mr. Sardi said that in order to sort things out, the facts of the case must be understood. The new information will clarify the situation.

Mr. Sardi said that one of the key items is the length and ownership of Bernie Road. It was presented at the last meeting that this is a wide road that is for public use. He indicated the road is a private road and it is not built to North Carolina safety regulations. In addition, he said they did not receive a new staff report documenting that numerous agricultural properties are all around the subject property. Chair Collins said that he did not remember a conversation at the last meeting about a new staff report and Mr. Eger commented that the staff report is correct. Mr. Sardi said that the road is private and is half-owned by each property on either side of the road.

Mr. Sardi referred to the 2020 Guilford County Farmland Protection Plan. One of the things called for in the plan is to assess the impact of rezoning Agricultural property to Residential which has not been implemented. Historically, the numbers show money will be lost in terms of the County's budget due to infrastructure if this request is approved. Relative to fire service, there is concern about using the road in terms of trying to support the new development. The fire department in Climax, North Carolina currently uses this road. Mr. Sardi also referred to concerns about stream and flood plain issues and pointed out that Bernie Road is really 16 feet instead of 30 feet as presented at the last meeting. Responding to questions, Mr. Sardi said that property owners use this road to get to their homes and each property owner owns half of the road.

Chair Collins stated that the Board is not looking for new information at tonight's meeting. The case was continued to give all parties an opportunity to work out this matter. Mr. Sardi said that they have presented new information that should clarify the situation. Chair Collins said that new information cannot be taken into consideration because all information was presented at the August hearing.

Mr. Bell clarified that counties do not maintain roads. That is a function of the Department of Transportation. In addition, Bernie Road is a secondary state road for the North Carolina Department of Transportation. Mr. Eger commented that the state route number for Bernie Road is Route 3395, as indicated on the slide shown to the Board.

Chair Collins said that it appears there was some means of getting together to work out this situation. The Board had hoped that there would be more resolution at this point; however, it appears that things have gotten a little worse between some of the parties. Responding to questions, it was determined that Mr. Sardi and Mr. Voigt did not try to contact each other and as a result, did not meet.

In the matter of **Rezoning Case #16-05-GCPL-03086**, Mr. Mann moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax

Map Parcel 0123356, from AG to RS-40, to be consistent with the adopted Southern Guilford 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 in the Southern Guilford Area Plan Future Land Use Map. The motion was seconded by Mr. Alexander. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Leonard. Nays: None.)

### **NEW BUSINESS:**

#### ***PUBLIC HEARING ITEMS:***

##### **ROAD RENAMING CASE #16-09-GCPL-04703**

Renaming a portion of previously named Huffine Mill Road to a new name: Huffine Mill Trail, that portion of Huffine Mill Road beginning at the intersection with Harvest Road running approximately 1,500 feet southwest and terminating at the new I-840 (Greensboro Outer Loop) in Jefferson Township. **(APPROVED)**

Mr. Eger stated that this road renaming is due to a road bisecting the area. Staff worked with the property owners along that portion of Huffine Mill Road and came up with the new name, Huffine Mill Trail. Letters were sent out to all property owners who agreed to the name change. One neighbor called to talk about the name change but expressed no concerns.

Mr. Leonard moved that WHEREAS, pursuant to NCGS 153A-239.1, notices were posted that a hearing would be held before this Board on October 12, 2016, on a request that the official name of a certain road be established or changed. NOW, THEREFORE, BE IT RESOLVED, that the official name is hereby established for the following road(s) as indicated:

PREVIOUS NAME: Huffine Mill Road.

ESTABLISHED NAME: Huffine Mill Trail.

LOCATION: A portion of said road beginning at the intersection with Harvest Road running approximately 1,500 feet southwest and terminating at the new I-840 (Greensboro Outer Loop) in Jefferson Township.

STAFF COMMENT: This renaming is in response to government action initiated by NCDOT roadway project and petitioned by Guilford County's Addressing Administrator.

The motion was seconded by Mr. Alexander. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Leonard. Nays: None.)

##### **REZONING CASE # 16-09-GCPL-04694: AG and RS-40 to CZ-LI**

Located on the east side of Clinard Farm Road approximately 55 feet south of Sandy Ridge Road in Deep River Township. Being Guilford County Tax Parcel #0170824. Approximately 2.0 Acres owned by Troy Jordan. **(APPROVED)**

Mr. Eger said that the use condition being added to this request is as follows: (1) Machinery Equipment and Supplies; Professional and Commercial Equipment and Supplies; Warehouse (general storage enclosed); Office Uses not Otherwise Classified; Equipment Rental and Leasing (no outside storage); Solar Collectors Accessory (roof mounted); and Solar Collectors Accessory (freestanding).

The area surrounding this is a mixture of low-density and vacant uses. This portion of the Airport Area Plan recommends for non-residential uses and is consistent with that plan and the noise impact area for that plan. It would become compatible with the surrounding properties if developed out because the development ordinance requirements for landscaping, setbacks, buffers, and outside storage would limit the developers to a tight use on the property. This is being presented in the public interest with the provision of services needed to supply municipalities and possible employment opportunities. If approved, this request would not require a land use map amendment because the land use map already in place calls for non-residential uses in the area. Staff is recommending approval of this request.

Brian Craven, 1942 Spring Garden Street, is with Craven Real Estate. He distributed packets of information to Board members. He is a consultant in this case for Rodders and Jets Supply Company. He has been working with Michael Butner, owner of Rodders and Jets Supply Company, Guilford County, and Triad Land Surveying for eight months to come up with a good plan. Mr. Craven gave an overview of Rodders and Jets Supply Company based in Sumter, South Carolina. Mr. Butner lives in High Point, North Carolina and has chosen the subject property to grow his business close to where he lives. This property was chosen because the area is non-residential and he described a number of nearby parcels and tracts of land rezoned into Guilford County for Light Industrial and Commercial use. He described a preliminary site plan and provided a list of neighbors who were contacted about the proposed development.

Michael Butner, 3605 Hunting Ridge Drive, High Point, North Carolina, is the owner of Rodders and Jets Supply Company. The subject property is two miles from his home and he would like to base his business in the same community he lives in.

In the matter of **Rezoning Case #16-09-GCPL-04694**, Mr. Geter moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0170824, from AG and RS-40 to CZ-LI, 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 in the Airport Area Plan Future Land Use Map. The motion was seconded by Mr. Apple. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Leonard. Nays: None.)

#### **REZONING CASE #16-09-GCPL-04829: AG to RS-30**

Located on the north side of Cedar Hollow Road approximately 200 feet west of Willow Glen Trail in Center Grove Township. Being Guilford County Tax Parcel #0136402. Approximately 113.58 Acres owned by the Farm at Cedar Hollow, LLC. **(APPROVED)**

Mr. Eger stated that this request is in an area on the Northern Lakes Plan that calls for agricultural, rural residential uses and it is consistent with what the plan describes as agricultural, rural residential uses. It is compatible with surrounding residential uses because the exact same zoning is on either side of it. This is being done in the public interest through the provision of future residential housing. Staff recommends approval of this request. If approved, based on topography and estimation, there might be an additional 80 residential lots in the area. If the request is approved there is no need to recommend amendments to the land use map for the area because it is consistent with the recommendations of the land use map in place today.

Amanda Hodierne, 804 Green Valley Road, is an Attorney representing the Farm at Cedar Hollow, LLC, the entity for the Jessup Family who has owned this land and surrounding properties in the area for over 70 years. They also developed the existing Jessup Ridge subdivision which is adjacent to this property. The request is to rezone the remaining family land for use as a residential subdivision. She explained that the RS-30 request is reasonable because it is consistent with development patterns in

the area, it meets the challenges of the site with design efficiency, and the request meets the Northern Lakes Area Plan goals. The property is contiguous with Jessup Ridge and was chosen in part for its consistency. The zoning for this corridor is clearly established and the request is in harmony with that pattern. If approved, the proposed development would be a continuation of the existing Jessup Ridge subdivision. Due to existing natural features such as streams and topography on the site, it is not practical to physically connect these areas and therefore, the new development will be separate and will have its own HOA (Homeowner's Association) and amenities. However, the quality and style of the neighborhood will be like that of Jessup Ridge. Ms. Hodierne described the challenging topography of the site and explained that the development will be outside of the sensitive steep slopes, flood plains, and stream buffer areas. RS-30 is an appropriate choice due to the design flexibility that can be achieved with the narrow lot lines and smaller setbacks.

A letter was sent to neighboring property owners that were on the County's notification list. She referred to a letter from the HOA president of the Cedar Hollow Lake subdivision indicating that a majority of their homeowners are not in opposition to this request. She expressed a willingness to listen and address concerns of those who are not in support of this request.

**In Opposition:**

Charles Johnson, 8200 Willow Glen Trail, was representing a majority of homeowners adjacent to this property and presented a petition signed by those in opposition to the request. He stated that he personally received the signatures. He cited concern about over development of a dead end road. Cedar Hollow Road is the only way in and out of the community with respect to emergency services and in addition, the Colonial Pipeline gasoline transmission main passes through Cedar Hollow Road. Approximately 1,000 people live off of the road and there is no other way in or out if an emergency or natural disaster occurred.

He felt that homeowners should have some ability to rely on zoning that is in place. This is not an urban area and RS-30 zoning is excessive in this rural area that is all well and septic. He pointed out that part of the area was deforested when zoning was Agricultural and said that there are different regulations for deforesting for agricultural purposes as opposed to residential purposes. He felt that the added density in a small area would present a strain on the aquifer. There are ten inhabited dwellings around this area and the petition presented to the Board was signed by eight of those homeowners. Mr. Johnson reiterated his concern that this is too much density for a dead end road that has been sparsely populated.

**Rebuttal in Support:**

Ms. Hodierne said that this request is the first step in pursuing any kind of new development here. The rezoning is an entitlement and would not allow the Jessup family to go out and build right away on the lots. There will be a Technical Review Committee (TRC) process to make sure the necessary rules of deforestation, wetland management, stream crossing, flood plain, traffic, etc. are done in keeping with the ordinances and the Department of Transportation. Addressing the strain on the aquifer, a study was commissioned by Guilford County looking at groundwater recharge and aquifer storage. There is good storage in the aquifers, particularly in the northwest part of the county. There are monitoring stations that show no overall change in the groundwater levels. In addition, the study showed that minimizing the built-upon area on the surface helps the recharge rate. The proposed development would stay out of the sensitive zones and focus on developing a centralized piece of property which would minimize the sprawl and built-upon impervious surface.

**Rebuttal in Opposition:**

Charles Johnson pointed out that this property is more contiguous to Cedar Hollow Estates where the zoning is not RS-30. The minimum lot size at Cedar Hollow Estates is 1.25 acres up to 12 acres and therefore, there is a substantial difference on both sides of the proposed development.

Responding to a question about fire and emergency vehicle access, Jerry Coble said that there is always concern when there is only one way in and out of a development. They try to address these issues through the TRC process and working with developers. Sometimes there is success in addressing these issues but often it takes time to make the necessary connectivity between all the tracts. Connectivity is dependent upon when the parcel is developed.

In the matter of **Rezoning Case #16-08GCPL-04829**, Mr. Alexander moved that the Guilford County Planning Board believes its action to approve this zoning amendment located on Guilford County Tax Map Parcel #0136402 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 in the Northern Lakes Area Plan Future Land Use Map. The motion was seconded by Mr. Mann. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Leonard. Nays: None.)

#### **TEXT AMENDMENT CASE #16-08-GCPL-04262: Legislative Updates (FAVORABLE RECOMMENDATION)**

The following sections of the Guilford County Development Ordinance will be updated, edited, or amended in response to legislative updates from the General Assembly:

**Temporary Health Care Structures** – (Add Use to Definitions Section 2-1.3, Permitted Use Schedule Section 4-3-1, Adds Use to Development Standards Section 6-4.88) (Permits temporary health care structures)

<http://www.ncga.state.nc.us/enactedlegislation/sessionlaws/html/2013-2014/sl2014-94.html>

**Residential Design Standards** – (Add to Definitions Section 2-1.1, Eliminates design standards in the Overlay District Requirements of Section 4-12.7) (Limits County's ability to regulate the aesthetics of single-family structures)

<http://www.ncleg.net/Sessions/2015/Bills/Senate/HTML/S25v3.html>

**Performance Guarantees** – (Agreement and Security Section 3-10.1) (Limits the amount of security to 125% of project costs)

<http://www.ncleg.net/EnactedLegislation/SessionsLaws/HTML/2015-2016/SL2015-187.html>

**Sign Regulation** – (Amends Sign Regulations Exempt from Regulation Section 6-1.3) (Exempts fence wraps from County regulation)

<http://www.ncleg.net/Sessions/2015/Bills/House/HTML/H44v5.html>

**Permit Choice** – (Amends Zoning Map and Text Amendments Section 3-12.1) (Provides greater certainty for developers if ordinances change)

<http://www.ncleg.net/Sessions/2015/Bills/House/HTML/H44v5.html>

Mr. Eger stated that these amendments are based on legislative updates passed during the 2014-2015 legislative session. The proposed amendments need to take place within the Development Ordinance to bring the County into compliance with the state statutes that have been changed over the years. If the amendments are not made, parts of the Ordinance will be unenforceable. Packets of information distributed to members explain how each of these amendments would take place and what differences would result.

Judy Stalder, 115 South Westgate Drive, stated her opinion that this is a sign of a forward-thinking staff to go ahead and take care of these things before there are issues in the public forum.

In the matter of **Text Amendment Case #16-08-GPL-04262**, Mr. Geter moved to favorably recommend the legislative text amendments to the Guilford County Commissioners, as presented. The motion was seconded by Mr. Apple. The Board voted unanimously 6-0 in favor of the motion. (Ayes: Collins, Mann, Geter, Apple, Alexander, Leonard. Nays: None.)

#### **ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

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Tony Collins, Chairman

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Leslie P. Eger, Secretary to the Board

TC:sm/jd