



Legislation Text

File #: 2017-351, Version: 1

TITLE

**HOLD PUBLIC HEARING TO CONSIDER REZONING CASE #17-07-GCPL-03453:
CU-HI-SP to AMENDED CZ-HI-SP**

SPONSOR

J. Leslie Bell

BACKGROUND

Rezoning Case #17-07-GCPL-03453 is a request by Lehigh Hanson (“Applicant”) to rezone approximately 351.98 acres near the corner of McClellan and Racine Road, being Tax Parcel #s 0132396, 0132538, and 0132537, just south of the town of Pleasant Garden (Guilford County Case #17-07-GCPL-03453) in the Fentress Township. The Planning Board held its public hearing at its Regular Meeting on September 13, 2017. This Conditional Rezoning is a request to change the existing Conditional Zoning designation and use from Heavy Industrial - Clay Mining (approved by the Guilford County Planning Board on September 13, 2000) to Heavy Industrial - Mining and Quarrying.

As the Chair of the Planning Board had been allowed to recuse himself from participating, there were eight (8) Planning Board members participating in the hearing. Per Section 3.12.2 (H) of the Guilford County Development Ordinance, the following three possible results from a vote of the Planning Board on a rezoning matter include:

- 1) A favorable 5/7's (71.4%) vote, from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration);
- 2) Applications receiving less than a 5/7's (71.4%) favorable vote, but a majority favorable vote from the Planning Board members present and voting shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body; and
- 3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute denial of the application unless appealed in accordance with [Section 9-8](#)
<https://library.municode.com/nc/guilford_county/codes/development_ordinances?
(Appeals).

With eight (8) members present and voting, it would require a minimum of six (6) favorable votes to get ‘final action’ approval of the rezoning (5 favorable votes is 62.5% and less than 71.4%). The actual vote on the matter was 5 - 3 in favor of the rezoning (see attached minutes). This voting result means that the vote failed to receive ‘final action’ approval but does go forward to the Board of Commissioners as a ‘favorable’ recommendation. Thus, this public hearing is not a result of an appeal; rather, it automatically goes to the Board of Commissioners for a final decision. If the Rezoning matter received final action approval, then a second hearing on the Applicant’s request for a Special Use Permit (Guilford County Case #17-07-GCPL-0354) would have been heard.

On 10/26/17 the applicant submitted an amended application with additional zoning restrictions (see amended application attached)

REQUESTED ACTION

Conduct required public hearing for rezoning case #17-07-GCPL-03453 to rezone approximately 351.98 acres near the corner of McClellan and Racine Road, being Tax Parcel #s 0132396, 0132538, and 0132537, just south of the town of Pleasant Garden in the Fentress Township.