

**MEETING OF THE
GREENSBORO ZONING COMMISSION
JANUARY 23, 2019**

The Regular meeting of the Greensboro Zoning Commission was held on Wednesday, January 23, 2019 at 5:30 p.m., in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Eugene Lester; Hugh Holston, Marion Dansby-Byrd; Adam Marshall; Vernal Alford, Zac Engle; Janet Mazzurco; and Andrew Pinto. Also present were Mike Kirkman and Lucas Carter, Planning Department, Noland Tipton - GDOT, and Terri Jones, City Attorney's Office.

Approval of the minutes of the December 17, 2018 regular meeting

Ms. Mazzurco moved approval of the minutes, seconded by Mr. Engle. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Pinto, Mazzurco, Holston, Engle, Alford, Dansby-Byrd, Marshall. Nays: None.)

Withdrawals and Continuances

Mike Kirkman stated there were no continuances or withdrawals.

Public Hearings:

Old Business:

Z-18-11-002 919-1019 Bluford Street, 1100-1206 Salem Street, 401-403 and 400 -406 Boyd Street, 311 and 400-402 Stewart Street, and 400-405 Stedman Street (north and south of Salem Street and north of Bluford Street) - A rezoning request from R-5 (Residential Single-family - 5) and PI (Public and Institutional) to PUD (Planned Unit Development) with the following conditions: 1. Uses limited to: a. A maximum of 126 residential dwelling units, b. Nonresidential gross floor area not to exceed 16,622 square feet, and c. Commercial parking. - For 919-1019 Bluford Street, 1100-1206 Salem Street, 401-403 and 400 - 406 Boyd Street, 311 and 400-402 Stewart Street, and 400-405 Stedman Street, generally described as north and south of Salem Street and north of Bluford Street (5.61 acres). -North Carolina A&T State University. **(APPROVED)**

Mr. Alford was recused from this item.

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. Lucas Carter noted a change in the agenda for this case. The notices that went out included the addresses 402 Boyd Street, 1202 Salem Street, and 1206 Salem Street because they did not have completed information and the property owners had not signed the applications. These properties have been taken out from this request. In the Commissioners packet there were updated maps for the zoning booklet that shows those properties taken out, an aerial map, and updated concept plan. Lucas Carter explained that the map in their packet was done and mailed out before those properties were withdrawn. Ms. Mazzurco asked him

to clarify the addresses that were withdrawn? Lucas Carter stated the addresses shown are 402 Boyd Street, 1202 Salem Street and 1206 Salem Street.

Chair Lester asked if there was anyone wishing to speak on this matter.

Bill Barlow, N.C. A & T, 1601 E. Market Street, stated that they are looking for the zoning request to expand the University and build additional residential units. They have met with the community and they talked about purchasing land since 2001 and continue to purchase properties in that area. Several months ago they had a meeting and they talked about the project and the concerns. About 20 people came to the meeting from that community. They are proud of what they are doing in the community. Mr. Holston asked if the three properties that were removed impacts their plan. Mr. Barlow stated that it does and they are working with the property owners, but one of them they have not been able to locate. One of the property owner was there tonight.

Chair Lester asked if there was anyone wishing to speak in opposition and no one came forward. There being no other speakers the public hearing was closed.

Mike Kirkman stated the proposed site is designated as Institutional on the Generalized Future Land Use Map of the Comprehensive Plan. The Institutional designation generally applies to University and college campuses, major medical and health care concentrations and somewhat larger scale activity centers. The proposed request does support the Comprehensive Plan's reinvestment infill goals for a sound investment in Greensboro's urban areas and the economic goal to promote a healthy and diversified economy. The PUD zoning, as conditioned, will allow a mixture of residential and commercial uses consistent with the surrounding areas and staff recommends approval of the request.

Ms. Mazzurco stated that she is grateful to A & T for all their work they do in the community and that they have the need to expand. She asked Staff about the three properties that are not part of the rezoning request. How would this rezoning impact them legally, if they wanted to sell their properties? Counsel Jones stated that those properties have been removed and the zoning will not change. Ms. Mazzurco asked what about is around them, would that have any impact? Counsel Jones stated that if they continue to maintain their current use or any use in the R-5 zoning district. Until they applied for rezoning. Ms. Mazzurco asked if Mr. Barlow did work out something with these properties would he have to come back to the Board to be incorporated into this zoning? Counsel Jones stated that yes if they intend to change the use, if they don't intend to change the use then there is no need for rezoning.

Mr. Engle moved that in regard to **Z-18-11-002**, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan for reinvestment infill goals to promote sound investment for Greensboro's urban areas. The request is consistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request includes conditions that limit potential negative impacts to the surrounding area, seconded by Mr. Blackstock. The Commission voted 7-0-1 in favor of the motion. (Ayes: Lester, Mazzurco, Marshall, Holston, Pinto, Dansby-Byrd and Engle. Nays: None. Abstain: Alford)

Mr. Alford returned to the dais for the remainder of the meeting.

New Business

Z-19-01-001 3523-3527 Lewiston Road (north of Lewiston Road and east of Fleming Road) - A rezoning request from CD-RM-12 (Conditional District Multifamily – 12) to CD-RM-12 (Conditional District Multifamily – 12). 1. Building materials will consist of not less than 50% brick, stone, and/or masonry building materials. 2. Buildings shall not exceed 3 stories in height 3. Combined maximum density not to exceed 208 dwelling units 4. Along the northern property line, parallel to Silver Creek Drive, a 30-foot undisturbed buffer area shall be dedicated. Existing vegetation within the buffer shall be augmented as needed to ensure continuous visual screening. -For the property located at 3523-3527 Lewiston Road, generally described as north of Lewiston Road and east of Fleming Road (25.01 acres). George E. Carr, III for Beacon Management Corporation. **(APPROVED)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak on this matter.

George Carr, 2310 Princess Ann Street, stated that with him tonight was their site planner Nolan France, codeveloper Robin Yon, Patrick Thysman with Beacon Management Corporation, Kevin Sasser with KMW Builder, and Sara Jones. Neighbors recommended that they pull the units back from the rear of the property. That area touched on some single-family areas, so they have been working with their site planners and architects to pull the units forward. They are trying to develop their units in a way that will create a little more harmony in the neighborhood and respond to requests made by the neighbors. They are trying to not encroach on the single-family neighbors. They were going to put 80 units on site 1, 128 units on site 2 and 3. Now, they want to put 140 units on site 1 and put 100 units on sites 2 and 3. They are not seeking an increase in density, it will remain exactly the same. They have studied the transportation issues and Lewiston Road can handle about 7,000 cars a day and the design has been made to have a comfortable turn in or out of the property. Ms. Mazzurco asked if he could explain why the traffic study was triggered this time? He stated that traffic studies are required when they build a certain number of units. In phase one they zoned the first phase about eight acres for 80 units. They didn't need the traffic study requirement then. They added another 13 acres they needed to zone for 128 units they were needing the traffic study. Ms. Mazzurco asked how many people attended the community meeting on Fleming Road? He stated that about 35 people showed up? Ms. Mazzurco asked what were the communities concerned about? He stated that the first few comments were traffic, then it was how close were they going to be building to the property lines. Ms. Mazzurco asked if what he brought the Board was what he actually planned to build? He stated that is what they think if approved this site plan is very representative of what they want to do. This plan has been through the Technical Review Process twice and made adjustments based on the recommendations.

Chair Lester asked if there was anyone wishing to speak in opposition and no one came forward. There being no other speakers the public hearing was closed.

Mike Kirkman stated the proposed site is designated as Mixed Use Corporate Park and Low Residential with Mixed Use Corporate Park being most of the site. The Mixed Use Corporate Park designation is intended for

larger tracts of undeveloped land on the City's fringe. They are appropriate for well-planned and larger scale business employment parks, but also includes supporting uses such as retail, hotels and residential. The proposed rezoning request does support the Comprehensive Plan's housing and neighborhood's goal which meets present and future of Greensboro's citizens for a choice of decent and affordable housing and stable livable neighborhoods and the reinvestment infill goal to promote sound investment in Greensboro's urban areas. The CB R-12 district as proposed, does include conditions that limit negative impacts on surrounding neighborhoods and staff recommends approval of the request.

Ms. Mazzurco moved that in regard to **Z-19-01-001**, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan for reinvestment infill goals to promote sound investment for Greensboro's urban areas. The request is consistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request includes conditions that limit potential negative impacts to the surrounding area, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Mazzurco, Marshall, Holston, Pinto, Alford, Dansby-Byrd and Engle. Nays: None.)

Z-19-01-002 4735 US Highway 29 North and portion of 4717-4733 US Highway 29 North (west of US Highway 29 North and north of Esterwood Road) - A rezoning request from C-M (Commercial Medium) to LI (Light Industrial). -For the property located at 4735 US Highway 29 North and a portion of 4717-4733 US Highway 29 North, generally described as west of US Highway 29 North and north of Esterwood Road (8.37 acres). -Patrick Daly Jr. **(APPROVED)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak on this matter.

Patrick Daly, 3540 Autumnhills Drive, the applicant, stated that in the beginning they thought the Commercial Medium would allow them to house trucks out there, but the current zoning does not allow them to work on trucks. So they are asking for rezoning to Light Industrial from Commercial Medium so they can house bigger equipment, trucks and be able to work on them there.

Chair Lester asked if there was anyone wishing to speak in opposition and no one came forward. There being no other speakers the public hearing was closed.

Mike Kirkman stated the proposed site is designated as Industrial Corporate Park on the Generalized Future Land Use Map of the Comprehensive Plan. The Industrial Corporate Park designation applies to areas where present or anticipated uses include both Light and Heavy Industrial uses such as manufacturing, assembly and fabrication, wholesale and distribution, and corporate office and technology parks which may be introduced to replace older Heavy Industrial uses. The proposed request does support the Comprehensive Plan's reinvestment infill goals to promote sound investment in Greensboro's urban areas, including both

commercial and industrial areas, as well as the economic development goal to promote a healthy and diversified economy with a strong tax base and opportunities for employment, occupant ownership and for-profit and non-profit development for all sections of the community including under-served areas such as East Greensboro. The LI zoning district is considered consistent with this land use classification and also allows uses that in the normal operation do not generally create adverse impacts upon adjacent properties. Staff is recommending approval of the request.

Mr. Marshall moved that in regard to **Z-19-01-002**, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan for reinvestment infill goals to promote sound investment for Greensboro's urban areas. The request is consistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request includes conditions that limit potential negative impacts to the surrounding area, seconded by Mr. Blackstock. The Commission voted 9-0 in favor of the motion. (Ayes: Lester, Mazzurco, Marshall, Holston, Blackstock, Pinto, Alford, Dansby-Byrd and Engle. Nays: None.)

Z-19-01-003 1315 New Garden Road (west of New Garden Road and south of Pinehaven Drive) - A rezoning request from R-3 (Residential Single Family) to CD-O (Conditional District Office).1. All uses permitted in the Office zoning district except Hotels and Motels and any uses in the Group Living use group 2. Maximum total building square footage shall be 6,000 square feet. 3. Maximum building height shall be two stories. - For the property located at 1315 New Garden Road, generally described as west of New Garden Road and south of Pinehaven Drive (.58 acres). -The Lofts at New Garden LLC.
(APPROVED)

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak on this matter.

Barry Segal, 3929 Kingsley Drive, stated that several years ago they made a request to rezone the multi-family Portion of the property that is currently being developed as a PUD property. Over a year ago there was a rezoning on the four tracts that were owned by the Troxlers and was under contract to be purchased for medical offices. That left two properties, each being an approximately half an acre. Over the past Sue Rogers and he have talked and her desires were to move on to another location. A year ago, they worked a deal with Sue and bought her house. Mr. Engle has his property under contract. They purchased the property from Ms. Rogers some time ago. Ms. Rogers will be moving out in about 30 days from now and this would be an appropriate time to request the rezoning. They want to rezone this property for more permitted uses, limited in height to two stories or 6,000 feet maximum. On January 7th they sent notices out telling them about the conditions and extended the opportunity to address concerns. They received only one phone call from Bernice Harold who lives across the street. He personally, talked to her and her concerns were about landscaping, site plan, and how far back will the building be set back.

Chair Lester asked if there was anyone wishing to speak in opposition to this request.

Karen Newcheck, 5503 Robin Ridge Road, stated that she doesn't have a problem with it being rezoned. They are not within the couple hundred feet. Her problem is the generality of the zoning. If they had something specific that it was going to be. She wants to see the zoning more contained. She is not against New Garden Road being developed. What she is concerned with is someone putting in a storage building, and it would be completely ok under this zoning.

Rebuttal:

Barry Segal stated that commercial uses are not permitted within this district. Also, this is only a half an acre, you can't develop a self-storage facility on a half an acre. The Staff help come up with the conditions. Chair Lester stated that there are three conditions. Mike Kirkman stated that self-storage facilities are not allowed in the Office District. Mr. Segal stated that they are limited to two stories or 6,000 square feet, they must have a landscape buffer in front and access to the site on the right-hand side depending on what Mr. Engle does with his property. Mike Kirkman stated that for general information the Office District does not allow for commercial retail types of uses or restaurants with or without drive-thru. It does allow for office uses, personal and professional services, schools and daycares.

There being no other speakers the public hearing was closed.

Mike Kirkman stated that this site is designated currently as Moderate Residential on the City's Generalized Future Land Use Map. The Moderate Residential classification generally accommodates housing types ranging from small lot single family detached and attached single family dwellings such as townhomes, to moderate density low-rise apartment dwellings, generally a density of five to twelve units per acre. Per City Council adopted Policies, on the request that are less than one acre in size do not trigger amendments to the Comprehensive Plan. The proposed rezoning request does support the Comprehensive Plan's reinvestment infill goal to promote sound investment in Greensboro's urban areas, as well as the economic development goal to promote a healthy and diversified economy. The CD-O zoning request does include conditions to limit negative impacts on surrounding areas and staff is recommending approval of the request.

Chair Lester stated that he thinks this request does bring the new properties more in line with the existing uses particularly the PUD. The Staff stated that the ordinance prohibits some of the things that are a concern to the community and would be redundant to list them again in the conditions. He is in favor of this application. Ms. Mazzurco stated that she has the same concerns that the neighbors brought to the table, but those concerns were satisfied when she got the email reading everything that would go into the Office District.

Ms. Mazzurco moved that in regard to **Z-19-01-003**, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan for reinvestment infill goals to promote sound investment for Greensboro's urban areas. The request is consistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request includes conditions that limit potential negative impacts to the surrounding area, seconded by Mr. Holston. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Mazzurco, Marshall, Holston, Pinto, Alford, Dansby-Byrd and Engle. Nays: None.)

Items from Planning Department:

None

Acknowledgment of Absences:

The absence of Mr. Blackstock was noted and approved.

Items from Commission Chair

Chair Lester congratulated Mr. Marshall on the birth of his second child.

Items from the Zoning Commission Members:

Ms. Mazzurco stated that she did not attend all the meetings that she was invited to regarding rezoning case Z-18-11-003 for 2737 and 2746-2767 Horse Pen Creek Road. However, she did attend the one meeting with Adam Fischer of GDOT. She asks a lot of questions about traffic all the time. As they were going through the question and answer section with the members of that neighborhood, who had gone out and done their own traffic study and it did not align with the traffic study that Davenport did and that GDOT presented to their Board for considerations. The numbers did not align because Davenport was only giving them one-hour worth of data. So, if it is a 7am to 9am study being done, she would assume that the study was done for two hours and she was incorrect. They do a one hour and that one hour is presented to them. It can be a combination of any one hour. They take the information and gives them what is the worst case scenario. She wanted to hear from the Commissioners on what they thought they were getting.

Mr. Pinto stated that he always thought it was an estimation. He didn't think they went out for four hours on multiple days and actually counted cars. He does agree that it is not clear in the books what they actually do. He always thought it was an average. Ms. Mazzurco stated that she made a formal request that it be laid out in more elementary terms. It was the lack of transparency that no one understood, and it was a learning experience for her. She understood the traffic study this time. Noland Tipton, GDOT, stated that they do a two-hour count. The purpose of the two hour count is that traffic is actually counted first two hours is considered into four consecutive 15 minutes increments.

Ms. Mazzurco, stated that it could be 15 minutes out of the second hour or out of the first hour or a combination of. Noland Tipton stated as long as they are consecutive. Ms. Mazzurco stated that they are only looking at one hour's worth of data. Noland Tipton stated that is correct because the Trip Generation Manual is based off data from all over the nation for the different land uses. Ms. Mazzurco stated that she learned that NCDOT recommendation is to do studies for engineers on Tuesday, Wednesday and Thursday for residential properties. If they are doing traffic studies for trains and railroad tracks, they do it Friday, Saturday and Sunday. She thinks that if they understand it better, then the community will understand it better. Mr. Davenport does most of the studies, but he is not always present at the Zoning Commission Meeting. She was unaware that it was the applicants cost to get Mr. Davenport to come to the meeting.

ADJOURNMENT:

There being no further business before the Commission, the meeting adjourned at 7:01 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director

Planning & Community Development

SS/jd:pr

**MEETING OF THE
GREENSBORO ZONING COMMISSION**

February 18, 2019

The Regular meeting of the Greensboro Zoning Commission was held on Wednesday, February 18, 2019 at 5:30 p.m., in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Eugene Lester; Hugh Holston, Marion Dansby-Byrd; Vernal Alford, Zac Engle; Janet Mazzurco; and Donald Blackstock. Also present were Mike Kirkman and Lucas Carter, Planning Department, Noland Tipton – GDOT, and Terri Jones, Attorney for the City.

Approval of the amended minutes of the January 23, 2019 regular meeting

Mr. Engle moved approval of the minutes, seconded by Mr. Blackstock. Ms. Mazzurco moved to approve the minutes with the amendment related to her making comments tied to the Horse Pen Creek Road rezoning case, seconded by Mr. Lester. The Commission voted 7-0 in favor of the motion. (Ayes: Lester, Mazzurco, Holston, Engle, Alford, Dansby-Byrd, and Blackstock. Nays: None.)

Approval of the minutes from the November 2018 regular meeting

Mr. Engle moved approval of the minutes with confirmation of who made the motion on the continuance of one of the items, seconded by Mr. Blackstock. The commission voted 7-0 in favor of the motion. (Ayes: Lester, Mazzurco, Holston, Engle, Alford, Dansby-Byrd, and Blackstock. Nays: None).

Withdrawals and Continuances

Mike Kirkman stated there were no continuances or withdrawals.

Public Hearings:

Old Business:

Z-18-10-002 2316-2320 Sharpe Road, (South of Sharpe Road, east of East Lee Street and west of Sheree Court) – A rezoning request from PUD (Planned Unit Development) to PUD (Planned Unit Development) with the following conditions:

1. All uses allowed in the PUD (Planned Unit Development) zoning district except any use with a drive thru facility, correctional institutions, shooting ranges, bars, nightclubs, brew pubs, banks, savings & loans, credit unions, funeral homes, and crematoriums, taxi dispatch terminals, taxidermists, all retail sales and services (as principal use), self-storage facilities, all vehicle sales and services, all wholesale trade, warehousing, storage and freight handling.

2. The setback from Sharpe Road shall be a minimum of 30 feet from the property line.
3. The maximum height of buildings from grade at street level on Sharpe Road shall be limited to 35 feet.
4. The project shall contain a maximum of 52 multifamily dwelling units for the elderly

For the property located at 2316-2320 Sharpe Road, generally described as south of Sharpe Road, east of East Lee Street and west of Sheree court (10.21 Acres) – Shelly R. Bass for Bridge Over Troubled Waters (**APPROVED**)

Lucas Carter described the subject property, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak in support of this matter.

IN SUPPORT OF:

Gloria Bass, 5603 David Smith Road, stated that she was here this evening with her parents, who are the owners of the land. After looking at the potential development of the site for a very long time they have concluded that the 150-foot setback is not allowing them to do the desired development at a feasible cost. They are asking to change the condition requiring a minimum 150 property line setback to a minimum 30 foot setback. Ms. Bass noted that with the current 150-foot setback requirement the retention pond will be on the other side of the wetlands and they want to be able to put the retention pond closer so they won't disturb the wetlands. She also noted the current requirement would mean doing a vehicular bridge over the wetlands to get Fire or EMT to the retention pond. Moving the retention pond on the building side of the wetlands would be more feasible. Ms. Bass concluded that with a 30-foot setback it would reduce the disturbance of the wetlands, eliminate the need for a vehicular bridge, place the retention pond on the side closer to the building and reduce construction costs to fit in their budget. She added that they sent out notifications to the neighbors and as of February 14 there were no concerns or issues.

Chair Lester asked if there was anyone wishing to speak in opposition and no one came forward. There being no other speakers the public hearing was closed.

IN OPPOSITION:

None

STAFF RECOMMENDATION:

Mike Kirkman, Planning Department, stated that this site is currently designated Mixed Use Residential in the Comprehensive Plan. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. The proposed request is consistent with the Comprehensive Plan's Housing and Neighborhood goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. It is also consistent with the Growth at the Fringe goal to provide development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the

environment, and provides for efficient provision of public services and facilities as the City expands. Staff recommends approval of the requested PUD (Planned Unit Development) zoning.

COMMISSION DISCUSSION AND MOTION:

Ms. Mazzurco moved that in regard to case Z-18-10-002, 2316-2320 Sharpe Road, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan for the Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use. The request is also consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Lester, Mazzurco, Holston, Blackstock, Alford, Dansby-Byrd and Engle. Nays: None.)

New Business

Z-19-02-001 4500 Pine Vista Lane (South of Pine Vista Lane and east of Circleview Drive) – An original zoning request from County RS-40 (Residential Single-Family) to City R-5 (Residential Single-Family). For the property located at 4500 Pine Vista Lane and east of Circleview Drive (0.46 acres). Synergy Building Group LLC, on behalf of William C. and Angela P. Artis
(UNFAVORABLE RECOMMENDATIONMs)

Lucas Carter described the subject property, as well as surrounding properties, and noted issues in the staff report.

Chair Lester reminded Commission members and the audience that the Commission will only make a recommendation of the zoning designation if the City Council decides to annex this property. Chair Lester then asked if the applicant was wanting to annex their property because they want to use city water and sewer. Mr. Carter stated that was correct. Chair Lester also asked if R-5 was the lowest available zoning designation that the City has in the zoning ordinance. Mr. Carter stated that the City does have an R-3 zoning designation, which is 12,000 square foot minimum lot size, whereas the R-5 zoning only requires a 7,000 square foot minimum lot size. Ms. Mazzurco asked if there was a reason why the request was for R-5. Mr. Carter stated that the applicant will have to speak on that.

Chair Lester asked if there was anyone wishing to speak in support of this matter.

IN SUPPORT OF:

Vickie Turner, applicant, stated that she is with Synergy Building Group and they are requesting the smaller lot size, because they would like to build two new homes instead of just one. Mr. Holston asked if the two homes they wish to build would look similar to other homes in the neighborhood. Ms. Turner stated that they would. Ms. Mazzurco asked what would be the size of the homes on the new lots. Ms. Turner stated that they were looking at from 1,600 – 1,800 square feet. Ms. Mazzurco asked what size homes were in that neighborhood now. Ms. Turner stated that there were some larger homes and smaller homes as well. At this point Mr. Kirkman

reminded the Commission members that the development ordinance does not establish any type of minimum size for homes, just minimum lot sizes.

Chair Lester asked if there was anyone wishing to speak in opposition.

IN OPPOSITION OF:

Sonja Scales, 1803 Willie Ellis Court, stated that she doesn't see the reason why it should be rezoned. She noted that the listing she has says they could put daycare homes and all kinds of things they don't do in this area. She then noted that this request will be an eyesore with two homes on one lot as the houses out there are big houses. She thinks that those houses are bigger than 1,800 square feet. Mr. Engle asked about the similarities between County RS-40 and City R-5. Mr. Kirkman stated that he couldn't give an exact answer on that, because he didn't have the County ordinance in front of him. However in County RS-40 the minimum lot size is 40,000 square feet. The largest single family lot in Greensboro is the minimum 12,000 square foot lot size under the R-3 district and the R-5 district uses a smaller minimum lot size of 7,000 square feet.

Chair Lester asked if there was anyone else who would like to speak, and no one came forward. The public hearing was closed.

STAFF RECOMMENDATION:

Mr. Kirkman stated that the Comprehensive Plan currently designates the site as Low Residential. The Low Residential designation includes the City's predominately single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of 3-5 dwelling units per acre. The proposed R-5 zoning district is primarily intended to accommodate low density single-family detached residential development with a maximum density of 5 dwelling units per acre. This request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in a stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. It is also consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities at the City expands. The request is also consistent with the surrounding pattern of single-family residential development. Staff recommends approval of the requested City R-5 (Residential Single-Family – 5) zoning.

COMMISSION DISCUSSION AND MOTION:

Mr. Holston stated that he was not comfortable with the requested R-5 designation as the R-5 looks like it is too much for the neighborhood. He thought R-3 zoning might be more appropriate. Ms. Mazzurco also noted that she was uncomfortable with the R-5 zoning and maybe even R-3 zoning. She noted that they wanted to take one lot and put in two houses and she will not be supporting the request. Chair Lester stated that there are probably some conditions they could consider for R-3 but Mr. Kirkman reminded the Commission that this is not a conditional zoning request.

Mr. Engle moved that in regard to case Z-19-02-001, 4500 Pine Vista Lane , the Greensboro Zoning Commission believes that its action to recommend denial of the R-5 zoning request for this property to be inconsistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to not be reasonable and in the public interest because the request is inconsistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in

stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is also inconsistent with the Comprehensive Plan's Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands, seconded by Mr. Blackstock. The Commission voted 7-0 to recommend denial of the request. (Ayes: Lester, Mazzurco, Holston, Blackstock, Alford, Dansby-Byrd and Engle. Nays: None.)

Counsel Jones stated that if the Zoning Commission has a recommendation on the appropriate zoning designation should the property be annexed, she suggests that they go ahead and make a vote on that so City Council would be fully informed of the Commission's views. Chair Lester asked if there was an alternative zoning designation that the Commission would recommend City Council consider. Ms. Mazzurco asked why they would consider taking up a new item since that is not what was in front of them. She thinks that if they are moving the case forward to City Council, then they should make the decision. Counsel Jones stated that if the property is annexed, it needs an appropriate City zoning designation. The Commission could approve this plan, or they can provide a recommendation to City Council on what the proper zoning designation would be should if it is annexed. Chair Lester stated that what Ms. Mazzurco was asking were if they were under any obligation to make a recommendation. Counsel Jones stated that for original zoning the Commission is asked to make a recommendation. Chair Lester asked if City Council would be able to decide without a recommendation. Counsel Jones stated that was correct. She asked the Commission to consider a motion because they had discussion on what the Commission members felt the appropriate zoning should be. Mr. Engle suggested that they make a motion to recommend the zoning designation to be R-3, instead of R-5.

Chair Lester then moved that in regard to case Z-19-02-001, 4500 Pine Vista Lane, the Greensboro Zoning Commission recommend to City Council R-3 zoning district, seconded by Mr. Engle. The Commission voted 7-0 to approve the recommendation. (Ayes: Lester, Mazzurco, Holston, Blackstock, Alford, Dansby-Byrd and Engle. Nays: None.)

Z-19-02-002 601 Kallamdale Road, 4408 Near Sumner Church Road, portion of 4229 Short Farm Road, 5200-5216 Carol Avenue, and a portion of the US Highway 85 right-of-way (South of Interstate 40/85 and west of Carol Avenue) – An original zoning and rezoning request from County RS-30 (Residential Single-Family), County AG (Agricultural), and City PI (Public Institutional) to City R-5 (Residential Single-Family) and City PI (Public Institutional). For the property located at 601 Kallamdale Road, 4408 near Sumner Church Road, portion of 4229 Short Farm Road and 5200-5216 Carol Avenue, generally described as south of Interstate 40/85 and west of Carol Avenue (30.668 Acres). Keystone Group INC, including and on behalf of City of Greensboro. **(UNFAVORABLE RECOMMENDATION)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Mr. Holston asked if there would be any restrictions for that portion of the land adjacent to the houses on the north side of the highway. Mr. Carter stated that the portion of the highway right-of-way was being brought in as

an annexation request since it is public land located between an original zoning request and the primary corporate limits of the city. Ms. Mazzurco asked if staff could explain why this case is both an original zoning request and a rezoning request all bundled into one and why it is handled this way. Mr. Carter explained that the applicant has been in contact with the City about the current PI zoned property owned by the City. Per the applicant's request they are trying to square up some of their property and have agreed to a land swap with the City. A portion of the property is requesting to go to R-5 and it would be part of a land swap between the City and the developer. Ms. Mazzurco asked what the difference between what is PI and what is R-5. Mr. Carter explained that the larger green triangle would go from City PI to City R-5. The west side of Carol Avenue is part of the original zoning request to go from County RS-30 to City PI. Mr. Kirkman noted that because both pieces are dependent on each other, the original zoning of property has triggered the discussion about the land swap. Since there are some connections between the zoning requests and land swap it was determined to do this in one action, which in this case was both the original zoning and rezoning request.

Chair Lester asked if there was anyone wishing to speak in support of this matter.

IN SUPPORT OF:

Chuck Truby, 502 Waycross Drive, stated that he is representing Keystone Homes and Scott Wallace. Keystone Homes sent out a letter to the neighbors within 600 feet. He received four phone calls and one email. Mr. Turby noted there was only one person who had any complaints and that was he didn't want any houses around him. Keystone Homes has a deal worked out with the City of Greensboro Parks and Rec Department to swap some of the land that they currently own with land that the City currently owns. That will square up the City park land and allow them more flexibility when they get ready to develop the park. It also squares up the property that they are proposing to develop. The City land is already in the City of Greensboro. The property Keystone owns is outside the City Limits. It just made sense to do the zonings for both properties at the same time. If these requests get approved by City Council, all the zoning will be in place and no one would have to come back to the Zoning Commission.

Mr. Truby then noted that the property that Keystone currently owns is a remnant piece of property from when the interstate was constructed. He noted that the requested R-5 zoning matches the zoning to the north and there are other R-5 zoned properties in the area. They are looking to build roughly 85 lots on the site, which is less than three lots per acre. Ms. Mazzurco stated that having no conditions with this request was a problem for her since this involved 30.66 acres of land. She asked if they really knew that it would be 85 lots. Mr. Truby showed the Commission a conceptual site plan and noted a couple of streams flowing through the property and some wetlands that they would need to leave undisturbed. Mr. Truby then added that based on minimum lot size requirements, setbacks, and topography they can realistically only get 85 lots. He also noted that the reason they didn't put conditions on this request was because there was really nothing they could offer up. Ms. Mazzurco stated that 85 lots seems reasonable to her and it sounds like that they are not planning on using the piece that is zoned PI. Mr. Truby stated that the piece zoned PI would be deeded to the City of Greensboro. Mr. Kirkman confirmed that that property will be City property and zoned PI to match the other City property. The other properties will be part of the residential subdivision that will be zoned R-5. Mr. Truby stated that the portion that Keystone will be deeding to the City of Greensboro is currently zoned RS-30 in the County. That is why they are bringing it in line to what the current City PI zoning.

Ms. Mazzurco stated that she understood that but wondered what is to keep the current or future developers from changing their mind and doing more homes or a public institution. Mr. Truby stated that the City of Greensboro currently owns the majority of that land that is already zoned PI. It is just a strip of land. Counsel Jones stated

that this application includes land that is owned by the City now, and land owned by Keystone. In the proposed exchange the PI land will be owned by the City. There will be no land owned by the developer that will be zoned PI. The land that will be coming to the City is a total of 1.41 Acres. Part of that land is PI and part of it is County RS-30. Mr. Kirkman then added that anything that is zoned R-5 at the end of this process, will only be allowed those uses in the R-5 zoning district.

Chair Lester asked if there was anyone wishing to speak in opposition.

IN OPPOSITION:

Alex Bradley, 3744 Southeast School Road, stated that he owns property just south of the subject property. He is trying to understand how that will affect his property. He would object if his land was going to be in the City as his property is about 11 acres. Chair Lester stated that the Commission was only providing a recommendation to the City Council on the appropriate zoning should it annex the subject property. Chair Lester asked what Mr. Bradley's property was zoned now and Mr. Bradley stated it is zoned County RS-30. Mr. Bradley stated that was one of the things he was concerned about was if City services came all the way down the road it would go by his property and then he would get a big bill from the City. He added that if they bring services down Carol Avenue, then it would not pass him and may not be a big deal.

Wayne Yountz, 4308 Blackberry Road, stated that he has a question about the posting of this rezoning. There were only two signs put up at the end of Sumner School Road and Carol Avenue, which nobody goes down. He noted that there were no signs put up on Randleman Road or on Short Farm Road and he would like to know what the City's procedures are on posting signs. He also noted that the City originally purchased land several years ago stating that they were going to put a fire department and a park there. Mr. Kirkman noted that the procedure of the posting of the site follows State law that says there must be a sign posted on the site. Rezoning signs are one of the three ways the City must announce public hearings on zoning requests. In addition to posting the site the City also sends letters to all property owners within 600 feet of the request. Mr. Kirkman then noted that part of the request is a highway and there is no good way to put signage there. He also noted that there is no easy way to get to areas that have no frontage on streets for posting signs. Mr. Kirkman then confirmed that the PI zoned tract was noted for a fire station and parks and recreation when originally annexed and zoned and he believes these two public facilities are still being envisioned for that property. The PI zoning will allow the City to be able to do those things in the future. Mr. Engle asked Mr. Kirkman if the subject property touches Randleman Road and Mr. Kirkman stated that it does not. Mr. Engle then asked if there was any reason to put a sign on Randleman Road. Mr. Kirkman stated that it would not have made sense to do so since the sign would not be on the property that was being request for a zoning change. Chair Lester then noted that the City is subject to the same regulations as any developer and the City doesn't have to do a fire station. Mr. Kirkman stated that the large tracts that are coming in as part of Keystone development were under different ownership and the City did not own that property. This request includes a small land swap of City owned property to help with this private development, but the City is also getting property to help build future public facilities.

Steven Gibson, 300 Woodbine Court, stated that he is representing his father Steve Gibson who lives at 5219 Carol Avenue. His dad is 92 years old and has lived on Carol Avenue for nearly 60 years. He wishes the builder and Commission would consider not doing any building on Carol Avenue. Chair Lester stated that he understood his was looking for conditions on this request and there are no conditions. He then added that the Zoning Commission cannot require the developer to add conditions since this was not a conditional zoning request. Mr. Gibson noted that the developer wanted to put 85 homes there but with R-5 zoning they could do much more than that. He asked if there will be a plan, or will they be able to do whatever they want. Ms. Mazzurco stated

that Mr. Lester was saying that without conditions, it will be a yes or no vote for tonight. There is nothing in the proposal that holds the developer beyond residential development. Without conditions the Board can just trust and say yes or say that we would like to see some conditions or say no.

Larry Dunn, 4430 Sumner Church Road, stated that they feel like there would be a lot more people in the audience if the signs had been more visible. One was at a dead-end road where they live, and they have lived there for 55 years. Keystone Homes stated that they had talked to three or four people that this would affect, and they were okay with it, and he said that is not the case. There were only two signs and none of their neighbors saw any signs. Chair Lester stated that there is no action to be taken in respect to Mr. Dunn's property tonight. Tonight's action is just a recommendation for the zoning and City Council will decide whether or not to annex. Mr. Kirkman confirmed that Mr. Dunn's property was not a part of the proposed request tonight. He then noted that the City makes sure to notify every property owner within 600 feet, so that they are aware of the request. Mr. Dunn stated that they have contacted Keystone Homes multiple times and got no response. Ms. Mazzurco stated that Mr. Dunn should have received a letter. Mr. Kirkman stated that the City sent a letter to Shelda Dunn who is listed as the owner of 4430 Sumner Church Road. Mr. Dunn stated that was his mom and she doesn't live there anymore. Mike Kirkman stated that the City's pulls its addresses from the County tax records database and sometimes this happens where the database has not been updated.

Wayne Yountz, 4308 Blackberry Road, stated that he would like to see this request postponed. There should be signs put on Randleman Road and Short Farm Road to give the neighborhood a chance to be able to come speak.

Delores Davis, 853 Nestleway Drive, stated that she is a Keystone homeowner with another development. She stated that there were no conditions on building these homes and the managers that sold her home to her were not truthful. She doesn't want current buyers to go through what they went through when she bought her home, noting there is a home behind her house now, when she was told her there would be no buildings there.

IN SUPPORT REBUTTAL:

Chuck Truby stated that Mr. Wallace was in California and he had no way of communicating with him so he couldn't comment on a continuance. He assured the Commission that there will be no more than 85 lots on this property due to various site constraints. Chair Lester stated that his understanding that they could not put condition on this request tonight. Mr. Kirkman stated typically they would have to submit a new application with conditions, because all the property owners have to sign the conditional application. A rezoning without conditions does not have to any signatures from property owners, but a conditional application would require signatures from all impacted property owners that the conditions would apply to. Ms. Mazzurco stated that this case was very confusing because of the way that it was presented to the Commission. She was assuming that Mr. Truby was paid by Keystone to be there and there may be some willingness to add conditions and go out during the recess and talk to the concerned citizens. Mr. Kirkman replied that the applicant could not add conditions as part of this hearing, because they have not advertised this request as a conditional zoning. He also reminded the Commission that this was going on to City Council so there would be an additional public hearing in a month which could allow for more discussion. Chair Lester asked if there were any more questions from the Commission members for Mr. Truby. Then he asked if the Commission members would consider a motion for continuance. Mr. Engle stated that no matter what they do this will go to City Council and they will have the final vote. They would handle all of this at that time, including any conditions that may need to be added. Chair Lester noted that he didn't think any conditions could be added because of the type of application submitted. Ms. Mazzurco stated she agrees with Mr. Truby that 85 lots is probably the most they could get there but there were no conditions to confirm that. She then asked what building materials would look like and Mr. Kirkman advised

the Commission to not get to far in the discussion of conditions since this was not a conditional application. Mr. Holston asked about the potential traffic from the development. Mr. Kirkman noted that the development plans would come through the site plan review process, which would address access and other transportation issues. Mr. Tipton could then provide the Commission information about standard road designs if they would like.

Mr. Holston stated it seems only one or two people showed up for the meeting since the request didn't have conditions. Mr. Truby stated that he has a summary of the telephone communications with neighbors and noted they used the same address list as the City for letters. If someone didn't get a letter from the city they wouldn't have gotten a letter from them either. He then noted that Carol Avenue would be brought up to a City standard street. Typically when they go through the TRC review process they might require driveway permits, road connection permits, or maybe even require turning lanes. At this point they don't know what kind of improvements that they will have to make but they will have to make whatever improvement requirements that NCDOT and Greensboro DOT tell them to do. Mr. Engle stated right now, without any conditions and impacts to the neighborhood, he will not support the request.

IN OPPOSITION REBUTTAL:

Wayne Yountz stated that there are over 3,000 cars a week that come down this dead-end road, which T-bones right into Randleman Road, right before his property. There needs to be a traffic study done.

Chair Lester asked if anybody else was wishing to speak in opposition. Seeing no one come forward the Public Hearing was closed.

Chair Lester proposed a motion for continuance. He asked if anyone there would like to speak for or against a continuance. He had heard enough about this case to think that he could rule on it without a continuance.

Chair Lester moved to deny the continuance, seconded by Mr. Blackstock. The Commission vote 6-0-1 to deny the motion. (Ayes: Dansby-Byrd, Holston, Lester, Mazzurco, Blackstock, and Engle. Nays: None. Abstain: Alford.)

STAFF RECOMMENDATION:

Mr. Kirkman stated that this site it currently designated as a Mixed Use Residential on the Generalized Land Use Map of the Comprehensive Plan. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. This proposed request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. It is also consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use and the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality life, and support desired land use patterns. The proposed City R-5 and City PI zoning districts will allow for the development of new residential uses in harmony with surrounding development while also supporting future development of nearby public facilities to support this and other future developments in this area. Staff recommends approval of the requested City R-5 (Residential Single-Family – 5) and City PI (Public and Institutional) zoning districts.

COMMISSION DISCUSSION AND MOTION:

Chair Lester stated that he thinks this request requires some conditions. Citizens have addressed significant concerns with traffic, the use of certain roads, buffers and other points that can't be addressed by their recommendation of zoning and the applicant is not able to make changes to address these concerns. So, at this time he would be not supporting this request. Ms. Mazzurco stated that this case is confusing to her because they are looking at two cases as one. They typically see that as an original rezoning case and then later as a rezoning case. She is curious of when they started this protocol of lapping two requests together. She also noted that she was with the request involving 30 acres of land with no conditions. She encourages the people who spoke tonight in opposition to get in touch with developer and start some further dialogue. The item will go onto City Council because it is an original rezoning, so there will be another chance for them to speak their minds. She stated that she will not be supporting this request. Mr. Engle stated that he will not be voting to deny the application. The land adjacent to it is R-5 and this looks like R-5 to him. Chair Lester stated that he doesn't have a problem with the land swap, but he does think they are missing some conditions under the circumstances.

Mr. Engle moved that in regard to case Z-19-02-002, 601 Kallamdale Road, 4408 Near Sumner Church Road, portion of 4229 Short Farm Road, 5200-5216 Carol Avenue, and a portion of the US Highway 85 right-of-way, the Greensboro Zoning Commission believes that its action to deny the R-5 zoning request for this property to be inconsistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be not reasonable and in the public interest because the request is inconsistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is inconsistent with the Comprehensive Plan goal for the Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands, seconded by Mr. Blackstock. The Commission voted 5-2 to deny the request. (Ayes: Lester, Mazzurco, Holston, Alford, and Dansby-Byrd. Nays: Blackstock and Engle.)

The Commission took a break from 7:20 p.m. and returned at 7:30 p.m.

Z-19-02-004 132-136 Wolfetrail Road and 132 near Wolfetrail Road (North of Wolfetrail Road and south of Interstate 40/85) – An original zoning request from County RS-30 to City CD-RM-18 (Conditional District Residential Multifamily)

1. Uses shall be limited to multifamily residential uses.
2. Building height shall be limited to maximum of 50 feet in height as viewed from Wolfetrail Road (APPROVED)

For the property located at 132-136 Wolfetrail Road and 132 near Wolfetrail Road, generally described as north of Wolfetrail Road and south of Interstate 40/85 (20.64 Acres) – Thomas S. Holderby, on behalf of Karen B. Van Dyke; Hilda Bason; Kelly and Shirly Gilbreath; and Stephen and Jeremy Curtis (**FAVORABLE RECOMMENDATION**)

Z-19-02-005 A portion of I-85 right-of-way (West of South Elm-Eugene Street and east of Randleman Road) – Original zoning from County LB (Limited Business), County AG (Agricultural), and County RS-40 (Residential

Single-Family) to City R-3 (Single Family Residential). For a portion of I-85 right-of-way, generally described as west of South Elm-Eugene Street and east of Randleman Road (4.62 Acres) – City of Greensboro
(FAVORABLE RECOMMENDATION)

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. He stated that the Commission would be making two recommendations. The first recommendation will be for the subject property at 132-136 Wolfetrail Road and 132 Near Wolfetrail Road and that will be the Conditional District request. The second recommendation will be for the part of the I-85 right-of-way, this is dependent on the Conditional District request as this is publicly owned land that is between the subject property and the primary corporate limits. They can't attach conditions for the I-85 right-of-way request.

Ms. Mazzurco asked if these were two different original zonings request. Mr. Carter stated that was correct. Ms. Mazzurco stated this is just like the case they just heard but the only difference was there is no R-5 or PI element in these. These are just original zoning requests that have to go together. If one does not get approved, then the other one does not need to be approved. Mr. Carter stated that if case Z-19-02-004 does not get approved then there is no reason for the right-of-way for I-85 to be approved. Ms. Mazzurco asked to explain to her how this all came to be on the same night in the same book. Mr. Kirkman stated that the last case was an original zoning that was not in the City currently. The reason that those were able to be combined with the highway right-of-way was because they were requesting a straight zoning request with no conditions. This request is adding conditions to the private property that is currently outside the City and they can't add conditions to the publicly owned property, so therefore it had to have separate applications. Ms. Mazzurco stated that they were back to the magical word conditions. The conditions are making all the difference in the world. Mike Kirkman stated that the conditions here is what required two requests compared to the last case where there was only one request.

Chair Lester asked if there was anyone wishing to speak on this matter.

IN SUPPORT:

Jennifer Fountain, attorney, stated that she represents the applicant. She passed out materials to the Commission. and stated they were there to request approval of the initial zoning of 20.6 acres for conditional district multifamily zoning. The subject property is currently divided up into four separate tracks with four separate owners. The subject property is located next to an existing apartment development, Woodland Heights Apartments, also owned by the applicant. She noted that the existing apartments opened a few years ago and the occupancy rate is at 100% with a waiting list for three-bedroom units. This shows that there is additional demand for more apartments in this area. Ms. Fountain noted that her client sent letters to the neighbors on the distribution list that was provided by staff and received no concerns. Ms. Mazzurco asked about the conditions for the request. She noted that a traffic study was done on this case, but it doesn't tell them how many units they are talking about. She asked how many units would be built. Ms. Fountain stated that it would be 288 units and that information was provided to the transportation department.

Chair Lester asked if there was anyone wishing to speak in opposition.

IN OPPOSITION:

Councilwoman Sharon Hightower, 6 Mills Court, stated that this was not really in opposition to the request but had some questions. She noted that they need new housing in District but 288 units seemed like an awful lot here. She is concerned about the traffic impact and was curious to know what was suggested in regard to t public transportation since they struggle with the transportation system getting to certain properties and the further out

they go the harder it is to serve that area. Chair Lester asked if there was a different zoning designation that she thinks would be appropriate for this property. Councilwoman Hightower stated that she had just heard about this tonight when she read it on the agenda so she doesn't have an appropriate answer right now. She would need more information to make that decision. She did think that they need to have some more community outreach in the area.

In Support of Rebuttal:

Jennifer Fountain stated that she was happy to answer any questions. She knows that the traffic study did not raise any concerns. She thinks that the waiting list that they are currently experiencing next door shows the need for more apartments in this area. Mr. Holston asked what is the average rent currently for a one, two, and three-bedroom apartment at the existing apartment complex. Counsel Jones stated that was not an appropriate question to ask.

Mr. Blackstock asked if Tab Three (3) in the book Ms. Fountain presented was the letter that they sent out to the neighbors and Ms. Fountain stated that was correct. Mr. Blackstock asked how many letters were sent out and Ms. Fountain stated that there were about 30. Mr. Kirkman then stated that there were 27 properties on their mailing list for public notices. Ms. Mazzurco asked if the applicant had to hire the traffic engineer to do the traffic study and Ms. Fountain stated that yes they had hired Mr. Davenport. Mazzurco stated that the site was accessed during A.M. and P. M. peak hours. It gives the number of vehicles then, but it did not count trips. She asked if she knew what the peak hours and days were. Ms. Fountain stated that she does not have that information.

Noland Tipton, GDOT, stated that transportation requires traffic counts to be done on Tuesday, Wednesday, and Thursday and peak hours are typically from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Ms. Mazzurco asked if this was a 7 a.m. to 9 a.m. study. Nolan Tipton stated that they typically do a count all day, but the peak hour that they pull out of that count occurs usually from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Ms. Mazzurco stated that the trip generation rate was 1,567 and that was just from one hour. Nolan Tipton stated that was for 24 hours. 104 trip generation was the a.m. peak hour and 128 was the p.m. hour and that is trips not vehicles. Ms. Mazzurco asked if that was made up of 15 minute increments consecutively. Noland Tipton stated that sometime during that peak timeframe there would be four consecutive 15-minute intervals that are the highest count. Ms. Mazzurco asked how many more trips are they going to see with 288 units. Noland Tipton stated that the traffic study has stated that 104 additional trips will be in the a.m. and 128 in the p.m. Ms. Mazzurco asked how many more trips Davenport's study is saying that this 288 units will generate. Noland Tipton again stated that it would be 104 and 128. The information is based on national studies across the country where they have gone out and done actual counts for apartment complexes. Most apartment complexes vary with one, two and three-bedroom apartments and they have taken that information sent in to ITE and it created equations and estimated rates. That is how they estimate trips.

Chair Lester stated that Councilwoman Hightower's concerns were about extending City services to the proposed property. He asked if that was something he could speak about. Nolan Tipton stated that would be a conversation with GTA, which bases their routes on ridership. The closest route is on Elmsley just north of the Wal-Mart. Mr. Holston asked if the numbers in the traffic study were inclusive of the projected construction of the 288 units. Nolan Tipton stated that was correct. Ms. Mazzurco asked about the number range of units that they used to determine the trips per unit per day. Nolan Tipton stated that without sitting there taking it apart he couldn't get the range. Mr. Engle stated that it looks like that if he took the 1,567 daily trips divided by 288 units they would be looking at 504 trips per day during peak hours. Ms. Mazzurco stated that would be a lot less than the average,

because the average is eight to twelve units if she was understanding what the State said in the last case that they talked about. Nolan Tipton stated that the State has reviewed this traffic study. Ms. Mazzurco asked why they would estimate less when they are adding 288 units. Nolan Tipton stated that the numbers they are giving are quick estimate numbers. Then once they get into the trip reports they use the appropriate land use and rate for this study.

Chair Lester asked if there was anybody else wishing to speak in opposition. Seeing no one come forward the Public Hearing was closed.

STAFF RECOMMENDATION:

Mike Kirkman stated that in regard to the property at 132-136 Wolfetrail Road and Near 132 Wolfetrail Road is currently designated on the Land Use Map as Mixed Use Residential. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. The request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use. The CD-RM-18 zoning district does include conditions to eliminate negative impact on surrounding neighborhoods. Staff recommends approval of this request.

Mr. Kirkman stated that the I-85 right-of-way is currently designated as Mixed Use Commercial and Mixed Use Residential. The Mixed Use Commercial designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. This request does meet the Comprehensive Plan's Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use and the Community Facilities goal to provide community facilities, services, and infrastructures in a cost-effective manner to meet citizen's needs. The City R-3 district is primarily intended to accommodate low density single-family detached residential development that would also include public infrastructure such as roads and public utilities. It is consistent with the current R-3 zoning for other portions of I-85 that is already within the City's jurisdiction. Staff recommends approval of this request.

COMMISSION DISCUSSION AND MOTION:

Chair Lester stated that they were considering case number Z-19-02-004, which is an original rezoning request with conditions. Then a companion case Z-19-02-005, which is the highway with no conditions and goes to R-3. Mr. Engle stated that he was supportive of the requests. He understands the consideration about public transportation and that is important.

Mr. Engle moved that in regard to case Z-19-02-004, 132-136 Wolfetrail Road and 132 near Wolfetrail Road, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan's housing and neighborhoods goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan goal for the Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits

sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands, seconded by Mr. Blackstock. The Commission voted 6-1 to approve the request. (Ayes: Lester, Engle, Blackstock, Holston, Alford, and Dansby-Byrd. Nays: Mazzurco)

Mr. Engle moved that in regard to case Z-19-02-005, I-85 right-of-way, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan's goal for the Growth at Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. It is consistent with the Comprehensive Plan's Community Facilities goal to provide community facilities, services, and infrastructures in a cost-effective manner to meet citizen's needs, future needs, quality of life, and support desired Land Use Maps, seconded by Mr. Blackstock. The Commission voted 6-1 to approve the request. (Ayes: Lester, Engle, Blackstock, Holston, Alford, and Dansby-Byrd. Nays: Mazzurco)

Z-19-02-006 3518 South Holden Road (west of South Holden Road and north of McCuiston Road/Pinecroft Road) A rezoning request from C-L (Commercial – Low) to CD-C-M (Conditional District – Commercial – Medium) with the following conditions:

1. All uses permitted in the C-M zoning district except twin homes, group living, bus and rail terminals, establishments with drive-through facilities taxi dispatch terminals, convenience stores with fuel pumps, and sexually oriented businesses.

For the property located at 3518 South Holden Road, generally described as west of South Holden Road and north of McCuiston Road/Pinecroft Road (2.79 Acres) (**APPROVED**)

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak on this matter.

IN SUPPORT:

Robert Russell, applicant, stated that he was representing Mr. Robert Dabbs. This property is the old Dabbs Furniture store, which Mr. Dabbs has owned for quite a while. Impact Motors wishes to use the building as their new sales office and have entered into an agreement with Mr. Dabbs to lease the property. In Commercial Low auto sales is not allowed and that is why they want to go to Commercial Medium. The property is surrounded by Light Industrial. In selecting their conditions, they wanted to restrict those things that would be detrimental to the community. They sent out letters to received two responses. One was just saying that they no longer live in the area. Other than that, they have heard nothing from the community.

Chair Lester asked if there was anyone wishing to speak in opposition. There being no other speakers the Public Hearing was closed.

STAFF RECOMMENDATION:

Mr. Kirkman stated that this site is designated Commercial on the Comprehensive Plan's Generalized Future Land Use Map. The Commercial designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and "big box" retail. The rezoning request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic goal to promote healthy, diversified economy. The proposed CD-C-M zoning district does include conditions to eliminate negative impact on surrounding neighborhoods. Staff recommends approval of the request.

BOARD DISCUSSION AND MOTION:

Chair Lester moved that in regard to case Z-19-02-006, 3518 South Holden Road, the Greensboro Zoning Commission believes that its action to approve the zoning request for this property to be consistent with adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas and neighborhoods. It is also consistent with the Comprehensive Plan's Economic goal to promote healthy, diversified economy with a strong tax base and opportunities for employment, internship and for profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro. The request includes conditions to eliminate negative impact to the surrounding areas, seconded by Mr. Blackstock. The Commission voted 7-0 to approve the request. (Ayes: Lester, Mazzurco, Engle, Blackstock, Holston, Alford, and Dansby-Byrd. Nays: None)

Items from Planning Department:

Mike Kirkman stated that there are 14 cases on the agenda next month. Chair Lester stated that they would like to change how long the speaker and the opposition would have to speak because of the lengthy agenda.

Chair Lester motioned to change the speaking time from 15 minutes to 10 minutes, seconded by Mr. Holston. The Commission voted 7-0 in favor. (Ayes: Lester, Mazzurco, Engle, Blackstock, Holston, Alford, and Dansby-Byrd. Nays: None)

Ms. Mazzurco asked if staff could send applicants an email as a courtesy to have their presentation limited to ten minutes and Mr. Kirkman stated that they could.

Items from the Zoning Commission Members:

Ms. Mazzurco stated that she didn't think Noland Tipton was happy with her because of her questions about GDOT and transportation studies. She would have supported those two cases if she had been comfortable with the traffic study. She stated that the information in their book had changed dramatically. She felt like she was reading the book for the first time and she has been on the Commission for eight years. She is asking if it would be possible to present them with the entire traffic study before the hearing. Mike Kirkman stated that he could not commit to that without the Transportation staff there and noted Mr. Tipton had to leave the meeting due to his wife becoming ill.

Acknowledgment of Absences:

The absence of Mr. Pinto and Mr. Marshall were noted.

ADJOURNMENT:

There being no further business before the Commission, the meeting adjourned at 8:27 p.m.

Respectfully submitted,
Sue Schwartz, FAICP, Director
Planning & Community Development
SS/jd:pr

**MEETING OF THE
GREENSBORO ZONING COMMISSION**

March 18, 2019

The regular meeting of the Greensboro Zoning Commission was held on March 18, 2019, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Eugene Lester, Vice Chair Janet Mazzurco, Adam Marshall, Marion Dansby-Byrd, Hugh Holston, Donald Blackstock, Vernal Alford and, Zac Engle. City staff present were Mike Kirkman and Lucas Carter, Planning, Chris Spencer, Transportation and Terri Jones, Attorney's Office.

Chair Lester welcomed everyone to the meeting and advised of the policies and procedures in place for the Zoning Commission.

Approval of the minutes of the February 18, 2019 regular meeting:

Chair Lester requested before approval of the minutes to read a correction of the minutes for the record. He noted that on page 10 of the minutes, a motion to deny the original zoning request for case Z19-02-002, 601 Kallamdale Road, 4408 near Sumner Church Road, portion of 4229 Short Farm Road, 5200 to 5216 Carroll Avenue and a portion of I-85, was made by Mr. Holston and seconded by Ms. Mazzurco. The minutes needed to be corrected to reflect that Mr. Engle and Mr. Blackstock voted against the motion to deny the request.

A motion to approve the amended minutes was made by Mr. Engle, seconded by Mr. Holston and the Commission voted 8-0. (Ayes: Chair Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Withdrawals or Continuances:

Mr. Carter stated there were no withdrawals or continuances on the agenda.

Chair Lester moved to reorder the Commission's agenda so cases Z-19-03-005, Z-19-03-006, and Z-19-03-007 would follow new business item Z-19-03-003. Item Z-19-03-004 would then come after Z-19-03-007. Ms. Mazzurco seconded the motion and the Commission voted 8-0. (Ayes: Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

New Business:

Z-19-03-001: An original zoning request from County RS-20 (Residential Single-Family) to City R-3 (Residential Single-Family - 3) for the property located at 2815-2817 Roland Road, generally described as east of Roland Road and west of Kings Mill Road, approximately .28 acres. (Approved)

Z-19-03-002 An original zoning request from County RS-20 (Residential Single-Family) to City R-3 (Residential Single-Family - 3) for the property located at 2821 ZZ Roland Road, generally described as east of Roland Road and west of King Mills Road, approximately .413 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties for case Z-19-03-002 and noted the request did not contain any conditions. At the request of the first speaker, and with the consent of the Zoning Commission, Mr. Carter then provided zoning and

background information for Z-19-03-002, as both cases were located on the same street, were requesting the same zoning classification and included similar characteristics.

Speakers From the Floor

Frank Ford, 2918-A Martinsville Road, Greensboro. Mr. Ford thanked the members of the Commission for the opportunity to speak on these requests. He noted that he had been before the Commission previously in February of 2018 with an almost identical request to the requests before the Commission this evening.

Mr. Ford provided a handout for the members of the Commission to review and touched on several key points. He noted that City policy requires that if you want to connect to City water and sewer services, you agree to be annexed into the city. Mr. Ford then added that willing to have the requested properties annexed and assigned City zoning if approved. He then pointed to a map showing the lots on Roland Road that were previously approved last February and their proximity to the lots tied to the current requests. He also noted the two houses constructed on the previously annexed lots and how they fit into the existing neighborhood. Mr. Ford concluded that the previously annexed properties turned out very well and he thought the currently requested zonings would be of great benefit to the neighborhood.

Chair Lester asked if there was anyone else wishing to speak in favor of either case Z-19-03-001 or Z-19-03-002. Seeing none Chair Lester inquired if there was anyone wishing to speak in opposition to either case Z-19-03-001 or Z-19-03-002. Seeing none, Chair Lester closed the public hearing and asked City staff for their recommendation on both cases.

Mr. Kirkman state that both properties being requested for original zoning were designated Low Residential on the Comprehensive Plan and the Generalized Future Land Use Map. The Low Residential designation applies to single-family neighborhoods as well as other compatible housing types can be accommodated within the general density range of 3 to 5 dwellings per acre.

Mr. Kirkman noted that the proposed request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods as well as the Growth at the Fringe goal to provide a framework for the fringe that guides sound, sustainable, patterns of land use. He further noted that the proposed R-3 zoning district accommodates low density and single-family, detached residential development of a similar and scale to the development in this area and staff is recommending approval of the requests.

Zoning Commission Discussion and Action

Chair Lester inquired if there any questions of staff or discussion from Commission members. He also noted that the Commission would need to make and vote on a separate motion for each of the two requests. Absent discussion, Mr. Engle then made a motion in regards to agenda item Z-19-03-001 that the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located at 2815 to 2817, Roland Road, from County RS-20 (Residential Single-Family) to City R-3 (Residential Single-Family -3) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons.

The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands.

Motion made by Mr. Engle, seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Following the vote, Chair Lester stated that this approval constituted a favorable recommendation and the request was subject to an additional public hearing at the April 16, 2019 City Council meeting.

Mr. Engle then made motion in regards to zoning item Z-19-03-002 that the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located at 2821 ZZ, Roland Road, from County RS-20 (Residential Single-Family) to City R-3 (Residential Single-Family -3) to be consistent with the adopted connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons.

The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands.

Motion by Mr. Engle, seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Chair Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Following the vote, Chair Lester announced that this approval constituted a favorable recommendation and the request was subject to an additional public hearing at the April 16, 2019 City Council meeting.

Z-19-03-003: An original zoning request from County RS-30 (Residential Single Family) to City R-3 (Residential Single Family – 3) for the property located at 410 East Vandalia Road, generally described as south of East Vandalia Road and west of Riverdale Road, approximately .41 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the request did not contain any conditions.

Speakers From the Floor

Erin Caldwell, 410 East Vandalia Road, Greensboro Ms. Caldwell stated that they are requesting to be in the city as they do not have enough room in their backyard to place a new septic tank in their yard with the current well and need to be annexed so they can hook up to city water. Chair Lester inquired of the Commission for questions. No questions. Chair Lester asked if there was anyone else in favor of the request and no one came forward. Chair Lester then asked if there was anyone in opposition to the request and no one came forward. Chair Lester then closed the public hearing and asked City staff for their recommendation.

Mr. Kirkman state that this site is designated as Low Residential on the Comprehensive Plan's Generalized Future Land Use Map. The Low Residential designation applies to single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range of generally 3 to 5 units per acre. He also noted that the proposed original zoning request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods as well as the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use. He concluded that the proposed City R-3 zoning district allows for low density single-family detached residential development consistent with development in the area and staff recommended approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there were any questions or discussion from Commission members. Being none, Chair Lester asked for a motion. Ms. Mazzurco made a motion regarding agenda item Z-19-03-003 that the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located at 410 East Vandalia Road from County RS-30 (Residential Single-Family) to City R-3 (Residential Single-Family-3) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the actions taken to be reasonable and in the public interest for the following reasons.

The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is also consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands.

Motion by Ms. Mazzurco, seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Chair Lester announced that this approval constitutes a favorable recommendation and is subject to a public hearing at the April 16, 2019 City Council meeting. Chair Lester noted that the Commission would hear the next two original zoning requests on the agenda at the same time as Mr. Carter advised both of the cases are tied to the same project.

Z-19-03-005: An original zoning request from County PI (Public and Institutional) to City PNR (Parks and Recreation) for the property located at 4230 near Camp Burton Road, generally described as south of Camp Burton Road and west of Interstate 840. Approximately 7.67 acres. (Approved)

Z-19-03-006: And an original zoning request from County AG (Agricultural) to City PNR (Parks and Recreation) for the property located at 1638 – 1640 Oakleigh Road, generally described as north of Oakleigh Road and west of Interstate 840. Approximately 5.08 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties for both requests and noted neither request includes any conditions.

Speakers From the Floor

Shawna Tillery, 1001 Fourth Street, Greensboro Parks and Recreation Department, stated that Keeley Park is a 138-acre regional park that opened in 2012. The park includes community gardens, trails, two fishing piers, shelters, break around and a playground. In 2016 the City updated the Park master plan for the site

Ms. Tillery added that Phase 2 Developments for Keeley Park, include an 18-hole disc golf course and a beginner mountain biking trail which will be completed by the summer of this year. There will also be renovations to the existing community garden and additional playgrounds, shelters, parking, and restrooms are to be added.

Ms. Tillery noted that the Oakleigh Road parcel was purchased by the City in 1999 and last year the City accepted the donation of 4230 Camp Burton Road. This rezoning and annexation will allow for both parcels to be combined into Keeley Park parcel. Ms. Tillery then provided a map showing a conceptual design for the improvements and noted the Camp Burton Road property currently abuts the maintenance

building area and will allow access to that site from the maintenance building area. The Oakleigh Road property would remain a natural site at this point.

Ms. Tillery concluded that staff met with some neighbors in the past week that had some concerns about the Phase 2 Development of Keely Park. However after they went over all the plans with them they are very happy with the way things are going. She also noted that staff did receive a call from a neighbor that owns a parcel to the west of the Camp Burton Road parcel and they explained to him what was envisioned for that parcel. Staff also sent out letters ahead of the meeting to update surrounding property owners on what is happening with the park.

Chair Lester asked if there was anyone else speaking in favor and no one came forward. Chair Lester then asked if there was anyone in opposition and no one came forward. Chair Lester then closed the public hearing and asked the staff's recommendations for both parcels.

Mr. Kirkman stated in regard to agenda item Z-19-03-005, 4230 Near Camp Burton Road, the property is designated as Interim Residential on the Comprehensive Plan's Generalized Future Land Use Map. The Interim Residential designation applies to a mix of all types of residential densities and uses, and includes some limited local serving non-residential uses as well.

He further noted that the proposed request does support the Comprehensive Plan's Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns and the Growth at the Fringe goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use.

He concluded that the proposed City PNR designation accommodates larger size public and quasi-public lands such as regional parks and recreation areas, natural areas, shore land, urban wilderness areas and waterfront areas. It also included open space owned by a governmental or nonprofit entity for land conservation purposes and staff recommends approval of the request.

Concerning agenda item Z-19-03-006, 1638-1640 Oakleigh Road, Mr. Kirkman stated that the property is designated as Low Residential on the Comprehensive Plan's Generalized Future Land Use Map. This designation applies to single-family neighborhoods as well as other compatible housing types that can generally be accommodated within this density range of 5.08 acres.

The proposed original zoning does support the Comprehensive Plan's Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns and the Growth at the Fringe goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use.

The City PNR designation accommodates large size public and quasi-public lands such as regional parks like Keeley Park and staff is recommending approval of the request.

Zoning Commission Discussion and Action

Chair Lester asked for any discussion from the Commission or a motion, noting that the Commission needed to consider a separate motion for each of the requests.

Mr. Alford stated regarding agenda item Z-19-03-005, the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located 4230 Near Camp Burton Road from County PI (Public and Institutional) to City PNR (Parkland and Natural Resources Areas) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. The request is also consistent with the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns.

Motion by Mr. Alford, seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Mr. Alford stated regarding agenda item Z-19-03-006, the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located 1638-1640 Oakleigh Road from County AG (Agricultural) to City PNR (Parkland and Natural Resources Areas) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. The request is also consistent with the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns.

Motion by Mr. Alford, seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Chair Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Chair Lester announced these approvals constituted a favorable recommendation and are subject to a public hearing at the April 16, 2019 City Council meeting. Chair Lester then noted the Commission would hear the Special Use Permit next and then there will be a short break before they return to rezoning case Z-19-03-004 and will proceed the remaining agenda in order.

Z-19-03-007: A Special Use Permit request to allow a facility for the storage of chemicals, petroleum, hazardous material and related products in Heavy Industrial (HI) zoning for the property located at 6811-A, West Market Street and 6330 and 6340 R1 Burnt Poplar Road, generally described as south of West Market Street and north of Burnt Poplar Road, approximately 44.46 acres. (Approved)

Counsel Jones advised that this request will be considered with a quasi-judicial hearing so it would be appropriate for any member of the Commission to disclose any communications they've had about this case prior to the hearing.

Chair Lester disclosed that prior to this hearing he met with staff and Ms. Mazzurco last Thursday during the agenda review meeting and discussed the logistics of the case, His discussion with staff did not result in a pre-determined decision as to the desired outcome of this case. Chair Lester asked if any other Commission members had any ex parte communications regarding this case to disclose those communications. Ms. Mazzurco then also disclosed she was in the same meeting on Thursday with Chair Lester and had made no determination on the case as a result of that meeting.

All those intending to speak on this case were then sworn in by Chair Lester.

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the request did not contain any conditions.

Speakers From the Floor

Gavin Parsons, Coates and Bennett, 1400 Crescent Green, Cary, NC, noted he was serving as Counsel representing Kinder Morgan Plantation Pipeline Company and they are seeking a Special Use Permit for an existing operation that stores and transports petroleum products. He stated the property has been in use for 50 to 75 years and was properly zoned as heavy industrial. He then stated there are no changes being proposed for this use but they are attempting to bring themselves in compliance with the current Land Development Ordinance passed in 2010. Mr. Parsons then noted Kinder Morgan has been doing the same use on this site for a long time. He then noted that during a recent TRC review, staff identified this existing operations as not compliant because they didn't have a Special Use Permit and they are here to bring the site into compliance.

John Calupra, Project Manager for Kinder Morgan Plantation Pipeline (no address given) stated that the storage and transportation of petroleum products had occurred at the present location for over 70 years. He noted the pipelines in Greensboro specifically deliver product to their customers, neighbors, companies, and Kinder Morgan Southeast Terminals. They also serve the cities of Greensboro, Roanoke, Richmond, Virginia, and the Washington, D.C. area. Mr. Calupra stated that they applied in December of 2018 for an erosion control plan with the Water Resources Department, which prompted a review of the plans by the TRC. The zoning reviewer for TRC noted there was no current Special Use Permit on file for the facility and noted that in 2010 the Land Development Ordinance was adopted and required these types of uses need to have an approved Special Use Permit. They were not aware of this case and are here now to catch up.

Mr. Calupra then stated the site is a heavy industrial site and their neighbors are their customers and believes the use of the property is consistent and in harmony with what is currently being done in the area. They are not changing operations on the site and are simply here to get approval for what is already being done to have compliance with the City's ordinance. Mr. Calupra then stated the site has been operated in an efficient and safe manner and the facility was not detrimental to the health or safety to persons living or working in the area, nor injurious to any property. He also stated that the current use provides a facility that contributes to the well-being of adjacent properties in that they provide a joined product to their customers who are their neighbors and in turn employ individuals from the Greensboro area. For these reasons, they are respectfully requesting the Commission approve the Special Use Permit.

Mr. Marshall inquired about the safety protocols for the particular uses are at the property. Mr. Calupra responded the above ground storage tanks are surrounded by safety tanks and people are on site 24/7. He also noted the pipeline is monitored 24/7 via control rooms located both on site and in Alpharetta, GA.

Chair Lester asked if there was anyone else who wished to speak either in favor or in opposition of the application and no one came forward.

Ms. Mazzurco complimented staff on the TRC process that is done first for many items coming before the Commission. Ms. Mazzurco then sought to clarify that Kinder Morgan is not actually physically moving what they have now but are operating as they have been for quite some time, basically bringing the facility and the operation into compliance with the LDO that was somehow missed by the owners. Mr. Calupra replied that was correct.

A question was then asked regarding the intent to reconfigure any tanks on site eventually as part of the desired changes. Mr. Kirkman stated it was his understanding the applicant intended to relocate, expand or build a new tank on the property. That would be considered a change within the non-conforming use and could not be approved without the approved Special Use Permit. Mr. Calupra responded that there is a project they would like to do that requires demolishing an existing tank and building a larger tank in the same footprint. This was needed to increase the capacity the Roanoke pipeline. There is also a pumping station there currently they would like to make bigger. Ms. Mazzurco asked if increasing the capacity

meant increasing the footprint. Mr. Calupra stated that the increased capacity would not increase the footprint.

Chair Lester inquired in light of the additional disclosure if there was anyone who wished to speak in opposition to the request and no one came forward. Chair Lester then closed the public hearing and asked for staff's recommendation.

Mr. Kirkman advised this site is designated as Industrial/Corporate Park on the Comprehensive Plan's Generalized Future Land Use Map. The Industrial Corporate Park designation applies to areas where present or anticipated uses include both light and heavy industrial uses, such as manufacturing, assembly and fabrication, wholesaling and distribution, and corporate office and technology parks.

Mr. Kirkman noted that in order for the Zoning Commission to approve the Special Use Permit, they must determine that the request is conforming to the intent and purpose of the development ordinance, that the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, that the proposed use at this particular location provides a service or facility that will contribute to the general well-being of adjacent and nearby properties as well as the city as a whole and that the location and character of the proposed use will be in harmony with the area in which it is to be located and in conformity with the Comprehensive Plan. Based on the information available to staff and the testimony provided during the hearing, staff is recommending approval of the Special Use Permit request.

Zoning Commission Discussion and Action

Chair Lester asked for any additional discussion from Commission members or a motion.

Mr. Marshall stated in regard to agenda item Z-19-03-007, a Special Use Permit for 6811-A West Market Street and 6330 through 6340 R1 Burnt Poplar Road, to move for the ordinance granting a Special Use Permit to allow all uses permitted in the HI zoning district, including a facility for the storage of chemicals, petroleum, hazardous materials and related products be approved based on the following findings of fact.

That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity since the tracts are already surrounded by HI zoning and since the industrial storage tanks exist currently on this and surrounding tracts, there was no increase in safety concerns. Mr. Marshall also noted the facility is already monitored 24/7.

That the proposed use at this particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community as the facility provides for the safe storage of petroleum products and the company has been operating in the area for decades providing their product to neighbors as well as employing members of the community.

That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan as it is being used as a storage facility which already exists and the use is in harmony with the area where it is located and has industrial zoning on all sides of the subject property.

Motion by Mr. Marshall, seconded by Ms. Mazzurco. Commission voted 8-0. (Ayes: Lester, Mazzurco, Marshall, Dansby-Byrd, Holston, Blackstock, Alford, Engle, Nays: 0).

Chair Lester then announced all Special Use Permit decisions are considered final action unless the written decision signed by the Chair is appealed within 30 days to the Guilford County Superior Court. All adjoining property owners will be notified of any such appeal.

The Commission then took a short break and resumed at approximately 6:50 p.m.

Z-19-03-004: A rezoning request from RM-12 (Residential-Multi-family-12) to City CD-C-M (Conditional District Commercial Medium) for the property located 4015 Marchester Way, generally described as west of Marchester Way and south of West Gate City Boulevard. Approximately .34 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Speakers From the Floor

Mr. Majed Abualssondos, 4015 Marchester Way, stated this property used to be abandoned property until he made improvements. He would like to have the property rezoned as Commercial Medium for his office. He noted a letter was sent to surrounding property owners advising them of the rezoning and no one responded to the information sent out.

Chair Lester inquired if there was anyone else speaking in favor of the request and no was else came forward. Chair Lester then asked if anyone wished to speak in opposition to the request.

Dina Lavelle, 45 Arbor Hill Place, McLeansville, NC. Ms. Lavelle stated she was the Property Manager for Hanover Terrace Apartments at 3911 Marchester Way and was speaking on behalf of the owners. She stated the owners are opposed to the rezoning request due to parking issues that may impact their residential community. She stated there are already numerous issues with the nearby car lot shown in the picture with people parking on both sides of the road and that is impacting their residents from entering and exiting the property. They are concerned another commercial business here would cause more parking issues.

Chair Lester inquired if anyone else wished to speak in opposition to the request and no one came forward. Chair Lester then advised the applicant he had 5 minutes for rebuttal.

Mr. Abualssondos stated that parking could be anywhere in the United States and any traffic parking comes from the other businesses close by. He noted that the police come and put notices on the car for 5 days and then they are towed. He then noted anybody can just leave a car outside in the street and sometimes people living in the apartments leave vehicles outside on the street.

Ms. Mazzurco inquired of the applicant his intention for the property since that information is not in their book. The Commission knows what the zoning condition says but it's hard to talk about parking when the Commission doesn't know what the applicant intends to do. She also asked if the applicant had a plan floated through the TRC process.

Mr. Abualssondos replied he currently uses the property as an office for his EBay trading business. In the future he hopes to have an office for himself or one attached to the building that would be for a car dealer business.

Counsel Jones reminded the Commission they are to consider all potential uses and an applicant does not have to have a specific use in mind when applying for a rezoning. Ms. Mazzurco stated she was aware but sometimes there are concept drawings with request and she was just asking if he had one. Counsel Jones then noted any parking requirements would be determined once there is a specific plan for the property.

Mr. Engle asked if there would be a parking requirement associated with whatever new use is proposed. Mr. Kirkman replied if there was either a change of use on the property, or new construction on the property, they would account for whatever parking was required with that use. He noted there are standard parking ratios in the ordinance for different uses and they would have to demonstrate by their plans that they can meet the minimal required parking.

Mr. Blackstock inquired if there could be conditions or use restrictions, further asking if the applicant decided to open up a car lot, could the Commission put conditions on this use regarding the parking. Mr. Kirkman replied the new use would have to be demonstrate meeting required parking. He did note that on street spaces can be counted as part of the calculation in some cases, depending on how the site is laid out. He added that he was not sure if a condition would be appropriate in this case to address the parking by itself. Ms. Mazzurco stated is could there be additional conditions added to the request. She thought the answer could be yes, if the applicant offered them up but the Commission can't impose conditions. She noted the Commission can only consider what staff has presented tonight, which is one condition and it's all uses permitted in the C-M zoning district except for eating and drinking establishments with drive-through facilities, bars, nightclubs and brew pubs and sexually oriented businesses. Mr. Kirkman added the Commission could only consider tied to the property itself, so Commission couldn't consider conditions for the public right of way on other pieces of property.

Chair Lester inquired of any other questions for the applicant and there were none. No one came forward for rebuttal for the opposition so Charli Lester closed the public portion of the hearing and requested staff's recommendation.

Mr. Kirkman stated this site is designated as Mixed Use Commercial on the Generalized Future Lane Use Map of the Comprehensive Plan. The Mixed Use Commercial designation is intended to promote a mixture of uses of which various commercial uses remain predominant, but where residential, service, and other uses are considered complementary.

Staff finds the proposed request does support the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal promote a healthy and diversified economy. The proposed CD-C-M rezoning does restrict certain uses and staff recommends approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any additional discussion with respect to the request or a motion.

Mr. Engle stated he understands the parking situation and if anything substantial is done with the property, it would require parking upgrades. On .34 acres, he did not see how there could be any substantial situation that would cause issues beyond the other commercial uses around the site. He added that this is single-family home next to RM-12 zoning and the lot appeared to make sense for commercial medium.

Mr. Engle stated in regard in agenda item Z-19-03-004, the Greensboro Zoning Commission believes its action to recommend approval of the zoning amendment for the property located at 4015 Marchester Way from RM-12 (Residential Multi-Family-12) to CD-C-M (Conditional District Commercial Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and the request is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including the under-served areas such as East Greensboro. The request also includes conditions that limit potential negative impacts on the surrounding area.

Motion by Mr. Engle, seconded by Mr. Marshall. The Commission voted 6-2. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Nays: Blackstock and Mazzurco).

Chair Lester announced this constitutes approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. Adjoining property owners will be notified of any appeal.

Z-19-03-008: A rezoning request from RM-18 (Residential Multi-Family -18) to CD-RM-26 (Conditional District Residential Multi-Family – 26) for the property located at 1715 Sherwood Street, generally described as south of Sherwood Street and east of Granite Street, approximately 0.378 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Speakers From the Floor

Chuck Truby, 502 Wake Cross Drive, Greensboro, stated he was representing Richard Ammons, owner of the lot. Mr. Truby provided a site plan for conceptual purposes only and noted they would like to build a two-story apartment building which would have eight one-bedroom units. He noted that under the current zoning they can construct six three-bedroom units which would be the equivalent of about 18 beds. The way the ordinance is written, it does not differentiate density no matter the size of the bedroom, it is based on the number of units. The applicant prefers to do one-bedroom units because the owner feels it would be better for students wanting their own space. Mr. Truby stated that they have enough parking spaces to meet the ordinance. Mr. Truby also stated they did send out letters to the surrounding neighborhood and there were no phone calls from anyone.

Ms. Mazzurco inquired asked to clarify that under the current RM-18 zoning the applicant could do six units and they are going up because this is a very small piece of property. Mr. Truby responded that was correct. Ms. Mazzurco then asked if they needed RM-26 zoning if they want to go from six to eight units Mr. Truby stated that was correct and noted there is RM-26 zoning next to this property. Ms. Mazzurco also clarified that the only condition offered would limit uses to eight residential dwelling units and Mr. Truby stated that was correct.

Chair Lester asked was anyone else wanted to speak in favor of the request and no one came forward. Chair Lester then asked if there was anyone in opposition and no one came forward. Chair Lester then closed the public hearing and requested staff's recommendation.

Mr. Kirkman stated this site is currently designated as Mixed Use Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Mixed Use Residential designation applies to areas where the predominant use is residential, but where substantial and compatible local-serving non-residential uses may also be introduced.

He stated that the proposed zoning request does support the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods that offer security, quality of life and the necessary array of services to serve these residential uses. It also supports the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. He then stated the proposed CD-RM-26 district as conditioned allows for up to 8 multi-family residential dwelling units and staff is recommending approval.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any further discussion or a motion. Ms. Mazzurco commented that student housing may be needed in that area but she would not support the request due to the lack of conditions. She further stated that if there were more conditions she would be more comfortable with the

request. She then expressed concern that they are getting into a pattern of having requests with few or no conditions.

Mr. Blackstock stated regarding agenda item Z-19-03-008, that the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located at 1715 Sherwood Street from RM-18 (Residential Multi-Family-18) to CD-RM-26 (Conditional District Residential Multi-Family-26) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons.

The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

Motion by Mr. Blackstock, seconded by Mr. Marshall. Commission voted 7-1. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Nays: Mazzurco).

Chair Lester announced this constituted approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Z-19-03-009: A rezoning request from CD-LI (Conditional District Light Industrial) to CD-LI (Conditional Light Industrial) for the property located at 1155 Pleasant Ridge Road, generally described as west of Pleasant Ridge Road and north of West Market Street, approximately 1.01 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Chair Lester asked if conditions 2, 3, and 4 were identical to the current zoning. Mr. Carter replied yes, that was correct. Chair Lester also inquired if condition 1 is new Mr. Kirkman stated that was correct. And the applicant is seeking to change that condition to add additional uses that don't exist now.

Speakers From the Floor

Amanda Hodierna, 804 Green Valley Road, Suite 200, Greensboro stated she was representing the property owner and applicant Lucas Von Heller, LLC. She noted the principal of that entity is Mr. Gerald Heller and he was in attendance with her this evening. Ms. Hodierna provided the Commissioners with some materials for their reference and noted the property was purchased about a year ago with the intent to relocate his dump truck rental company to this site. His current business operation is on Dartmouth Street and has been serving the construction industry here for over 18 years. Currently the space is leased and Mr. Heller has now purchased the property to build his own facility. Ms. Hodierna stated the subject property is already zoned Light Industrial and they are requesting to tweak the existing conditions, since current condition number 1 would not allow for the proposed business operation just described.

Ms. Hodierna noted that there are currently four conditions that speak to use, building setbacks, signage, and street planting yard and their request would keep everything exactly the same as exists today but add some additional uses. They believe this is a reasonable request as it maintains the harmony of this section of Pleasant Ridge Road. She then referred the zoning map that showed other industrial and business park districts in the area. She also indicated the Comprehensive Plan and the adopted Western Area Plan call for this an employment area. She then showed an aerial image of the location depicting large industrial employment uses in the vicinity such as the Bull Ridge Distribution center across the street, North Carolina Baseball Academy to the south and the large postal service distribution center to

the south. She then noted the two immediately adjacent uses to their request are small scale contractor storage spaces. Ms. Hodierna concluded that letters were sent to the neighboring property owners within 600 feet and they did not hear any concerns or any feedback about the case.

Chair Lester inquired there was anyone else who wished to speak in favor of the application or in opposition and no one came forward. Chair Lester then closed the public hearing and asked for staff's recommendation.

Mr. Kirkman stated this site is currently designated as an Employment Area within the adopted Western Area Plan. The Employment Area designation is intended for a combination of expanding existing businesses, redevelopment, infill and new development projects.

He noted the proposed request does support the Comprehensive Plan's Economic Development Goal to promote a healthy and diversified economy as well as the Growth at the Fringe Goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use. The proposed CD-LI district as conditioned does allow all uses in LI except for eating and drinking establishments and staff recommends approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired of any discussion from the Commission or a motion.

Mr. Holston stated that for agenda item Z-19-03-009, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located at 1155 Pleasant Ridge Road from CD-LI (Conditional District Light Industrial) to CD-LI (Conditional District Light Industrial) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons.

The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and the request is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro. The request also includes conditions that limits potential negative impacts to the surrounding area.

Motion by Mr. Holston, seconded by Ms. Mazzurco. Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0).

Chair Lester announced this constitutes approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Z-19-03-010: A rezoning request from O (Office) to R-5 (Residential Single-Family-5) for the property located at 915 Olive Street, generally described as west of Olive Street and south of East Bessemer Avenue, approximately .15 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted there were conditions associated with the request.

Speakers From the Floor

Stephen Ruzicka, 517 Fifth Avenue, Greensboro, NC, stated he and his wife have owned this property for a number of years. It is situated in a completely residential area though the lot fronts on Bessemer Avenue and is zoned Office. These are all original single-family homes with some two-family homes

mostly dating from the '20s and this house dates from 1922. He stated this property is a bit of an anomaly with its own office zoning, included in the zoning for Bessemer Avenue. This house faces Olive Street and in every respect is more similar to the R-5 zoning area here. They are selling this house and are making this request to ensure that it can only be used in the future as single-family dwelling rather than some kind of office use. They are trying to make it consistent with the neighborhood of which it is truly a part of.

Kay Quillomen, 910 Olive Street, Greensboro, lives across from the property and she was there to say as a neighbor the whole block supports this request. She is also representing the Fisher Park Neighborhood Association which fully supports this request, to the point that the Neighborhood Association actually paid the rezoning fee and believe in it that strongly and approve of the zoning request.

Chair Lester inquired if anybody else wished to speak in favor of the request and no one responded. Chair Lester inquired if anybody wished to speak in opposition of the request and no one responded. Chair Lester then closed the public hearing and requested staff's recommendation.

Mr. Kirkman advised this site is currently designated as Mixed Use Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Mixed Use Residential designation applies to areas where the predominant use is residential but where substantial and compatible local-serving nonresidential uses may also be introduced.

He noted the proposed rezoning request does support the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The proposed R-5 zoning District accommodates lower density residential single-family dwellings and staff is recommending approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any discussion from the Commission or a motion.

Mr. Marshall stated in agenda item Z-19-03-010, the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 915 Olive Street from O (Office) to R-5 (Residential Single-Family-5) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

Motion by Mr. Marshall. Seconded by Mr. Blackstock. Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0).

Chair Lester announced this constitutes approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all such appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Z-19-03-011: A rezoning request from CD-RM-8 (Conditional District Residential Multi-Family-8) to CD-C-M (Conditional District Commercial Medium) for the property located at 2400 Summit Avenue, generally described as east of Summit Avenue and south of Sixteenth Street, approximately 10.52 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Speakers From the Floor

Lia Miller, representing Creative Aging Network, 2400 Summit Avenue, introduced her business partner, Robin Morgan. Ms. Miller stated that together they were donated this property from Bell House, Incorporated. Their two non-profits are embarking on a joint venture to create an arts and technology center for people who are aging and differently able. The property previously was used as assisted living for differently abled individuals so is 100 percent barrier free. As such it is an ideal location for them to provide classes for older adults in the arts and other life long learning opportunities such as technology. They are also focusing on multi-cultural and inner-generational programming to improve the quality of life for older adults and people who are differently able and participate in their programs.

Ms. Miller noted the previous assisted living use was under a different zoning but now there is no one living on the property. It is being used for office space, classrooms, computer repair, artist studios. There are also two other non-profits running offices at the building. They provided shared information with the neighbors through a flyer introducing who they are and what they're doing with the property and inviting them for a tour. They also met with staff at Hospice and Palliative Care, which is the closest neighbor to them. They have partnered with them in the past and met them when they were submitting the proposal for the property. They do have support of Hospice and have not heard from the other neighborhood residents in the area but will continue to extend an invitation to them to the property to see what is being done and participate in programs.

Robin Morgan, 5 Stadler Place, Greensboro, Executive Director for HandyCapable, stated that HandyCapable works with developmentally delayed adults. They take out of service technology from area residents and area businesses and repair and refurbish it and put it back out into the low-income community and non-profit community. It works as a place for all developmentally delayed adults to be able to learn how to have a skill so they can hire out. In the last two months have been able to place two of the HandyCapable adults in other jobs

Ms. Miller stated together they are offering a variety of programs to help with life-long grooming and to improve interaction, socialization, reduce isolation of these important populations. She stated the older adult population will double over the next 10 years in Guilford county and the opportunity for them to continue to learn, grow, and contribute to society is crucial as is the opportunity for people who are differently able to do that. She also noted about 33% of older adults do have some disability and they are working jointly to reach this population and create an inclusive and exciting location for this group to come, to participate, and learn.

Chair Lester asked if there was anyone else who wished to speak in favor of the request and no one came forward. Chair Lester then asked anyone wished to speak in opposition to the request and no one responded. Chair Lester then closed the public hearing and requested staff's recommendation.

Mr. Kirkman stated this site is designated as Low Use Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Low Residential designation applies to single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of three to five dwelling unit per acre. As part of this request, the applicant is also requesting an amendment to the Comprehensive Plan to the Mixed Use Residential designation. This designation applies to areas where the predominant use is residential but where substantial and compatible local-serving nonresidential uses may be introduced.

He noted the proposed request does support the Comprehensive Plan's Housing and Neighborhoods policy to implement measures to protect neighborhoods from potential impacts of development or redevelopment of sites, as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-C-M district, as conditioned, accommodates uses in the C-M district while prohibiting some more problematic uses and staff is recommending approval of the request.

Zoning Commission Discussion and Action

Chair Lester asked if there was any discussion from the Commission or a motion. Mr. Engle commented he was very excited to see this request as he used to volunteer and help with the holiday parties and picnic tables at Bell House. He remembered that at least one of the residents worked at HandyCapable and still does. Mr. Engle is very excited about what they are doing for the community and thanked them. Ms. Mazzurco had the same sentiments as Mr. Engle. This is a great organization and thanked them for everything that they do in the community. Feels it is a wonderful use of the property and they have checked all the boxes for her and was happy to make a motion.

Ms. Mazzurco advised on agenda item Z-19-03-011, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located at 2400 Summit Avenue from CD-RM-8 (Conditional District Residential Multi-Family-8) to CD-C-M (Conditional District Commercial Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and the request is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for profit and non-profit economic development for all segments of the community, including underserved areas such as East Greensboro. The request also includes conditions that limit potential negative impacts to the surrounding area.

Motion by Ms. Mazzurco, seconded by Ms. Dansby-Byrd. Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0).

Chair Lester announced this constitutes approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all such appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Z-19-03-012: A rezoning request from R-5 Residential Single-Family-5) to CD-C-M (Conditional District Commercial Medium) for the property located as 2801 North Church Street, generally described as west of North Church Street and north of New Street, approximately 0.20 acres. (Denied)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Speakers From the Floor

Valerie Sullivan, Keller Williams Realty on behalf of James and Betty New, 1501 Highwoods Boulevard, Greensboro stated this property has been Cooks Machine Shop since about 1969. The owners are now selling it and would like the zoning changed to commercial. She has talked to the neighbors behind the property and they have no problems. The other neighbors she spoke to adjacent are the Scales who are present tonight. Currently there is a chain link fence on the back between the two properties and the Scales are concerned about putting a privacy fence up and what kind of noise would be there.

Chair Lester asked if anyone else wanted to speak in favor of the request and no one came forward. Chair Lester then asked if anyone wished to speak in opposition to the request

Samuel Scales, 2803 North Church Street, Greensboro, stated he has lived in the house adjacent to this property with a chain link fence. He does not have a problem with the use of it being changed but is concerned with future types of business, with cars parked there for extended lengths of time. He asked if

there could be a barrier put in. He stated that he was not notified what type of business until recently and just wanted to know if a barrier for privacy could be placed. He stated he was also concerned about possible paint fumes as he and his wife have asthma and can't be subjected to any kinds of paints and things of that nature. These are his concerns.

Chair Lester inquired if there was anyone else who wished to speak in opposition to the request and no one came forward. Chair Lester asked if the applicant wished to respond to the opposition.

Rebuttal

Ms. Sullivan stated as far as she knew the new business would be just repair work on motors like the current business. The motors would be brought inside to be repaired and there should not be a lot of in and out. There should also not be any paint fumes as far as she is aware.

Chair Lester inquired of Mr. Scales if he wished to speak to respond.

Opposition

Mr. Scales stated the only thing he wants to know is if there's going to be anything that could possibly cause them to have any health issues. Burning wood causes issues when attempting to do yardwork themselves. He does not have a problem with the request as he won't stand in the way of progress but at the same time is concerned with health.

Chair Lester asked the staff if they could respond to these concerns since the Commission is here to just look at the rezoning.

Mr. Kirkman stated there are other uses for auto repair, minor or major, that fall under the Commercial Medium category. Some of that could include body work and those type of things. He noted the site is pretty small and if there was an expansion of the existing building, parking needs to be accounted for and also landscaping in those cases. If there is outdoor storage, it would have to be screened by code and any new outdoor storage would also be addressed. He could not speak specifically to some of the operation since the ordinance doesn't specify indoor/outdoor uses in most cases. There is a possibility a vehicle service use that could be a little more intense but if they increase the building or have outdoor activities, there are provisions in the ordinance to mitigate impacts from those uses.

Mr. Blackstock inquired if the current use was rebuilding engines for cars. Ms. Sullivan replied that what is there right now is Cooks Machine Shop which is equipment for machines such as ball bearing, metal, and things of that nature and has currently been there for the past 20 years. Mr. Holston asked if there are currently any materials being stored outside as a part of the machine shop or is everything done on inside. Ms. Sullivan advised that is correct. Mr. Holston asked will it be the same with the new business and Ms. Sullivan stated from what she understands it will be the same. Mr. Holston asked will there be vehicles stored outside. Ms. Sullivan stated maybe but what she understands is the engines will be brought to them and does not believe there will be vehicles there because the motor would already be out. Mr. Holston asked is there room to store vehicles on site. Ms. Sullivan stated there are probably 12 parking spaces and the building itself is about 1600 square feet

Zoning Commission Discussion and Action

Chair Lester inquired if there were any other questions of the applicant or Mr. Scales. Seeing none, Chair Lester closed the public hearing.

Ms. Mazzurco asked to clarify that the existing zoning was R-5 and the existing use had been there for 20 years. Mr. Kirkman stated that yes the current zoning is R-5 but the repair use has been there since the 1970s. The current use is considered nonconforming due to the zoning. Ms. Mazzurco stated she was stuck because it's in an R-5 neighborhood, and they would be rezoning to CD-C-M in an R-5 neighborhood. She was perplexed and asked if that was not considered a spot zoning.

Mr. Kirkman then provided some further background to try and address Ms. Mazzurco's question. He stated that prior to 1992 which is when the City adopted its first unified development ordinance, some of the residential zoning districts, such as RES-120, allowed for some local serving commercial uses. North Church Street has several examples where there are older convenience stores, or offices, or vehicular repair places that were legal at the time they were established and then as zoning changed over time, they maintained their operations. That is the situation here where it was most likely, based on the information available, established legally. When the 1992 ordinance was adopted, the residential districts prohibited all commercial uses at that point in time but this continued operation and maintained its rights to be there. If the zoning is changed to Commercial Medium, it's still a very limited site with .02 acres on there. If there are expansions or changes of use that would have to address parking, landscaping, and other things that will come into place with the current ordinance to address some of those impacts. Outdoor storage, for instance, is required to be screened from residential uses.

Mr. Holston noted his concerned about the lack of barrier between this property and the other property because it is an R-5, it's non-confirming but is still R-5. Mr. Kirkman responded they either have a scenario where they tear down the existing structure and try to rebuild a new structure or they're reusing the property to a use that's different than what is there today, a change of use. Under either of those scenarios, they City would apply the current ordinance requirements that require screening for outdoor storage. It may also require the establishment of a landscape buffer that does not exist now and address any parking deficiencies that come up.

Mr. Holton asked based on the conversation this evening, if the plan usage triggered a landscape buffer. Mr. Kirkman replied if they're maintaining uses that are similar to what's going on currently it would not trigger any other standards. If they begin to do something else, outdoor storage for example, they would be required to meet those screening requirements. Mr. Holston asked as it is in this case, could the applicant have offered a condition for a landscape buffer or fencing. Mr. Kirkman responded the applicant could have offered a condition for some kind of opaque fence or something else along the property boundary. It's not required today as the chain link is an allowed material for fencing on the property.

Chair Lester then asked Mr. Kirkman for the City's recommendation.

Mr. Kirkman stated this property is designated currently as Mixed Use Commercial on the City's Generalized Future Land Use Map. The Mixed Use Commercial designation promotes a mix of uses, of which various commercial uses remain predominant, but where residential, services, and other uses are complementary.

The proposed request does support the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy and the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The proposed CD-C-M district, as conditioned, accommodates a variety of uses within the Commercial-Medium district except for the uses prohibited on the list. Staff recommends approval of the request.

Chair Lester noted it seemed Mr. Scales was in agreement with the continuation of the current use and it is acceptable to him. If there were changes it could possibly benefit him from the zoning designation restrictions. In reviewing everything, he would be in favor of the request. Mr. Holston expressed that it is currently an R-5 zoning with a non-confirming use. It does not sound like the use is changing significantly enough for things such as barriers to be put in place. He is aware that the opposition was in a sense supporting the request but still feels like some type of conditions were need to protect the adjacent residential property. He is uncomfortable at this point voting yes because there are no conditions and it is an R-5 and the use, if it stays as is, still doesn't protect the next-door neighbor.

Ms. Mazzurco concurred that can't support this request. Ms. Mazzurco asked staff what happens in two months when the neighbor four doors down wants to open up a business under CD-C-M. She feels the Commission would be opening Pandora's box. Will not support this because of the lack of conditions and

it feels like spot zoning to her. She asked staff if they could facilitate the business with a Special Use Permit like is done with Bed and Breakfasts that go into residential neighborhoods.

Mr. Kirkman responded that Special Use Permits would only be an option if shown on the permitted use table in the Land Development Ordinance. Those are instances where a use may fit in a district but needs to have a higher level of scrutiny about how it fits into the context. If this was a single-family residence and then going to commercial use, there would be a conversation of the impact, and things in the ordinance that may mitigate some of those impacts on here. This is an existing non-conforming use that has been there for many years. Noted to the Commission the zoning to the immediate south is Commercial Medium zoning. There are a variety of doctor offices and other facilities there. There is industrial zoning across the street with various small scaled businesses. The context in this zoning area is not necessarily all residential on this particular block. Immediately north and west are single-family residential uses. The lot is located along a major thoroughfare so the issue of spot-zoning would not necessarily come into the conversation. What are the main impacts to adjacent neighbors is the question the Commission is trying to get answers to.

Mr. Kirkman then restated that with the size of the lot they are somewhat limited in what they could do in terms of the size and scale of activities on there. Probably the best option is to use the existing building for whatever use is on there. If they try to tear that down and rebuild, it would trigger some things such as landscape buffers and other things that the site probably would not be able to accommodate for much of the building site but the ordinance does provide some provisions. With outdoor storage if it doesn't exist today, it would trigger the modern standards which require a screening with that.

Mr. Engle pointed out there is at least one condition on the request that says "no vehicular access to Church Street". They can't tear the building down and create another fronting business to Church Street. He tried to put a paint booth in a 100-year-old warehouse that was 70,000 square feet and it was very difficult. They would have all kinds of challenges, as he did. The facility that's been there since the '60s would have to be brought up to code. That would mean bathrooms, insulation, lighting, and everything else. He is in support of the request because they own the land, and it's right next to CD-C-M. It is in a neighborhood with a gas station across the street. It is an old neighborhood and that's the way it was

Mr. Engle advised in regards to agenda item Z-19-03-012, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment, for the property located at 2801 North Church Street from R-5 (Residential Single Family-5) to CD-C-M (Conditional District Commercial Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro. The request also includes conditions that limits potential negative impacts to the surrounding area.

Motion by Mr. Engle, seconded by Mr. Marshall. Commission voted 4-4. (Ayes: Lester, Marshall, Alford, Engle, Nays: Holston, and Mazzurco, Nays: 2, Mazzurco, Dansby-Byrd, Blackstock, and Holston). Counsel Jones confirmed that a tie vote results in a denial of the request.

Chair Lester announced the denial constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all zoning appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Z-19-03-013: A rezoning request from CD-RM-18 (Conditional District Residential Multi-Family -18) and R-3 (Residential Single-Family-3) to CD-RM-18 (Conditional District Residential Multi-Family) for the property located at 449 through 451 Guilford College Road, generally described as east of Guilford College Road and north of Bridford Parkway, approximately 3.46 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request. Mr. Carter noted the applicant intended to offer an additional condition with the request.

Speakers From the Floor

Davis Ray, with Wynnefield Properties at 5614 Riverdale Drive, Jamestown, NC, requested to add a new zoning condition 3, which stated a Type C landscape buffer be provided along the northern and eastern property lines with any new development.

Chair Lester inquired if there was any discussion regarding the condition. Chair Lester made a motion to add this condition to the application. Second by Mr. Marshall. Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0).

Chair Lester stated the motion passed and the condition is added and requested of Mr. Ray to hear about his case.

Mr. Ray stated Wynnefield Properties is proposing at 56-unit multi-family development on the 3.48 acres. The property with the current conditions restricts their proposed use to a lesser number of units. What they are asking is to increase that density to allow for the proposed 56 units that are planned. Provided background information as to who they are and have been working in the area, including Greensboro and High Point. He then showed a schematic of what they are proposing to illustrate and why the third condition was added.

Mr. Ray noted they have reached out to approximately 14 neighbors based on the list provided from the Planning Department. They received no feedback other than one person who called, representing the owners of an adjacent property to see if there was any interest in purchasing their parcel. He noted that at this time there is no interest, but advised will contact if plans change. He did receive an email from a representative of the Ashley Oaks Apartments basically expressing some concerns about what was proposed. Based on correspondence with Ashley Oaks there was a concern over the buffering behind the building and to the east of the building against their property line. In talking to Planning Department staff, it was decided it was in Ashley Oaks best interest and theirs to add some additional screening and that was why they requested the new condition.

Ms. Mazzurco questioned the condition of "building shall not exceed 60' in height. Mr. Ray stated that was correct. Ms. Mazzurco stated typically they see stories so how many stories were being considered? Mr. Ray responded they are considering four stories. Ms. Mazzurco asked if the request could then be conditioned to four stories. Mr. Ray responded his original application was to put a four-story max on this property but was advised height should be stated in feet and not stories.

Mr. Kirkman responded this is something that staff has been working with over the last six months. Trying to move away from stories because of the fact that a story itself can vary greatly depending upon the type of construction. There have also been issues about whether you do flat roofs versus pitched roofs, old buildings where the back is taller and issues with expectations of what was approved in zoning conditions and what was approved in through site plan review process. There was concern at staff level, which was brought up at the City Council also, that we need a more objective number in terms of building height and so have been trying to encourage applicants to get to a height based upon a maximum design for what they are thinking they could do. These are maximum numbers, so they are not required to build to this

height and that is why they are getting away from the stories for the zoning conditions. A story can vary greatly. In many cases from 10 to 15 feet which is a great variation in building height.

Mr. Alford asked if that height to the ridge or to the eve? Mr. Kirkman responded that would be to the highest point of the structure. It would be to the top of the roof line. Ms. Mazzurco asked if there is any type of preliminary site plan with what is being presented. Mr. Ray responded this is the first time that City staff has seen this site plan as it was advised to not submit the site plan with their application packet. Mr. Kirkman responded this is illustrative in nature and it is not tied to any specific condition.

Chair Lester inquired if anyone else wished to speak in favor of the application and no one came forward. Chair Lester then inquired if there was anyone who wished to speak in opposition of the request and no one came forward. Chair Lester closed the public portion of the meeting and asked staff for their recommendation.

Mr. Kirkman stated this site is designated as Moderate-Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Moderate Residential designation applies to housing types ranging from small lot, single-family detached and attached single-family dwellings such as townhomes to more moderate density, low-rise apartment dwellings. Generally a density of 5 to 12 dwellings per acre. As part of this request, the applicant has requested a change to the Future Land Use Map to the High Residential designation. This designation applies to higher density apartment dwellings, condominiums, life care, and similar housing types of 12 units per acre or greater.

The proposed request does support the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods that offers security, quality of life and the necessary of service to support the residential uses. It also supports the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-RM-18 District, as conditioned, limits the maximum number of multi-family dwelling units to 60 and the general height of those to a maximum of 60 feet. Staff is recommending approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any discussion or comments. Mr. Alford stated the height was one of the questions that was asked in the email they received from an opponent. Normally they see a ridge in valleys and so forth. Would it be possible to have a flat roof with a parapet? And in that case, the top of the parapet would be the 60-foot height in which case there would be a block reaching 60 feet reaching all the way around. Is that possible? Mr. Kirkman stated yes. This would be based on the highest point of the roof, whatever the configuration would be. This is maximum height, not a requirement to build to that height. Mr. Holston asked if staff knew the heights of adjacent multi-family properties. Mr. Kirkman advised he did not have the information. Ms. Mazzurco responded she believed them to be around 25 to 30-feet. Mr. Engle stated the land is very difficult to build on due to the pitch going down. Buffalo Creek is there and would need help with the drainage issue which it what he noticed. The height if sloping down, would be difficult for them to build anything that would tower down on the apartment complex in the back. The buffer was the main thing Mr. Engle looked for. It's been answered and it's appreciated. The other big thing for him was this location is on a bus route and is fully in support of this request.

Ms. Mazzurco asked staff why they would recommend that a developer or an applicant not provide a site plan as she thought that was encouraged. Mr. Kirkman responded the issue with the site plan is that it is illustrative in nature and if there was not going to be a condition tied to it, staff wants it to be very clear it's not necessary to bring a site plan. Conditional Zoning does not require any type of plan to be provided to the City and that was what they were advising. If the applicant was not going to tie the request specifically to that plan, there was no expectation that any site plan needed to be submitted to the City and the Commission.

Counsel Jones stated the Commission is approving a range of uses generally. If they are not conditioned down to one specific use, it may be misleading or the Commission might focus on a particular illustrative site plan and forget about all the other uses that might be a potential. Once it's rezoned, it could be sold to another property owner who decides to do something completely different. Unlike a planned unit development which does have certain requirements, all of the others zoning districts can have a myriad of uses and this is not the time in the process to be requiring conditions as to actual building or a specific use.

Ms. Mazzurco stated another concern for her is they have some opposition to this case. Unfortunately based on the email and the discussion with the opposition, they are in Quebec, Canada and could not get a flight for today, but they had sent staff email asking to add a condition to the number of stories and the height to be 55, which is more consistent to her with anything else on that road. She understands the topography of the land but that's definitely going to be a water resource challenge. She is concerned regarding the lack of conditions or the clarity in the condition and no site plan even for illustrative purposes. She's done this job for a very long time and most of the time encouraged people to bring something to show the Commission. Typically after following a few cases through the TRC process, those are the plans that show up in TRC and TRC are usually the ones that tweak it. But the plans usually go on from this chamber to the TRC process and is uncomfortable approving things or recommending an approval on things that she doesn't know what it is. She does not have enough facts to make this decision.

Chair Lester inquired if there was more discussion or a motion.

Mr. Marshall stated in agenda item Z-19-03-013, the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 449 through 451 Guildford College Road from CD-RM-18 (Conditional District Multi-Family18) to CD-RM-18 (Conditional District Residential Multi-Family-18) to be consistent with the adopted 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro's citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods. The request also includes conditions that limits potential negative impacts to the surrounding area.

Motion made by Mr. Marshall, second by Mr. Blackstock. Commission voted 6-2. (Ayes: Lester, Marshall, Dansby-Byrd, Alford, Engle, Blackstock, Nays: 2, Mazzurco and Holston).

Chair Lester announced this constitutes approval and is final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all such appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting.

Z-19-03-014: A rezoning request from R-5 Residential Single-Family) to CD-C-M (Conditional District Commercial Medium) for the property located as 1414 Clifford Drive and 1407 Kirkman Street, generally described as north of Cliffwood Drive and south of West Meadowview Road, approximately 6.0 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Chair Lester requested to hear from the applicant.

Speakers From the Floor

Adrian Starkss, 3673 Oak Chase Drive, High Point, NC state he is the Senior Pastor of the church who submitted the application. The reason for the submission is for consideration to put signage on the Freeman Mill Road side of the facility. There is an existing sign that meets the current ordinance in terms of signage but is restricted. The visibility factor is why they are pursuing this. He asked the Commission to reference the images to show that the church is locked in by a natural hedge of trees and they are also on an incline. The Freeman Mill Road side is where the sign will go. He and City staff have talked about the matter of this signage and the need for it to be higher than is currently allowed. He pointed out that the high point of the church building is 44-feet and sufficient to block any visibility of the sign, which will be an illuminated sign, anywhere beyond the facility. The only visibility will be on the Freeman Mill Road side. The need for the greater height is to get above the natural hedge of the trees. There are sizeable trees on that side of the road. They are blocked in on every side.

Mr. Starkss introduced their Herb Spurgen, 4511 Chapel Ridge Drive, Greensboro, NC, who is a project manager at the church.

Mr. Holston clarified if the signage would be located between the facility and Freeman Mill Church Road. Mr. Holston asked if the light itself will be visible only from Freeman Mill. Mr. Starkss replied that was correct and the church building would block the light from going into the neighborhoods behind. It is a structural barrier that prevents them from being obstructive or a nuisance to the townhomes because they're on the other side. The residences that are on Cliffwood are well out of reach. They believe it is a win/win type of scenario.

Ms. Dansby-Byrd inquired if it was a flashing sign or a solid sign. Mr. Starks replied it is a LED sign. It is going to be illuminated with no flashing. Mr. Kirkman added the Land Development Ordinance for electronic signage does not allow for flashing signs. Signs that transition messages can't do motions and other things with that. It would go from one static image to another static image. Mr. Starks stated it is not going to be Las Vegas.

Ms. Mazzurco stated residential single-family, churches, religious assemblies are allowed in the current district. She asked if they're going to CD-C-M (Conditional District Commercial Medium) all over a sign. Mr. Starks replied yes, the reason being because of the height. Under the current designation, they would only be permitted a 6 foot sign, which would not be visible at all because of the trees. He has petitioned DOT to remove trees and they very unkindly told him to leave their trees alone. Ms. Mazzurco asked if they are changing the current sign and that is what is triggering the rezoning classification. Mr. Starks stated he is not changing the existing sign but rather is trying to add a sign.

Mr. Engle stated he saw their current signs and it is difficult to see while driving on Freeman Mill Road. Ms. Mazzurco totally agreed with Mr. Engle. Mr. Kirkman added that there are provisions for free standing signs for non-residential uses in residential zoning, i.e., a church in this case. Currently it can be no taller than 6 feet in height and 50 square feet in size. This is what this conversation is about; the applicant wants to do something taller that requires a change in the underlying zoning.

Ms. Mazzurco stated she assumed it was going to include a digital display Mr. Starks replied correct. Ms. Mazzurco asked about the size of the display board. Mr. Starks stated they submitted a proposal, and he didn't remember the dimensions of it but Allen Industries is putting the sign up and they're saying it's the standard size. They are not getting a mega sign.

Chair Lester inquired if there was anyone else to speak in favor or opposition.

Opposition

Reginald A. Martin, 2805 Delhome Road, Greensboro stated that he owned one of the units that has been referred to and is surprised that the Association didn't come and bring this to their attention. He was

trying to understand the proposal so he can go back to the Association and make them aware of what's about to happen. The area being referred to is like a dead-end area. He is not here complaining about anything. Simply here to get a better view of what's happened so he can call the Association, make them aware so they can make the owners aware of what they are up against. They are having a hard time now with resale in the area for whatever reason and he just wanted to make sure it was not going to be a parking lot change, a major change. He is grateful that the church is there, that people are attending but they want to make sure that this is balanced out with the traffic and the lights now that people will try to see coming down and wants to make sure that will not be a situation where everybody is trying to read a sign coming down Freeman Road.

Mr. Martin was asked for his address again. His address is 1107 D- Birchcrest Drive, where the townhomes are located. Mr. Engle asked if he was able to see the conditions put on this request before the hearing. Mr. Martin responded no. Mr. Engle stated he thinks it's actually more restrictive than what R-5 would allow right now. It is basically saying that in this zoning request it has to be used for religious assembly and the signage has to be between the structure of the church and Freeman Mill Road. It cannot be out in the parking lot, it cannot be on Cliffwood. It has to be between the building and the church. Also no new principal structures can be built on the property as of February 1, 2019. Even if their attendance goes six-fold, they cannot put a parking deck there or anything else. It would have to come back to Zoning and Zoning will go through all of it again. Stated in many ways this is more restrictive, in his mind, than the current zoning that is in place right now.

Mr. Martin stated that is correct and brings him to another issue that he would like to see, if they're interested, that they buy those units in there and convert them to something that's church related and people come in, can live there or people who are homeless and stuff like that. But that's on another tier and just something he thought he would present since they were in the area.

Chair Lester asked if the applicant wanted to rebut if he would like.

Rebuttal

Pastor Starks stated he didn't know if the gentleman was thinking that the roadway was being adjusted and wanted to clarify that they are not changing anything in terms of traffic pattern. Just looking to add signage.

Chair Lester inquired if anyone would like to speak in opposition and no one came forward. Chair Lester closed the public hearing and requested the City's recommendation.

Mr. Kirkman informed the Commission this site is currently designated as Low Residential on the Generalized Future Land Use Map of the Comprehensive Plan. That designation generally applies to single-family neighborhoods as well as other compatible housing types that can be accommodated from the density range at 3 to 5 dwelling units per acre. The rezoning did not result in changes to new and expanded uses based as the conditions provided so the request does not trigger amendments to the Comprehensive Plan.

The proposed request does support the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-C-M District as conditioned does include conditions to limit negative impacts on surrounding properties and staff is recommending approval of the request.

Zoning Commission Discussion and Action

Mr. Holston stated in regards to agenda item Z-19-03-014, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment, for the property located at 1414 Cliffwood Drive and 1407 Kirkman Street from R-5 (Residential Single Family-5) to CD-C-M (Conditional

District Commercial Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and the request is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro. The request also includes conditions that limits potential negative impacts to the surrounding area.

Motion by Mr. Holston. Seconded by Ms. Dansby-Byrd. The Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0).

Chair Lester advised this constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all such appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Items from the Planning Department

Mr. Kirkman stated there is nothing specifically from staff but noted there will be another lengthy agenda next month with 12 items currently on the agenda. Thanked everyone for the efforts this evening and hope to replicate it next month. Chair Lester proposed that the time limit stay at 10 minutes.

Items from the Zoning Commission Members

There no items from members.

Acknowledgement of Absences:

The absence of Andrew Pinto was acknowledged as excused.

Adjournment:

There being no further business for the Commission, the meeting was adjourned at 8:48 p.m.