



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
JANUARY 17, 2018**

The regular meeting of the Greensboro Zoning Commission for January 17, 2018 was canceled.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development  
SS/jd



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
FEBRUARY 19, 2018**

The regular meeting of the Greensboro Zoning Commission was held on February 19, 2018, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Anita Bachmann, Chair; Eugene Lester; Donald Blackstock; Hugh Holston; Adam Marshall; Janet Mazzurco; Adam Duggins; and Andrew Pinto. Also present were Mike Kirkman, Lucas Carter and Hart Crane, Planning Department, Noland Tipton, Greensboro Transportation Department, and Terri Jones, City Attorney's Office.

Chair Bachmann welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission.

**Approval of the minutes of the November 20, 2017 regular meeting**

Ms. Mazzurco moved approval of the November 20, 2017 regular meeting minutes as written, seconded by Mr. Blackstock. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Marshall, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that there was a request to continue case Z-18-02-002 by some of the opponents to the request.

Chair Bachmann asked that the person(s) asking for the continuance to come forward.

John Ludemann lives 612 Pleasant Drive, which is about  $\frac{3}{4}$  of a mile from the proposed rezoning site. He is also a life-long member of the Muirs Chapel United Methodist Church that owns some property on the corner of Kenview Street and Muirs Chapel Road. This includes the cemetery and the main church property across the street on Muirs Chapel Road. He stated that six days ago Affordable Housing Management held a public forum at Westover Church, which is just up the street, and at that time they were presented with the plans and schematics for the proposed rezoning request. He noted that six days is really not enough time for neighbors to prepare any rebuttal for the rezoning request. He noted that there were in excess of 60 residents and business owners present at that meeting and all but one person was in opposition to this request and spoke on their objections. He was asking the Commission to allow a little

more time to prepare their rebuttal on some issues that they feel are of importance to this site and specifically related to traffic and pedestrian safety issues. There are also some population density questions that they have about the request as they feel the proposed additional 72 residential dwellings will cause overcrowding in that particular area.

James Reaves, 4920 Kenview Drive, stated that he lives on the street where the proposed dwelling units are to be located. He would also like to ask for a continuance for many of the same reasons stated previously, primarily dealing with the additional traffic and pedestrian safety for the immediate area.

Chair Bachmann asked that the applicant to come forward to speak.

David Levy, Executive Director of Affordable Housing Management (AHM) located at 330 S. Green Street, Suite B-11, stated that AHM did send a letter to all the property owners within 600 feet of the property as per the list provided by the City. That letter was sent four weeks ago and did provide information about the rezoning request, the property location, how many units were proposed, how many and the type of buildings, description of the site amenities, et cetera. The letter also provided information about where and when the neighborhood meeting would be held, which was Tuesday, February 13<sup>th</sup>. He added that the letter clearly stated if anyone wanted to discuss the proposed development prior to the meeting, to call, mail or email him. The received communications from only six people; 1 mailed letter, 4 phone calls and 1 email. If the hearing today is continued, it will compromise AHM's ability to properly prepare and meet the various funding application deadlines that have to be met for this project. Additionally, part of that preparation includes expensive due diligence and they would like to know the outcome of the rezoning request before they spend that additional money on this project. He respectfully requested that the Zoning Commission deny the request for a continuance.

In response to questions, Mr. Levy stated that they have two important deadlines for funding applications tied to this project; one is with the City on March 12<sup>th</sup>, and a full tax credit application due to the State on May 11<sup>th</sup>. He noted that there is a tremendous amount of work that must go into those applications. If this request is continued to the March 19<sup>th</sup> Zoning Commission meeting, it is his understanding that if the Commission's decision is appealed, it would go to the April 17<sup>th</sup> City Council meeting. That is also the date the City will be voting on the various funding proposals for tax credit developments and, technically, the necessary zoning needs to be in place before that meeting. The most important application is the one for tax credits to the State on May 11<sup>th</sup>. The City application does provide for zoning to be in the process, as long as it is completed by a certain time period. They are really hoping for this request to be heard tonight.

**Discussion:**

Several Commission members stated that they felt continuing the request would cause undue pressure on the applicant to meet all the pertinent deadlines that must be met for funding of the project. The residents were certainly notified several weeks ago by the letter that was sent out, which contained information related to the request. There was a meeting which was well attended by the residents and some Commission members felt there was no reason not to go

ahead and hear the case tonight. Other Commission members felt that the neighborhood should have more time to accumulate their information and arguments for denial and the request should be continued.

After some discussion, Mr. Pinto moved to **deny** the request for a continuance for this case, seconded by Mr. Marshall. The Commission voted 5-3 and the continuance was denied so the case would be heard later on the agenda. (Ayes: Bachmann, Marshall, Holston, Pinto, Duggins. Nays: Lester, Blackstock and Mazzurco.)

### Public Hearings:

#### Old Business

- Z-18-01-001** 2935 Pleasant Garden Rd and a portion of 2924-2930 Liberty Road (east of Pleasant Garden Road and South of Liberty Road) – A rezoning request from City C-H (Commercial High) to City CD-C-M (Conditional District – Commercial Medium) and an original zoning request from County RS-40 (County Residential Single-family) to CD-C-M (Conditional District – Commercial Medium) with the following condition: 1. All uses allowed in the C-M district shall be permitted **EXCEPT**: bars, nightclubs, brewpubs, Sexually Oriented Businesses, convenience stores with fuel pumps, drive-thru establishments and crematoriums. - For 2935 Pleasant Garden Rd and a portion of the property located at 2924-2930 Liberty Road, generally described as east of Pleasant Garden Road and South of Liberty Road. (10.33 Acres) - Marc L. Isaacson for Patricia Bradley **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained pertinent information related to this request and showed map(s) of the subject area. The subject property contains approximately 10.33 acres and is located east of Pleasant Garden Road and south of Liberty Road. The request is to change the zoning from County RS-40 and City C-H to City CD-C-M. North of the request is zoned City C-L and County RS-40. East of the request is zoned County RS-40. South of the request is zoned County RS-40. West of the request is zoned City C-M and City-LI further west. The subject property is currently undeveloped. To the north are commercial uses and single-family dwellings. To the east are single-family dwellings and undeveloped land. To the south are single-family dwellings and multi-family dwellings. To the west are industrial and commercial uses. Photos of the site and surrounding properties were also shown for reference.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Marc Isaacson, attorney representing the applicant Patricia Bradley, the owner of the property, stated his address is 804 Green Valley Road. He presented booklets for the Commission members, which showed pertinent information related to the case. Photos of the request were shown for clarification. Mr. Isaacson stated that the applicant plans to construct self-storage units on the property. He sent information to the residents within 600 feet of the subject property and there were no responses received either by phone, letter or email. The owners have owned the property for many years and it has been reserved for future development to see how things would

develop in this area. The same family owns the gas station property at the corner of Highway 421 and Pleasant Garden Road. With the introduction of new multifamily housing and other single family housing in the area, the owners determined the property is now suitable to develop for a self-storage facility. Since this request includes an original zoning request associated with annexation Mr. Isaacson noted that the Zoning Commission will be making a recommendation that will be heard by City Council next month for a final decision. He then went over the information that was submitted for review and asked for a favorable recommendation.

There being no other speakers and no one in opposition, the public hearing was closed.

Mike Kirkman stated that for case Z-18-01-001 the site is designated as High Residential on the Generalized Future Land Use Map. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types. As part of this request, the applicant has requested a change to the Mixed Use Commercial designation. The Mixed Use Commercial designation is intended to provide for a mixture of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. The proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound sustainable patterns of land use, as well as the Economic Development goal to promote a healthy, diversified economy. The CD-C-M zoning, as conditioned, generally accommodates a wide range of retail and service uses and staff recommends approval of the request.

Mr. Lester stated that in regard to case Z-18-01-001, the Commission believes that its action to recommend approval of the zoning amendment for the property located at 2935 Pleasant Garden Road and a portion of 2924-2930 Liberty Road, from County RS-40 and City C-H to City CD-C-M, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action to be reasonable and in the public interest because the request is consistent with the Growth at the Fringe goal to provide a development framework for the fringe; with the Economic Development goal to promote a healthy, diversified economy; and implements measures to protect neighborhoods from potential negative impacts, seconded by Mr. Blackstock. The Commission voted 8-0 in favor of the request. (Ayes: Bachmann, Marshall, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

- Z-18-01-002** 4209 Burlington Road and 109-115 Flemingfield Road (north of Burlington Road, west of Flemingfield Road, and east of Elsielee Road) – An original zoning request from County RS-30 (Residential Single-family) to City CDO (Conditional District – Office) with the following conditions:
1. Building square footage shall not exceed 25,000 square feet.
  2. Maximum building height shall not exceed three (3) stories.
  3. There shall be no driveway cuts on Burlington Road.
- for the property located at 4209 Burlington Road and 109-115 Flemingfield Road, generally described as north of Burlington Road, west of Flemingfield Road, and east of Elsielee Road. (3.4 Acres) - Eric Morgan of Morgan Surveying, Inc. for Michael P. Bryant **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained pertinent information related to this request and showed map(s) of the subject area. The subject property contains approximately 3.4 acres and is located north of

Burlington Road, west of Flemingfield Road, and east of Elsielee Road. The request is to establish original zoning from County RS-30 to City CD-O. North of the request is zoned County RS-30. East of the request is zoned County AG and County CU-LI. South of the request is zoned City LI. West of the request is zoned County RS-30 and City CD-C-M further west. The subject property currently holds several single-family dwellings. North of the request are single-family dwellings. East of the request are single-family dwellings and commercial/vehicle service uses. South of the request are commercial uses. West of the request are single-family dwellings with commercial uses further west. Photos of the site and surrounding area were also shown for reference.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Michael Bryant, 2967 Huffine Mill Road, stated that he has run a business in this area for over 35 years and he and his brother have accumulated several properties over the years, including the subject property. They have been waiting until the right kind of development came along. Farm Bureau Insurance has an agency office on Old Burlington Road and has been there for many years. They now would like to move the office to this property. Currently, there are two houses on the property that will be taken down. He sent out 20+ letters to the adjoining property owners and he had a couple of people call him to note their support of the request. Mr. Bryant also noted that the President of Farm Bureau Insurance of NC came tonight to voice her support for the request.

Elaine Fryar, 6298 McLeansville Road, stated that she was the president of the NC Farm Bureau and there has been a Farm Bureau office on Burlington Road since May of 1980. She added that NC Farm Bureau was organized in North Carolina in 1936 and their headquarters was originally in Greensboro. They moved in the 1950s to Raleigh and there is a membership of over 550,000 clients. A part of that membership is insurance and there are currently 3 offices in Greensboro; one on Burlington Road; one in High Point; and also one on Battleground Avenue. They have now outgrown their current location on Burlington Road and have actively been looking for a new location in the same area. She commented that this property would be the perfect place for their new office building which would include about 15 agents in the building.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request and no one came forward. The public hearing was then closed.

Mike Kirkman stated that for case Z-18-01-002 the site is designated as Mixed Use Commercial on the Generalized Future Land Use Map. The Mixed Use Commercial designation is intended to provide for a mixture of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. The proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide development framework for the fringe, as well as the Economic Development goal to promote a healthy, diversified economy. The CD-O zoning, as conditioned, offers a variety of office and service uses and staff recommends approval of the request.

**Discussion:**

The Commission members all felt that this would be a very good project and supported the request.

Mr. Blackstock stated that in regard to case Z-18-01-002, the Zoning Commission believes that its action to recommend approval of the request for the original zoning request for this property from County RS-30 to City CD-O with the conditions provided is consistent with the 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 Growth at the Fringe goal to provide a development framework for the fringe; consistent with the Economic Development goal to promote a healthy and diversified economy; and does implement measures to protect neighborhoods from potential negative impacts, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the request. (Ayes: Bachmann, Marshall, Lester, Pinto, Duggins, Blackstock, Holston and Mazzurco. Nays: None.)

### New Business

**Z-18-02-001** 2820-2822 Roland Road (northwest of Roland Road and southeast of High Point Road) - A original zoning request from County RS-20 (County Residential Single-family) to City R-3 (Residential Single-family) - For the property located at 2820-2822 Roland Road, generally described as northwest of Roland Road and southeast of High Point Road. (0.67 acres) - Donna Norman **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained pertinent information related to this request and showed map(s) of the subject area. The subject property contains approximately 0.67 acres and is located northwest of Roland Road and southeast of High Point Road. The request is to establish original zoning from County RS-20 to City R-3. North and south of the request is zoned County RS-20. East of the request is zoned County RS-20 and County CU-PDR-SP. West of the request is zoned County CU-GO-M. The subject property is currently undeveloped. North, south, and east of the request are single-family dwellings. West of the request are office uses. Photos of the site and surrounding area were also shown for reference.

In response to questions, Mr. Carter stated that the reason for the request is for the applicant to be able to tap into City water and sewer. Some of the currently existing properties already have access to City water and sewer because they were developed before the current City water and sewer policy was adopted. Any property that wishes to connect to City water and sewer now must be annexed. The City would provide all City services to the property, either directly or contracting with other local providers. In response to additional questions, Mike Kirkman stated that there is water/sewer infrastructure in the middle of Roland Road but the subject property is not currently connected to that water/sewer line. In order to connect to that water/sewer line the property must be annexed and original zoning assigned by the City.

In response to follow up questions specifically about the annexation, Terri Jones stated that the decision on annexation is made by City Council based on their determination that an annexation is appropriate and the City can provide all City services to this particular parcel. She then noted that the question on whether or not to annex this property is not the Commission's decision and their task is consider what the zoning should be if the property is annexed.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Frank Ford, 2918-A Martinsville Road, stated that he is representing the owner of the property, Andy McKinney. He presented handouts for the Commission members, which showed pertinent information related to the case. The applicant intends to construct two homes on the property. He responded to Commissioners' questions by saying that the first handout is simply a survey map that shows the original 6 subdivided lots that make up the current two tax lots. The two tax lots come out to about 15,000 and 14,000 square feet and fall within the R-3 zoning requirements, which is the

most stringent zoning district in the City. They will utilize City water and sewer, which is already installed on Roland Road. All the homes on Roland Road are currently serviced by City water and sewer. They would be paying City taxes as opposed to the current owners that do not pay City taxes. The lot sizes will be about .35 - .36 acres and the average lot size on Roland Road is .4 acres. He also noted that there is a shopping center in close proximity to the subject site that is currently within the City limits. He asked for a favorable recommendation of this request.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Judy Ritter, 2824 Roland Road, stated that her property is adjacent to the subject property. She noted a petition from the Woodland Acres Neighborhood stating their opposition to the request. They feel that the zoning to R-3 is not consistent with the properties in the neighborhood. The petition was submitted for evidence. She also presented pictures of all the homes and the square footage of each lot. She explained that these lots are large county settings and ranch style homes. They met with Andy McKinney on February 9<sup>th</sup>, Sara Clark, the realtor and Jason Richardson, who is also adjacent to the lot on the other side of the subject property. They shared their concerns about there being two houses on this lot for rental properties. Their concern is that the two houses would overcrowd the lots and decrease the values of homes on the street and would not be consistent with the surrounding properties and the country setting. There is one rental house in the neighborhood. They have put a lot of love, time, sweat and tears in building their homes. She asked that the Commission consider their concerns.

Debra Richardson, 2816 Roland Road, said that they found about this proposed development for two homes on this road about a month ago. They feel that they bought their properties based on County zoning and to put City zoned property on this street is not going to add any value to their properties. The road is not designed for high usage and there are a lot of dips and holes so any rental properties would just add to the traffic and use of the road and would be detrimental to what they wanted when they moved there 10 years ago.

Warren Ritter, 2824 Roland Road, stated that he did the calculations on the square footage of the properties. He feels that putting two houses on that property would be consistent with the rest of the zoning of this community. In response to questions, Mr. Ritter stated that there is not a homeowners association in this area.

Virginia Lloyd, 2823 Roland Road, stated that she loves this neighborhood and searched for a house for 4 years before she found this area. She does feel that these two houses would not be consistent with the way that the rest of the neighborhood was built.

Bill Moser, 2813 Roland Road, stated that he helped his father build that house in 1959. There is no homeowner's association but all the neighbors know each other and communicate on a regular basis. He feels that this is spot zoning and is not in the best interest of the community. He asked that this request be declined for spot zoning.

Alton Sha, 2819 Roland Road, stated that he lives directly across from the subject property. He bought his house 40 years ago just because of the zoning and he wanted to live in the County. He is opposed to the zoning change for this property and it will have a detrimental impact on the other houses on this road.

Chair Bachmann asked if the applicant would like to speak in rebuttal.



Frank Ford stated that they never indicated that these were going to be rental houses. They are not going to be rental houses. He then noted that when the other neighbors accepted City water and sewer many years ago they also had accepted to be annexed when the City could offer all other City services but the rules changed. Under current rules, this property must be annexed in order to avail themselves of the same services that the other neighbors have.

In rebuttal for the opposition, Warren Ritter stated that on the water and sewer petition completed back in the late 1980s, they do not recall any agreement that they would agree to be annexed into the City. They requested water and sewer at that time because of the conditions of the wells in that area and the septic tanks also. There are about 4 or 5 properties that have no structures on them in this area.

Judy Ritter stated that their concern is not about the new homes, it is the small homes they would build there. The other homes in the area are large ranch style homes and these could be really small compared to the existing homes. It would take away and decrease the value of their homes. There are no restrictive covenants on these properties.

Debra Richardson stated that the gentleman stated that they are trying to assume things about people and they are not trying to do that. All they know is that everybody else on that street get along together and bought their properties in this area and they feel that putting two homes on that one lot is not going to be conducive to what they want in their neighborhood. At this time the children can play on the street without being in danger and these two houses would add more traffic.

In response to additional questions, Terri Jones stated that anyone can petition City Council to change the current policy requiring annexing into the City to obtain City water/sewer. She then noted that under previous Council policies property owners were required to sign a Utility Agreement and Petition for Annexation and that gets recorded at the Register of Deeds. A search would have to be done to see whether some of these properties had those agreements on file or not.

Mr. Ritter stated that what he paid to connect to City water/sewer was based on road frontage and he had to pay an acreage fee and a connection fee. He asked if this developer could ask for a variance to this law that requires them to be annexed into the City to tap on to City water? Terri Jones stated that a variance would not be appropriate because the requirement for annexation is something specific to adopted Council policy and the Land Development Ordinance. She also noted that there is not generally an option to retain County zoning on property that has been annexed into the City. The City is not in a position to implement two different sets of zoning ordinances, which is what would be required if that zoning remained with a County zoning classification. In addition, the Generalized Future Land Use designation that is associated with the zoning request is tied to the City's Comprehensive Plan and Land Development Ordinance and not to either the County's Master Plan or their Land Development Ordinance.

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

Mike Kirkman stated that for case Z-18-02-001 the site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the

density range of generally 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe, and the 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. The City R-3 district is primarily intended to accommodate low density single-family detached residential development and is the least intense zoning district in the City. Staff recommends approval of the request.

**Discussion:**

Mr. Duggins stated that he was very happy to see the neighbors come out to voice their objections and their caring about their neighborhood. However, there is not a path forward for this property owner to do anything without annexing the property into the City. Given that dynamic he would support the zoning request. Mr. Pinto stated that he also appreciates the neighbors coming to voice their opinions on this request. He feels that the Zoning Commission's job on this particular zoning is to recommend a zoning to the City Council and that recommendation needs to be what City zoning would be closest equivalent to the County zoning. He would support the request. Mr. Holston stated that he is struggling with this one as it still appears to be spot zoning and drawn in the middle of a donut hole. He wonders if this is the highest and best use of the property for the City and County. He does not feel that he can support the request. Mr. Lester stated that this is a beautiful neighborhood and without access to City water and sewer the owner cannot develop the property to its highest and best use. Ms. Mazzurco stated that she is also struggling with this one. She appreciates the opposition that came out to speak and understands the mechanisms that have to be considered. She noted that the request feels like spot zoning to her and is not compatible with the balance of the neighborhood and she cannot support the request.

Mr. Duggins stated that in regard to case Z-18-02-001, the Zoning Commission believes that its action to recommend approval of the original zoning request for this property from County RS-20 to City R-3 is consistent with the adoption of the 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is compatible with adjacent residential development and supports the Comprehensive Plans Housing and Neighborhoods goal to meet the needs of present and future citizens for a choice of decent and affordable housing and a stable livable neighborhoods that offer security, quality of life and a necessary array of services and facilities. The request is also consistent with the Growth at the Fringe goal to provide sound and sustainable patterns of land use; and this request is consistent with the intent and purpose of the Zoning Code, the Comprehensive Plan, Connections 2025 and is generally compatible with the existing development in the surrounding areas, seconded by Mr. Pinto. The Commission voted 5-3 in favor of the request. (Ayes: Bachmann, Marshall, Lester, Pinto, Duggins. Nays: Blackstock, Holston and Mazzurco.)

Chair Bachmann stated that it is necessary to take a break. There was a short break from approximately 7:45 until 8:00 p.m.

- Z-18-02-002** 303 Muirs Chapel Road and 4803 & 4809 Kenview Street (west of Muirs Chapel Road and southwest of Kenview Street) – A rezoning request from R-3 (Residential Single-family) to CD-RM-26 (Conditional District – Residential Multifamily - 26) with the following condition: 1. Use limited to a maximum of 72 residential dwelling units. - For the property located at 303 Muirs Chapel Road and 4803 & 4809 Kenview Street, generally described as west of Muirs

Chapel Road and southwest of Kenview Street. (3.98 Acres) - Affordable Housing Management, Inc. for Ralph Speas, Tammy & Darrell LeVan, and Odeh Properties, LLC. **(APPROVED)**

Mr. Holston stated that in the interest of transparency, he wanted to share that he does serves on the Board of the Greensboro Housing Coalition, he has no financial ties and feels that he could be objective when considering the merits of this case.

Lucas Carter explained pertinent information related to this request and showed map(s) of the subject area. He then stated that the applicant wishes to add to the proposed conditions as follows:

1. Uses shall be limited to a maximum of 72 residential dwelling units.
2. Except for the road frontages along Kenview Street and Muirs Chapel Road, a minimum six feet tall opaque fence shall be installed along all exterior property lines where permitted.
3. A minimum of five bicycle racks shall be installed within the development.

Mr. Duggins moved approval of the additional conditions, as presented, seconded by Mr. Blackstock. The Commission voted 8-0 in favor of the request. (Ayes: Bachmann, Marshall, Lester, Pinto, Duggins, Blackstock, Holston and Mazzurco. Nays: None.)

Lucas Carter stated that the subject property contains approximately 3.98 acres and is located west of Muirs Chapel Road and southwest of Kenview Street. The request is to rezone from R-3 to CD-RM-26. North of the request is zoned R-3. East of the request is zoned Office. South of the request is R-5. West of the request is zoned R-3. The subject property is predominantly undeveloped but does contain a single-family dwelling. North of the request are single-family dwellings and a cemetery. East of the request are office uses with single-family dwellings further east. South and west of the request are single-family dwellings. Photos were shown of the site and surrounding area for reference.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

David Levy, representing Affordable Housing Management, stated that in attendance with him is AHM Board President, Chester Brown and there is also a member of their civil engineer in case there are questions for him. He presented handouts for the Commission members, which showed pertinent information related to the case. AHM is requesting this rezoning in order to be able to develop a 72 unit apartment complex. As conditioned, the use will be limited to a maximum of 72 dwelling units on this 3.98 acres, so the actual proposed density is 18.09 units per acre. Developing these apartments will assist the City to address its critical shortage of quality affordable housing. AHM is a 48 year old private non-profit organization that has extensive experience and successful track record developing and managing apartments. The handouts show that AHM has been involved with the development or redevelopment of 32 multifamily properties consisting of 1,661 apartment units at an investment of over \$87 million dollars. With just a few exceptions, most of AHMs development activity has been in Greensboro and a list of the 10 properties in Greensboro was noted.

Mr. Levy then pointed to a map showing surrounding land uses. To the northwest is R-3 single family, RM-8, RM-5, and CD-RM-12 multifamily. To the southwest is R-5 single family, Office and CD-Office, CD-RM-8 multifamily, Commercial Medium, and Light Industrial. To the northwest is CD-Office, RM-12, RM-5 and RM-18 multifamily. To the southwest is CD-Office, CD-C-H and CH-

Commercial High. In addition is a look at the current surrounding land uses. To the north is a cemetery, 4901 Kenview is a single-family home on approximately a 4-acre parcel. 4900 Kenview is a 1.4-acre parcel, 401 Muirs Chapel Road is a 1.97-acre parcel and 4837 Tower Road are the Hamilton Village Tennis Courts. All those parcels except 4901 Kenview with the single-family home, are vacant land. Across Muirs Chapel to the east are Chapel Watch Townhomes, Richwood Apartments, medical offices, Re-Max office building, and SECU building. The Greensboro Future Land Use Map (GFLUM) designates the subject property location as High Residential.

Mr. Levy noted that the rezoning request, as conditioned, is consistent with the High Residential designation of over 12 dwelling units per acre. To address the neighborhood concern about foot traffic going through property on Mitchell Avenue, they have added the condition for a 6-foot privacy fence to be installed. The site will include a clubhouse or community building, a playground, a picnic shelter, picnic tables with grills and benches. Additionally, per the zoning staff recommendation to tie into the planned bicycle lanes on Muirs Chapel Road, they have added another condition that there will be a minimum of 5 bike racks. The clubhouse will include Management offices, maintenance room, fitness and laundry centers and a community meeting room for residents and other functions. There will be a full-time site manager and maintenance person working at the property and they will be available 24/7. He provided a conceptual rendering of the apartments that are proposed and a preliminary architectural building elevation. The exterior of the buildings will consist of brick veneer, vinyl lap siding, accent vinyl shake siding, accent fiber cement paneling, fiber cement clad columns with brick bases and accent standing seam metal roofs and 30-year dimensional roof shingles. He provided photos of two recently completed AHM developments, Hope Court, a supportive housing development was completed in November 2015, consisting of 16 units and Sumner Ridge, a tax credit property was completed during the fall of 2017. There are various amenities close to this site, such as: Harris Teeter, Food Lion, Walgreens, Bank of America, restaurants and many other stores and services. There is a bus stop at Market Street in front of the Price Shopping Center, which is Route #9 that runs daily, and another bus stop across from the site on Muirs Chapel Road, Route #26, which is a weekend route.

A letter was mailed on January 29, 2018, to all property owners within 600 feet of the property. They received 6 inquiries about the project. There was a meeting held at Westover Church on Tuesday, February 13, 2018 and there were 43 people who signed in with a few others (5 or 6) that did not sign in. During the meeting he reviewed the site plan rendering and provided details about how the development funding is structured and information about AHM. Most of the comments were about concerns of increased traffic, crime, decrease in property values, and concern about affordable housing and that there are already many apartments in the area and they did not need more affordable housing. A homeowner that lives on Kenview wrote a letter in support of the rezoning. The City does not require a traffic impact study unless there are 146 or more apartments proposed. Staff has indicated that development of the 72 units would generate 39 am trips and 57 pm trips. He deferred to City staff regarding questions about traffic. The proposed rezoning request supports both the Comprehensive Plans Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of quality, affordable housing. Last year when AHM was building its newest development, Sumner Ridge, located on Old Randleman Road, there were 800 people that called to be put on the list for applications and AHM had to stop taking names. All those calls were generated from having their phone number on the construction site sign and no other marketing. Additionally, there are currently over 26,000 Greensboro households who are rent/cost burdened, meaning they spend more than 30% of their income on rent. This rezoning request is consistent with the intent and purpose of the Zoning Code, the Comprehensive Plan and is

generally compatible with the existing development and trend in the surrounding area. AHM respectfully requests the Commission's support and vote to rezone the property.

In response to questions and one of the new zoning conditions, Mike Kirkman stated that fencing would be required on all the property boundaries that abut residential property versus adjacent to streets. He also confirmed that there would be a height restriction for fencing located within a certain distance of the street in order to limit potential sight obstructions. Staff would also review the placement of any fencing related to required landscaping and how best to fit the landscaping and fencing together so both are most effective.

Christine Merriman, 4927 Kenview Street, stated that she has lived there for 21 years and is very much in favor of Affordable Housing's plan for apartments at this location. She loves the dead-end street and they are set up behind the cemetery and it is very quiet. There are lots of trees and this area is multi-racial and multi-ethnic. This is a neighborhood of very caring people in times of sickness, death and a devastating fire that burned a neighbor's house down, all within the last few years. There is a chance on this street to become what's called an opportunity neighborhood. They can walk to many places that offer jobs, there is a dentist, an eye doctor, a chiropractor, restaurants and two banks, two grocery stores, a pharmacy, and a good day care all within a short walk. Plus, there are bus stops in walking distance also. The local schools are high performing schools. Working people who do not earn enough to afford high quality housing on their own but do qualify for safe and decent subsidized housing in a good location can utilize all those opportunities. A good well-maintained place to live promotes better health, stability, in home and school, all of which results in a higher rate of work retention and school achievement. AHM does stringent background check on character, criminal checks and maintain high standards, both of the residents and of the maintenance and upkeep. They rent to families who are most in need of all of those opportunities for stability and for jobs. She shares everyone's concerns about traffic and feels they can do some good if they can talk to people from GDOT and share some common ideas and see if they can come up with some really good, workable ideas.

Brent Byerly, Executive Director of the Greensboro Housing Coalition, 1031 Summit Avenue, stated that there is definitely a need for affordable housing in Greensboro. The Community Foundation spent the better part of last year working on a plan called, "Housing Our Community" trying to come up with ways to address the need for affordable housing. Building in areas of opportunities like this neighborhood, is very much one of the strategies that is needed. The quality of the proposed apartments exceeds the usual in market rate units in similar neighborhoods.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

James Reaves, 4920 Kenview Street, asked for those in opposition to the proposed development in the area to stand and be recognized. Approximately 40 people indicated their opposition to the request. He said that Mr. Levy has stated that the residents of this area were notified 4 weeks ago and he has a copy of that letter and indicated that it was January 29, 2018, and was received in his mailbox on January 31, 2018, which is no more than 2 weeks prior to that meeting on February 13, 2018. One person had told him that they asked for more information, which was not provided to them until the Friday prior to that February 13<sup>th</sup> meeting. They have not had the time to evaluate this proposed development fairly. He provided a map showing a one-mile radius of the proposed property. In that one-mile radius there are approximately 11,800 residents and 5,384 households. Given the population density that already exists in that one-mile radius, they are concerned about additional density of so many units in such a small parcel of land. The current

estimate is 57% of the residences in that one-mile radius are renter-occupied. There are a total of 1,855 multifamily housing units or 33% of the residents in that one-mile radius. That is 337% more than the state of North Carolina's percentage of multifamily housing units state-wide. They are not here to talk about whether they are for or against multifamily housing. Most of the residents chose to live in this community when all those units already existed. They are in favor of multifamily housing and affordable housing, but there are concerns about this particular location. In April 2017 AHM came to this Commission requesting rezoning for property on Mitchell Avenue. It is his understanding that the vote was tied 4-4 on that request which resulted in a denial. He feels this request should be easy to decide against. There are no advantages to the Kenview Street location over the Mitchell Avenue property and, in fact, many disadvantages on this location. Turning from Kenview Street onto Muirs Chapel Road, particularly trying to turn left, is almost impossible and is very time consuming. This is true for any time of the day. Without the benefit of a traffic impact study, which has not been done, he has to rely on his own experience and based on numerous trips to and from home every day for 12 years, it can often take 3 – 5 minutes to find a break in the traffic to safely make a left turn. Vehicles on Muirs Chapel Road travel in excess of the speed limit. Kenview and Mercy are off-set from each other and it is not a true 4-way intersection. He gave other examples of traffic problems in this immediate area. He does not feel that this is a pedestrian-friendly area. The churches in the immediate area also add to traffic congestion in this area with day care operations, funerals and other church-related activities.

Aimee Scotton stated that she is under contract to purchase a house at 5003 Kenview and the closing is scheduled for February 28<sup>th</sup>. She wished to point out that there is a traffic issue leaving Kenview to try and get on to Muirs Chapel Road. She did not have an opportunity to attend the meeting at the church. Her only opposition to the proposed plan is the traffic issue.

Laura Moore, 4822-C Tower Road, and has lived there for 16 years. But 50 years prior to that she lived just off Muirs Chapel Road and she is very familiar with this area. She has seen a major decline in the area during her time of living there. She stated that the decline began in the late 1970s with L Richardson Pryor telling the community that it would be good to introduce a particular type of housing into this community but there were no statistics that would prove that property values would decrease, that crime would rise, and the group of people in the early 80s who were fighting some of the density that is now there, were laughed at. She added that if you are concerned about a certain lifestyle, then why would you drop 72 additional apartment units in an already hell hole of congested, high-density area. She does not feel that it would be safe for anyone to try and ride a bicycle anywhere near Muirs Chapel Road. She feels it is insane to increase the traffic in this area and would only create more safety issues. In response to a question, Ms. Moore stated that there are 322 units in her townhome complex and they are mostly resident-owned.

John Ludemann, 612 Pleasant Drive, stated that the cemetery belonging to Muirs Chapel directly across the street from this property will not remain the peaceful and quiet cemetery that it is now when the proposed apartments are developed. It will also take away some of the privacy for people wishing to come and visit the gravesites of their loved ones.

Chair Bachmann asked if the applicant would like to speak in rebuttal.

David Levy stated that in regard to the previous request on Mitchell Avenue, compared to this request, the major complaint last year was that the site was located at the back of the street and the concern was about all the generated traffic that would be going up and down Mitchell Avenue. Also, there was a great concern about Mitchell Avenue being more narrow than current City requirements

for streets and no sidewalks on that street. There were also objections about the proposed apartments on Mitchell Avenue being almost adjacent to Mitchell Park and the perceived increase in issues with that park. The reason they added the bike lanes for this proposal is because City Zoning staff informed them that bike lanes are planned for Muirs Chapel Road and they strongly encouraged them to consider adding bike racks and they felt that was a very reasonable request. The argument about traffic is not an argument against rezoning, this is an argument in favor of traffic management in support of the Comp Plan. The current rezoning request is consistent with the intent and purpose of the Zoning Code, the Comprehensive Plan and is generally compatible with the existing development trend in the surrounding area. He again asked that the Commission vote in favor of recommendation for this request. In response to questions, Mr. Levy stated that there were meetings with TRC and staff indicated they were not in favor of having any exit onto Muirs Chapel Road, especially with Mitchell Avenue and Kenview being as close as they were.

In opposition rebuttal John Ludemann stated that if there was a traffic problem indicated by an exit onto Muirs Chapel Road, he feels this highlights the larger traffic problem in the area. The Zoning Commission is charged to ensure that the land is used to the best possibility. This would not be doing any favors by putting the locals in a dangerous situation when it comes to their daily driving or walking and bicycling in this area. They wanted to continue the request to be able to get a traffic study to see what the impacts would be on this area and he feels it would still be beneficial to have that traffic study. This development will draw more children to the surrounding schools and they are already stretched to their maximum limits for student-teacher ratios and are currently exceeding state law. He pointed out that there is another apartment complex being built with 189 units on New Garden Road that will also impact the schools in this area.

Doris Menga, 4822-D Tower Road - Hamilton Village, stated that her main concern is an increase in crime. She stated that her community had to give up on their tennis courts because of the misuse from the apartments located on Mitchell Avenue and there was misuse of their swimming pool. There is going to be an increase in crime with these HUD homes being opened. Guilford College used to be a quiet neighborhood and some people have been there for generations and they don't want it to become like High Point Road and Battleground Avenue. They want the seclusion and quiet and safety.

Randall Spoon, 4717 Mitchell Avenue, stated that he attended the last meeting and he pointed out that there is a lot of talk about safety with safety officers on the site but when looking at the codes and regulations brought by the GDOT, they don't match up. There has to be a minimum of 30 feet on the road and required to have a sidewalk on each side with minimum distances and none of that is coming up.

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

Mike Kirkman stated that for case Z-18-02-002 the site is designated as High Residential on the Generalized Future Land Use Map. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types. Proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the 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. The CD-RM-26 district, as conditioned, is primarily intended to multi-family and similar residential uses and staff recommends approval of the request.

Nolan Tipton, GDOT, in response to questions, stated that the traffic count for this area is approximately 15,000 vehicles per day on Muirs Chapel Road between Tower Road and West Market Street, as of 2016. Ms. Mazzurco stated that she checked the GPD website and from December 2017 until February 2018 there were 172 accidents on Muirs Chapel Road in that area; 66 of those on Muirs Chapel Road and 9 in the month of December 2017 alone. Mr. Tipton responded that that he had done a quick check on the State's crash system and it showed less accidents. He commented that some of the information with the GPD site may not be correctly tied to the road itself but may have occurred in some of the parking lots of adjacent businesses or other apartment complexes near Muirs Chapel Road. In response to Chair Bachmann, Mr. Tipton stated that there are plans potentially to install bike lanes on Muirs Chapel Road but that is part of long-range plans for the area that go out to about 2040.

**Discussion:**

Ms. Mazzurco stated that she has received many calls and emails from people with concerns and she was sitting on the Commission when the Mitchell Avenue request came forward. She does agree that if they voted against that request, they should also vote against this one because this is higher density with less property. She is very concerned about the density for the proposed development. She does not know where they will put in a retention pond, they are adding a 6-foot tall opaque fence and she is unsure where that will go, she is unsure how the buffering and landscaping will be installed because it is not just in the parking area, which is another item that has not been brought up. The density is too high on that small tract of land. With not having a traffic impact study, even though it not required, she feels it would definitely be needed for this particular case because it is very dangerous on Muirs Chapel Road. There are a lot of vehicle crashes on Muirs Chapel Road, Kenview and Mitchell Avenue, and at Mercury Drive. She cannot support the request because there were 46 people that came to the neighborhood meeting at Westover Church and they were opposed to the development. She does not think this is the highest and best use for this property. She supports affordable housing and it is needed in Greensboro, but not at this location as it is not the appropriate place for it.

Mr. Duggins stated that he respectfully disagrees with Ms. Mazzurco as he feels that Muirs Chapel Road can handle the increased traffic. He also feels that affordable housing is needed in all areas of Greensboro and this is an area that is walkable. Ultimately, he feels this request is different from the Mitchell Avenue request is because Mitchell Avenue did not border Muirs Chapel and this one does. Given those reasons, he will support the request.

Mr. Lester stated that taking Mr. Levy's application out of the conversation, what he is hearing from the community is that the City has let the community down with respect to traffic; the School Board has let the community down with respect to schools; the Police Department has let them down with respect to crime, and it really has nothing to do with the present zoning request. He feels that a traffic study would have been helpful, however, he would support the request because there is such a need for affordable housing.

Mr. Pinto stated that he appreciates the neighbors coming out to be heard in this request. He echoes Mr. Lester's comments and he also, will support the request. There are a lot of traffic issues that the neighborhood faces. Mr. Lester added that his math suggested that the marginal increase in traffic on Muirs Chapel for this development would be 3.3%.

Ms. Bachmann stated that this is a tough decision to make and she has gone back and forth several times this evening having listened to comments from both sides. She is a supporter and



proponent of affordable housing as there is a continuing and growing need for affordable housing throughout Greensboro. Then she hears the concerns about traffic and she gets frustrated by the traffic and the close calls many times on that road. She looks at the charge that the Commission must look at and that is the best use for the land and if it were not for the traffic issues, she agrees with Mr. Lester, that this would be a no-brainer but there is the traffic issue to contend with. She thinks that is an issue that, as a City, has to address. She is going to support the request this evening.

Mr. Holston stated that he is trying to see this as a housing request and not necessarily as affordable housing, but that does benefit from this effort. He does see that there is a traffic issue and that needs to be addressed by GDOT. He would be supporting the request.

Mr. Holston stated that in regard to case Z-18-02-002, the Zoning Commission believes that its action to recommend approval of the rezoning request from R-3 to CD-RM-26, with the conditions stated, is consistent with the adopted 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; the 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; and the request implements measures to protect neighborhoods from potential negative impacts, seconded by Mr. Duggins. The Commission voted 6-2 in favor of the request. (Ayes: Bachmann, Marshall, Holston, Lester, Pinto, Duggins. Nays: Blackstock and Mazzurco.)

**Items from Planning Department:**

Mike Kirkman stated that there are 9 items on the agenda for the March meeting. Staff would like to have a training session with the Commission either at a lunch-time meeting or a 4:00 session before the regular meeting. He asked the Commission members to email him and give their ideas on when the best time would be for such a training session. There is also a vacancy on the Commission so they may want to wait until another member is appointed.

**Items from the Zoning Commission Members:**

None

**Acknowledgment of Absences:**

None

**Adjournment:**

There being no further business before the Commission, the meeting adjourned at 9:26 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development  
SS/jd



PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
MARCH 19, 2018**

The regular meeting of the Greensboro Zoning Commission was held on March 19, 2018, beginning at 5:30 p.m. in the Council Chambers of the Melvin Municipal Office Building. Members present were: Anita Bachmann, Chair; Eugene Lester; Donald Blackstock; Hugh Holston; Janet Mazzurco; Adam Duggins; and Andrew Pinto. Also present were Mike Kirkman, Lucas Carter and Hart Crane, Planning Department, and Terri Jones, City Attorney's Office.

Chair Bachmann welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission.

**Approval of the minutes of the February 19, 2018 regular meeting**

Ms. Mazzurco requested that the minutes be amended to reflect a discussion regarding approval criteria for the request to continue zoning case Z-18-02-002. Mr. Lester moved to amend the minutes to reflect this discussion and to approve the February 19, 2018 regular meeting minutes, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that there are no Withdrawals or Continuances

**Public Hearings:**

- Z-18-03-001** 4023 Guilford College Road and a portion of 4101 Guilford College Road (east of Guilford College Road and South of West Gate City Boulevard) – A rezoning request from PUD (Planned Unit Development) to CD-C-M (Conditional District – Commercial Medium) with the following condition: All uses allowed in the C-M district shall be permitted **EXCEPT**: Sexually Oriented Businesses and Outdoor Advertising Signs. -For 4023 Guilford College Road and a portion of the property located at 4101 Guilford College Road, generally described as the northeast and southeast corners of Guilford College Road and Grandover Village Parkway. (6.77 Acres) - Dick Franks for Koury Venture Limited Partnership **(APPROVED)**

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Dick Franks, representing Koury Corporation, presented maps showing the subject site and stated that the resulting lots are too large for single family and too small for multi-family and they would like to have it rezoned to commercial/mixed use. In response to a question by Ms. Mazzurco concerning future plans for the property Mr. Franks stated that there is a very good prospect for a medical use facility.

Mr. Holston asked where the nearest residential structure was in relation to the property and Mr. Franks stated that it was 2,000 feet away.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request and no one came forward. The public hearing was closed.

Mike Kirkman stated that the site is designated as Mixed Use Planned Community on the Comprehensive Plan's Generalized Future Land Use Map (GFLUM). The Mixed Use Planned Community designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for larger scale, creatively planned residential, mixed with other uses such as supporting retail and small to medium scale office developments. The proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy, 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. The CD-C-M zoning, as conditioned, generally accommodates a wide range of retail, office, and service uses. Therefore, staff recommends approval of the request.

**Board Discussion:**

The Commission members indicated their support of the request.

Mr. Duggins stated that in regard to agenda item Z-18-03-001 the Greensboro Zoning Commission believes that its action to recommend approval, the zoning amendment for the property located at 4023 and a portion of 4021 Guilford College Road from PUD (Planned Unit Development) 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 the public interest for the following reasons: 1. The request is consistent with Growth at the Fringe goal to provide development framework at the fringe. 2. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. 3. The request does implement measures to protect neighborhoods from potential negative impacts, seconded by Mr. Blackstock, The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

**Z-18-03-002** 120 Barnhardt Street (at the end of Barnhardt Street and Lewis Street, west of South Elm Street) – A rezoning request from LI (Light Industrial) to CB (Central Business). -For the property located at 120 Barnhardt Street, generally described as at the end of Barnhardt Street and Lewis Street, west of South Elm Street. (2.87 Acres) -Timothy Strickland of Legacy Heritage, LLC DBA Fat Tuesday for Buckhead Investments, LLC (**APPROVED**)

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Reinchel Stokes, 3111 Winfield Drive, High Point, NC, stated that when the property was previously developed, a portion somehow never got re-zoned. They are now trying to clear that up by asking for the rezoning of the property.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request and no one came forward. The public hearing was closed.

Mike Kirkman stated that the site is designated as Mixed Use Central Business District on the Generalized Future Land Use Map. The Mixed Use CBD designation applies to and around downtown Greensboro and emphasized the character and intensity of uses related to the Central City. The request does support the Comprehensive Plan's for Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the Downtown goal to promote reinvestment, preservation and diversification in selected intensification activity in downtown Greensboro. The Central Business zoning district is intended to be applied in the central core of the City and encourages the highest intensity and most compact areas for development in the City of Greensboro. Therefore, staff recommends approval of the request.

**Board Discussion:**

The Commission members indicated their support of the request.

Ms. Mazzurco stated that on agenda item Z-18-03-002, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property located at 120 Barnhardt Street from LI (Light Industrial) to CB (Central Business) 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: 1. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. 3. The request is consistent with the Downtown goal to promote reinvestment and diversification and select intensification of activity in downtown Greensboro, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

- Z-18-03-003** 4409, 4411, & a portion of 4419 YY Rehobeth Church Road (east of Rehobeth Church Road and south of Glendale Drive) - A rezoning request from R-5 (Residential Single-family - 5) to CD-RM-18 (Conditional District – Residential Multi-Family - 18) with the following condition: Use limited to a maximum of 96 residential dwelling units. 1) Maximum building height shall not exceed three (3) stories. -For the property located at 4409, 4411, & a portion of 4419 YY Rehobeth Church Road, generally described as east of Rehobeth Church Road and south of Glendale Drive (7.54 acres) - Mark Morgan of MCMA, Inc. for Kay W. and Casey A. Jones. **(DENIED)**

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Shehzad Quamar, 3706 Working Cove, stated that this business has existed for 98 years and has parking issues. Many letters were sent out to neighbors to obtain their concerns. Customers had to park on the side of East Lee Street. The goal is to improve the appearance of the building and to add off-street parking. Mr. Quamar stated that a petition was posted at the business and letters were sent to owners within 600 feet of the subject parcels. The residential dwellings were added to the request to use them as a buffer for the surrounding community.

Mr. Holston asked if the people on the petition were from the neighborhood. Mr. Quamar stated that they were. Ms. Mazzurco asked if the store was going to be enhanced by the parking lot being put behind it. Mr. Quamar stated that it would.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Carl Brower, 907 Douglas Street, stated that he grew up in the neighborhood and none of the information was brought to the Old Asheboro Street Neighborhood Association. The quality of work is not acceptable for the neighborhood and he opposes the request.

Mr. Holston asked if this location is within the Old Asheboro Neighborhood Plan. Mike Kirkman stated that it falls within the Old Asheboro Redevelopment Plan. Based on staff's assessment, this proposal does seem to fit with that plan.

Ms. Bachman asked what the major concerns are and Mr. Brower stated that his two concerns are that the issue was not brought to the neighborhood association and the way the business is being run as far as tobacco advertisements. A lot of the customers are young people and he feels that it promotes tobacco use by having so many signs advertising tobacco use.

Mr. Duggins asked about what kind of buffer is required for this location. Mike Kirkman stated that a 25 foot buffer is required between this use and adjacent residential uses. Because of the smaller lot site there is a provision in the ordinance that allows for some adjustments to the required buffer.

Mr. Quamar stated that he wasn't aware that a neighborhood association existed in the area and the customers have been shopping at the store for 98 years. Even if the request is denied the store will be there and the request will allow for better parking which will be safer.

Ms. Mazzurco asked how the application came about and Mr. Quamar stated that there was a vacant house at the rear and they felt it would be better to increase the parking in that area to make it safer for everyone. Ms. Mazzurco asked if the Board of Adjustment should be handling this case and Mr. Kirkman stated that the issue at hand is a use issue and it relates to zoning not a variance of some kind.

Mr. Holston asked if there is a less impactful zoning district that could be used in the case and Mr. Kirkman stated that this would be the best fit for zoning.

Mr. Holston asked why the second house lot is included in the transaction and Mr. Kirkman stated that all four properties are owned by the applicant and it would be easier for him to manage them all under the same zoning classification.

Ms. Bachman asked if a rezoning request could go down in size and Mr. Kirkman stated that a rezoning request could be reduced in size without additional advertising.

Mr. Holston asked if the parking lot would be repaved and Mr. Quamar stated that the current asphalt has been there almost a year. The asphalt is permanent and will not need to be repaved. An entrance may need to be added on Martin Street and then the asphalt would need to be extended.

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

Mike Kirkman stated that the site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. The proposal supports 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, diversified economy. The C-L district is primarily intended to accommodate low intensity shopping and services close to residential areas. Therefore, staff recommends approval of the request.

**Board Discussion:**

Mr. Lester stated that he does not support the request because the request would allow more flexibility with the property than the applicant's stated intentions. Ms. Mazzurco stated that this may open up some other problems in the area. Mr. Pinto stated that he would support the request because the outcome makes the location safer for the public. The store has been in the neighborhood for a very long time and the parking lot makes sense. He thinks it works for the neighborhood. Mr. Duggins stated that he would not support the request with 705 Martin Street included because commercial may creep down the street. Mr. Holston stated that he is not comfortable with the request as it is, because it is too expansive.

Ms. Bachman stated that she is comfortable with the request the way it was presented but is open to a motion that would remove 705 Martin Street from the CL zoning. She also stated that there is a need for a buffer. Mr. Duggins stated that regarding Z-18-03-004 the Greensboro Zoning Commission believes that its action to deny the request related to the property located at 705 Martin Street, from R-5 residential single family to C-L (Commercial Low) to be inconsistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is inconsistent with the comprehensive plan's reinvestment/infill goal to promote sound investment in Greensboro's urban areas. 2. The request is inconsistent with the Economic Development goal to promote a healthy, diversified economy. Ms. Mazzurco seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

Mr. Holston stated that regarding Z-18-03-004 the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 604 East Gate City Boulevard. and 701 and 703 Martin Street from R-5 Residential Single Family to C-L (Commercial Low) to be consistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is consistent with the comprehensive plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. Mr. Duggins seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

A short break was taken from 7:25 until 7:35 p.m.

**Z-18-03-004** 604 E. Gate City Boulevard, 701-705 Martin Street (southeast corner of the East Gate City Boulevard and Martin Street intersection) – A rezoning request from R-5 (Residential Single-family - 5) to C-L (Commercial Low). - For the property located at 604 E Gate City Boulevard, 701-705 Martin Street, generally described as the southeast corner of the East Gate City Boulevard and Martin Street intersection. (0.72 Acres) - Shehzad Quamar for S&S Holdings of Greensboro, LLC.  
**(APPROVED)**

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Shehzad Quamar, 3706 Working Cove, stated that this business has existed for 98 years and has parking issues. Many letters were sent out to neighbors to obtain their concerns. Customers had to park on the side of East Lee Street. The goal is to improve the appearance of the building and to add off-street parking. Mr. Quamar stated that a petition was posted at the business and letters were sent to owners within 600 feet of the subject parcels. The residential dwellings were added to the request to use them as a buffer for the surrounding community.

Mr. Holston asked if the people on the petition were from the neighborhood. Mr. Quamar stated that they were. Ms. Mazzurco asked if the store was going to be enhanced by the parking lot being put behind it. Mr. Quamar stated that it would.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Carl Brower, 907 Douglas Street, stated that he grew up in the neighborhood and none of the information was brought to the Old Asheboro Street Neighborhood Association. The quality of work is not acceptable for the neighborhood and he opposes the request.

Mr. Holston asked if this location is within the Old Asheboro Neighborhood Plan. Mike Kirkman stated that it falls within the Old Asheboro Redevelopment Plan. Based on staff's assessment, this proposal does seem to fit with that plan.

Ms. Bachman asked what the major concerns are and Mr. Brower stated that his two concerns are that the issue was not brought to the neighborhood association and the way the business is being run as far as tobacco advertisements. A lot of the customers are young people and he feels that it promotes tobacco use by having so many signs advertising tobacco use.

Mr. Duggins asked about what kind of buffer is required for this location. Mike Kirkman stated that a 25 foot buffer is required. Because of the smaller site there is a provision in the ordinance that addresses the buffer.

Mr. Quamar stated that he wasn't aware that a neighborhood association existed in the area and the customers have been shopping at the store for 98 years. Even if the request is denied the store will be there and the request will allow for better parking which will be safer.

Ms. Mazzurco asked how the application came about and Mr. Quamar stated that there was a vacant house at the rear and they felt it would be better to increase the parking in that area to make it safer for everyone. Ms. Mazzurco asked if the Board of Adjustment should be handling this case and Mr. Kirkman stated that the issue at hand is a use issue and it relates to zoning not a variance of some kind.

Mr. Holston asked if there is a less impactful zoning district that could be used in the case and Mr. Kirkman stated that this would be the best fit for zoning.

Mr. Holston asked why the second house lot is included in the transaction and Mr. Kirkman stated that all four properties are owned by the applicant and it would be easier for him to manage them all under the same zoning class.

Ms. Bachman asked if a rezoning request could go down in size and Mr. Kirkman stated that a rezoning request could be reduced in size without additional advertising.

Mr. Holston asked if the parking lot would be repaved and Mr. Quamar stated that the current asphalt has been there almost a year. The asphalt is permanent and will not need to be repaved. An entrance may need to be added on Martin Street and then the asphalt would need to be extended.

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

Mike Kirkman stated that the site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. The proposal supports 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, diversified economy. The C-L

district is primarily intended to accommodate low intensity shopping and services close to residential areas. Therefore, staff recommends approval of the request.

**Board Discussion:**

Mr. Lester stated that he does not support the request because the request would allow more flexibility with the property than the applicant's stated intentions. Ms. Mazzurco stated that this may open up some other problems in the area. Mr. Pinto stated that he would support the request because the outcome makes the location safer for the public. The store has been in the neighborhood for a very long time and the parking lot makes sense. He thinks it works for the neighborhood. Mr. Duggins stated that he would not support the request with 705 Martin Street included because commercial may creep down the street. Mr. Holston stated that he is not comfortable with the request as it is, because it is too expansive.

Ms. Bachman stated that she is comfortable with the request the way it was presented but is open to a motion that would remove 705 Martin Street from the CL zoning. She also stated that there is a need for a buffer. Mr. Duggins stated that regarding Z-18-03-004 the Greensboro Zoning Commission believes that its action to recommend denial the request related to the property located at 705 Martin Street, from R-5 residential single family to C-L (Commercial Low) to be inconsistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is inconsistent with the comprehensive plan's reinvestment/infill goal to promote sound investment in Greensboro's urban areas. 2. The request is inconsistent with the economic development goal to promote a healthy, diversified economy. Ms. Mazzurco seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

Mr. Holston stated that regarding Z-18-03-004 the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located at 604 East Gate City Boulevard. and 701 and 703 Martin Street from R-5 Residential Single Family to C-L (Commercial Low) to be consistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is consistent with the comprehensive plan's reinvestment/infill goal to promote sound investment in Greensboro's urban areas. 2. The request is consistent with the economic development goal to promote a healthy, diversified economy. Mr. Duggins seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

**Z-18-03-005** A portion of 3801 Battleground Avenue (east of Battleground Avenue and North of Drawbridge Parkway) – A rezoning request from RM-8 (Residential Multi-Family - 8) to C-H (Commercial High). - For a portion of 3801 Battleground Avenue, generally described as being located at east of Battleground Avenue and North of Drawbridge Parkway. (0.74 Acres) - Stephen E. Klee for Moses H. Cone Memorial Hospital **(APPROVED)**

Ms. Mazzurco was excused from participating in this case.

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Charlie Melvin, 300 North Greene Street, stated that he is representing Cone Health who has plans to build an office building and medical facilities on the adjacent property. Informational letters were sent to all property owners within 600 feet of the property being rezoned. It is felt this will be a very valuable contribution to health care in the City.



Chair Bachmann asked if there was anyone wishing to speak in opposition to the request. There being no other speakers, the public hearing was closed.

Mike Kirkman stated that the site is designated as Mixed Use Residential on the Generalized Future Land Use Map. 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 proposal supports 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, diversified economy. The C-H district is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping and distributive needs of the community and the region, and some residential uses. Staff recommends approval of the request.

### Board Discussion

Mr. Lester stated that in regards to agenda item Z-18-03-005 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for a portion of the property located at 3801 Battleground Avenue from RM-8 (Residential Multi-Family) to CH (Commercial High) to be consistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is consistent with the economic development goal to promote a healthy, diversified economy, seconded by Mr. Blackstock. The Commission voted 6-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Duggins. Nays: None. Excused: Mazzurco.)

**Z-18-03-006** A Portion of 620 South Elm Street (northwest corner of the West Gate City Boulevard and South Elm Street intersection) – A rezoning request from LI (Light Industrial) to CB (Central Business). - For a portion of the property located at 620 South Elm Street, generally described as the northwest corner of the West Gate City Boulevard and South Elm Street intersection (0.95 Acres) - Marc Isaacson for ZCD&F, LLC (**APPROVED**)

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Marc Isaacson, 804 Green Valley Road, stated that he represents the applicant and provided a handout for Commission members review. The purpose of the rezoning request is to clean up the split zoning and make all the property Central Business zoned. A site plan was reviewed using the handout, as well as other information regarding the request.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request. There being no other speakers, the public hearing was closed.

Mike Kirkman stated that the site is designated as Mixed Use CBD on the Generalized Future Land Use Map. The Mixed Use CBD designation applies only in and around Downtown Greensboro. It emphasizes the urban character and the mix and intensity of activities uniquely suited to the central city. Proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the Downtown goal to promote reinvestment, preservation, diversification, and selective intensification of activity in Downtown Greensboro. The CB district is intended for application in the central core of the city. The district is established to encourage high intensity, compact urban development. Staff recommends approval of the request.

**Board Discussion**

Ms. Mazzurco stated that she would support the request.

Ms. Mazzurco stated that on agenda item Z-18-03-006 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for a portion of the property located at 620 South Elm Street from LI (Light Industrial) to CB (Central Business) to be consistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. 3. The request is consistent with the Downtown goal to promote reinvestment, preservation, diversification and selective intensification of activity in the downtown Greensboro area, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

- Z-18-03-007** 510 Banner Avenue (west of Banner Avenue and south of Apache Street) - A rezoning request from O (Office) and RM-18 (Residential Single-family - 18) to CD-LI (Conditional District – Light Industrial) with the following condition:
1. Uses limited to Office uses, Veterinary Services, Pet Grooming, Kennels, and an Animal Shelter. Permitted temporary uses limited to Arts and Craft Shows and Carnival and Fairs. - For the property located at 510 Banner Avenue, generally described as west of Banner Avenue and south of Apache Street (6.25 acres) -Society for Prevention of Cruelty to Animals of the Triad for Greensboro RE Holdings, LLC. **(DENIED)**

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Kathy Sterling, ASPCA, 1445 Hwy 150 West, Summerfield, stated that she is on the Board of the ASPCA of the Triad who have outgrown their current space. They are a 501(C) nonprofit limited access animal shelter. They are currently in a leased use property and hope to find a permanent home that they can rehome second chance animals.

Mr. Duggins asked about the proposed community meeting and Ms. Sterling stated that it was canceled because of bad weather. Mr. Duggins asked if the neighbors had been notified and Ms. Sterling stated that a letter had been mailed out and a message was posted at the school. Ms. Mazzurco asked if any calls were received and Ms. Sterling stated that there were none. Ms. Mazzurco asked if staff had received any calls and Mr. Kirkman stated that there were a couple of general inquiries early on.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Dwayne Sturdivant, 1804 Sharpe Road, is pastor at a church located at 202 Franklin Boulevard. He stated that he is in opposition to the request because he thinks the land can be used for better purposes. The proposed site is less than a mile away from the church and there is a junk yard also located near this area. They are also a 501C nonprofit and have been in operation since 2010 with a food pantry and serve 1,100 to 1,300 families per month. He feels that humans need to be taken care of first instead of animals.

Clinton Gravely, 601 Callan Drive, stated that he is in opposition to the request because he feels the east side of Greensboro tends to get stuck with things like this too often. He is an architect and has an

office at 502 Banner Avenue. He has served on several boards and commissions over the years and he was involved in creating the Land Development Ordinance. They are trying to make east Greensboro better. He had that they have not heard anything from the applicants.

Patricia Alexander, 3710 Central Avenue, stated that she is President of the Heath Community Organization off Franklin Boulevard, Lowdermilk and East Market Street. She opposes the request because this business would not be a benefit to the neighborhood. There are about 600 homes in this area. They have been working since 2002 to improve the neighborhood with sidewalks and streets.

Ellen Moore, 1300 Fischer Street, stated that she has been with East Market Street Development Corporation for 20 years, and since its inception she has served on several Boards and Commission related to this particular area. She opposes this request because it will not be a desirable enhancement to the community and there are enough unsightly businesses in the area already.

Verna Torain, 2323 Apache Street, stated that she is President of the Cottage Grove Neighborhood Association. She opposes the request because there is not a need for an animal shelter in the neighborhood.

Ms. Mazzurco asked where Ms. Torain's neighborhood was in reference to the site in question and Ms. Torain stated that it's about a half a mile and there are about 100+ apartments there.

JoAnn Foster, 303 S. English St., stated that she part of the Cottage Grove Neighborhood also. She is in opposition to the request. They are trying to get their community in a better place.

James L. Pitt, 315 West Camel Street, stated that he has lived in the area for ten years and that he opposes the request for rezoning because there seems to be a lack of a clear plan and funding.

Joe Silver, 1822 East Wood Avenue, stated that he vehemently opposes the animal shelter. They do not need that near their church.

Kimberly Sumter, 107 Wind Hill Court, stated that she opposes the animal shelter because there is already an animal facility in the area so there is no need for another one. The church needs space and could use this area for a food shelter for the community.

Greg Curlei, 5017 Harness Lane, Colfax, stated that he has a close relationship with pastor Sturdivant, who feeds five of his clients who do not have a home sufficient for food. That is a resource that feeds East Greensboro and they do it well. He is in opposition because the land could be better used for a food pantry on that land instead of an animal facility.

Mac Sims, 601-B East Market Street, stated he represents an organization called East Greensboro Now and for the last 20 years they have been working with the community to make improvements. They oppose the request. He asked people who are opposed to stand and approximately 20-25 people stood up in opposition.

Speaking in rebuttal in favor of the request, Tabitha Godwin, 2012 Opal Drive, and she is the Media Coordinator for SPCA of the Triad, stated that the facility was given to the SPCA to use and that they are not associated with the Guilford County animal shelter. The facility would sit unused if the request is not approved and would be a great help to the community if it gets used. In no way will it be a negative influence in the community and the building will be taken care of. They have a lot of volunteers that work with disabled children that work with the animals to get interaction with the animals. They have been working for the last month to renovate the building.

Mr. Blackstock asked how this facility would help the community and Ms. Godwin stated that jobs would be provided for people with special needs and they work with Pets for Patriots to regain trust, and pets for adoption would be offered.

Mr. Pinto asked what the hours of operation would be and Ms. Godwin stated that they would be 9 a.m. to 6 p.m. and someone would be on site 24 hours at the caretaker's cottage and workers would be there from 7 a.m. to 7 p.m.

Ms. Mazzurco asked if the caretaker's cottage had been repaired and Ms. Godwin stated that they have done a lot of repairs over the past month. Ms. Mazzurco then asked why the repairs were made before rezoning and Ms. Godwin stated that she was trying to show effort. Ms. Mazzurco asked if the SPCA was purchasing the property and Ms. Godwin stated that the owner leased the property to them for one year and after the year it would be given to the SPCA.

Speaking in rebuttal in opposition to the request, Councilwoman Sharon Hightower, stated that there has been no community outreach and there has been a long fight to change the stigma associated with East Greensboro. She feels that the building is in disrepair and should be torn down.

Ms. Bachman asked about an animal shelter in the area that was supposed to be built and Councilwoman Hightower stated that there was supposed to be an animal shelter built on Burlington Road last year. Councilwoman Hightower stated that this is not the highest and best use for the land and also people may be annoyed by the barking of dogs and asked the Commission to reconsider the request.

Mr. Pinto asked if this would be a veterinary office and if there is one in the area and Councilwoman Hightower stated that there is already one in the area.

Mac Sims stated that the building was built in 1943 and has had its useful life. It is in deterioration and the previous owners did not see fit to invest further. He stated that sixty dogs barking could possibly keep people from sleeping at night.

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

Mike Kirkman stated that the site is designated as Mixed Use Residential on the Generalized Future Land Use Map. 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 applicant has requested a change to the Industrial/Corporate Park designation. 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. The proposal supports 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, diversified economy. The LI district, as conditioned is limited to Office uses, Veterinary Services, Pet Grooming, Kennels, and an Animal Shelter. Thereupon, staff recommends approval of the request.

Mr. Lester asked if this requires a comprehensive plan amendment and Mr. Kirkman stated that it would. Ms. Mazzurco asked if there is an opportunity for a special use permit and Mr. Kirkman stated that the ordinance does not require a special use permit for a vet service or animal shelter in Light Industrial zoning.

### **Board Discussion**

The majority of the Commission members felt that they could not support the request because the original zoning does not permit this type of business/service in the area and this is not the highest and best use of the land.

Mr. Holston stated that in regard to agenda item Z-18-03-007 the Greensboro Zoning Commission believes that its action to deny the rezoning amendment for the property located at 510 Banner Avenue from O (Office) and to CD-LI (Conditional District – Light Industrial) to be inconsistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is inconsistent with the Comprehensive Plans reinvestment/infill goal to promote sound investment in Greensboro's urban areas. 2. The request is inconsistent with the economic development goal to promote a healthy, diversified economy. 3. Even with the proposed conditions, the request does not protect neighborhoods from potential negative impacts, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion to deny the request. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Duggins. Nays: None.)

At this time there was a short 5-minute break.

**Z-18-03-008** 407 Dolley Madison Road (southwestern corner of the Dolley Madison Road and Tomahawk Drive intersection) – A rezoning request from R-3 (Residential Single-family - 3) to RM-12 (Residential Multi-Family - 12). - For the property located at 407 Dolley Madison Road generally described as the southwestern corner of the Dolley Madison Road and Tomahawk Drive intersection. (0.926 Acres)  
-Donald E. Johnson, Sr. for the Johnson Revocable Living Trust **(DENIED)**

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Donald Johnson, 5712 Greenview Drive, stated that what he is trying to do is improve the property by tearing the old house down and build townhouses and needs an RM-12 zoning approval. Each one of the townhouses would be about 1600 to 1650 square feet and two stories with dormers, brick fronted. People in the area were notified by knocking on doors.

Ms. Mazzurco asked if Mr. Johnson had a meeting with the homeowners and Mr. Johnson stated that he did not. Ms. Bachman asked how many units would be put on the property and Mr. Johnson stated that he would like to put eight units there.

Mr. Kirkman stated that this is a straight zoning request and there is not an ability to add conditions. There was a suggestion that this matter be continued and the applicant stated that he would like to go ahead and hear the case.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

John Marks, 1312-A Winstead Place, stated that Mr. Johnson did not discuss his plans about the townhouses with him, furthermore these are basically apartments and traffic and safety could be an issue. He made several calls last week and finally got in touch with someone and the applicant wants to build as many apartment units as possible on this property. Tomahawk is only 15 -16 feet wide. There will be a substantial increase in traffic because of this proposed development.

In response to questions, Nolan Tipton, GDOT, stated that a traffic study has not been done. The minimum requirements for a collector street is 36 feet wide.

Zilmond Strader, 319 Dolley Madison Road, stated that he is in opposition because it would be a sore thumb for the area and would have a negative effect on property values and increase in traffic. Tomahawk Drive falls under the Mixed Use Commercial designation instead of the Moderate Residential designation. They are single family detached homes and that is the character of the neighborhood. The proposed development would not fit into the existing neighborhood.

Carletta Judd, 5525 Dobson Road, stated that she represents the church across the street from the property and they are concerned about the increase in traffic this proposal would cause and they are against the request.

Jaro Lusek, 307 Tower Lane, stated that he has been in the neighborhood for 15 years and is concerned about the traffic increase that would result from the proposed project.

Beth Roberts, 309 Tower Lane, stated that she is concerned about the sidewalk that would be needed to accommodate the project. Also there are concerns about the increase in the school enrollment and is against the request.

Herb Mashburn, 308 Anchor Drive, stated that there are many businesses and apartments in the area and no more are needed. He is against the request.

Matt Avery, 310 Tower Lane, stated that the applicant failed to notify the local residents, the request is inconsistent and does not contribute to the improvement of the neighborhood.

Speaking in rebuttal in favor of the request, Donald Johnson stated that the sidewalk would go down Tomahawk Drive and not Dolley Madison Road according to the City.

Mr. Kirkman stated that there would be a sidewalk on Tomahawk Drive for the townhouses and not Dolley Madison Road.

In response to questions, Nolan Tipton, GDOT, stated that Tomahawk is actually a local street and will be required to install a sidewalk on this portion of Tomahawk.

Speaking in rebuttal in opposition to the request, John Marks stated that apartments would be inconsistent with the area.

Matthew Marks, 5603 Tomahawk Drive, stated that this project would make traffic worse and he is against the proposal.

Beth Strader, 319 Dolley Madison Road, stated that there could be up to 26 units and that would ruin the essence of the neighborhood and does not support the request.

Zilman Strader, 319 Dolley Madison Road, stated that this project would affect the people across the street and more congestion would not be good for the area.

Carletta Judd, 5525 Dodson Road, stated that she does not want to see more traffic in the area.

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

Mike Kirkman stated that the site is designated as Mixed Use Commercial on the Generalized Future Land Use Map. 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 proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the 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. The RM-12 district is primarily intended to accommodate multi-family and similar residential uses. Staff recommends approval of the request.

### **Board Discussion**

The majority of the Commission members felt that they could not support the request because it's not the highest and best use of the property. Mr. Pinto stated that he would support the request because he feels it would be a good fit for the neighborhood and they would be nice townhouses. Ms. Mazzurco stated that she feels Tomahawk is a substandard road and is not sure how a sidewalk can be installed there without encroaching and taking property from the property owners. This particular request is not the highest and best use for this property and is not a good fit for this neighborhood.

Ms. Mazzurco stated that in regard to agenda item Z-18-03-008 the Greensboro Zoning Commission believes that its action to deny the zoning amendment for the property located at 407 Dolley Madison Rd. from R-3 (Residential Single-family - 3) to RM-12 (Residential Multi-Family - 12) to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is inconsistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is inconsistent with the Housing and Neighborhood goals and the needs of present and future Greensboro citizens for a choice of decent and affordable and safe livable neighborhoods, seconded by Mr. Holston. The Commission voted 5-2 in favor of the motion. (Ayes: Bachmann, Holston, Blackstock, Mazzurco, Duggins. Nays: Pinto and Lester.)

**Z-18-03-009** 1322 Bothwell Street (south of Bothwell Street and north of US Highway 421) – A rezoning request from PI (Public and Institutional) to CD-RM-8 (Conditional District - Residential Multi-Family - 8) with the following condition: 1) Use limited to a maximum of 13 residential dwelling units. - For 1322 Bothwell Street, generally described as south of Bothwell Street and north of US Highway 29/421. (1.5 Acres) - Terrance Gerald Sr. for HRG, Inc. **(APPROVED)**

Ms. Mazzurco was excused for the remainder of the meeting.

Lucas Carter presented zoning information relevant to this request and displayed photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Terrance Gerald, 931 S. Main Street, Kernersville, NC, representing HRG, Inc., stated that he feels the project would be the highest and best use for the development and is dedicated to working with the neighborhood and there have been two meetings to present the plans. They will develop about 13 units for veterans. They have received a letter from the Neighborhood Association supporting the veterans' initiative.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request. No one came forward and the public hearing was closed.

Mike Kirkman stated that the site is designated as Mixed Use Commercial on the Generalized Future Land Use Map. 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 proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the 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. The CD-RM-8 district is primarily intended to accommodate multi-family and similar residential uses. Staff recommends approval of the request.

### **Board Discussion**

Commission members felt that they could support the request because this would be the highest and best use for the property. They thanked the applicant for this proposed development and the work they have done to move the request forward.

Mr. Holston stated that on agenda item Z-18-03-009 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 1322 Bothwell Street from PI (Public and Institutional) to CD-RM-8 (Conditional District - Residential Multi-Family - 8) to be consistent with the adopted Connection 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 2. The request is inconsistent with the Housing and Neighborhood goals and the needs of present and future Greensboro citizens for a choice of decent and affordable and safe livable neighborhoods. 3. The request does implement measures to protect neighborhoods from future negative impacts, seconded by Mr. Blackstock. The Commission voted 6-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Duggins. Nays: None.)

### **Items from Planning Department:**

Mike Kirkman stated that there are four cases to come before the Commission in April. He suggested a training session for Commission members as there are various topics the Commission has expressed interest in.

### **Items from the Zoning Commission Members:**

None.

### **Acknowledgment of Absences:**

The absence of Mr. Marshall was acknowledged and excused.

### **Adjournment:**

There being no further business before the Commission, the meeting adjourned at 11:29 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd-gm





---

PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION**

**APRIL 16, 2018**

The regular meeting of the Greensboro Zoning Commission was held on April 16, 2018, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Anita Bachmann, Chair; Eugene Lester; Hugh Holston; Janet Mazzurco; Adam Duggins; and Andrew Pinto, Adam Marshall and Vernal Alford. Also present were Mike Kirkman, Lucas Carter and Hart Crane, Planning Department, Noland Tipton, Transportation, and Terri Jones, City Attorney's Office.

Chair Bachmann welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission. She asked that anyone wishing to speak, to be sure and add their name to the Sign-Up sheet.

Chair Bachmann welcomed Vernal Alford, III as the newest member to the Board.

**Approval of the minutes of the March 19, 2018 regular meeting**

Mr. Holston moved approval of the March 19, 2018 regular meeting minutes as written, seconded by Mr. Duggins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Lester, Pinto, Mazzurco, Duggins. Nays: None. Abstained: Alford)

**Withdrawals and Continuances**

Mike Kirkman stated that there has been a request from several people opposing the request for Z-18-04-001, 717 Mayflower Drive, to continue this item.

Chair Bachmann asked if there was anyone wishing to speak to the continuance of this matter.

Michael Walker, 709 Mayflower Drive, stated that he owns the property at 711 Mayflower Drive. He and his neighbors do not feel that they have had enough notification to prepare their arguments about this case. They were not made aware of the traffic study that was done for this area until today. They would like to research the traffic study a little more and have some conversation with GDOT and some other people that this would involve later on. They were only made aware of the request on the 19<sup>th</sup>, so they have had less than a month to prepare. He would ask for a 30-day continuance of the case.

Ms. Mazzurco asked if the traffic study noted by the speaker is actually tied to the property involved in this case. Mike Kirkman clarified that the traffic study is actually associated with potential development on the adjacent lot fronting on Spring Garden Street and is not part of this rezoning request. He pointed out that the property at 717 Mayflower Drive by itself did not trigger a traffic study and that traffic study should not be considered for this particular case. Nolan Tipton, GDOT,

agreed with Mr. Kirkman's clarification of the traffic study. Mr. Walker stated that the traffic is still their major concern and they would still like to ask for a continuance of the case to the May meeting.

In response to a question posed by Mr. Pinto, Mr. Walker stated that there were a few neighborhood meetings held by the applicant and attended by several of the area residents and at that time they voiced their concerns about the traffic in this neighborhood.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the continuance of this matter.

Henry Isaacson, 804 Green Valley Road, representing the applicant, stated that they are opposed to the continuance of this request as they are prepared to go forward with their presentation tonight. They feel there has been adequate time for discussions with the neighbors. The applicant has made himself available on several occasions to speak with the neighbors and explain the plans for the development of this property. He pointed out that the traffic study is not directly related to the subject property, but rather, relates to property along Spring Garden Street. Underlying this rezoning case is a controversy with some of the neighbors on Mayflower Drive. One group has approached his client, Paramount Development Properties, Chris Sneed, about closing Mayflower Drive, while another group has spoken to him about leaving it open, as is, being a through-street to Walker Avenue. The applicant has indicated that they do not want to be a part of that controversy. For those reasons, they would like to move forward this evening with their presentation. There will also be adding two (2) additional conditions to the request that should address some of the concerns of the neighbors about the proposed fencing on the property.

Chris Sneed, representing Paramount Development Properties, 2906 St. Regis Road, stated that they did order the traffic study from Ramey Kemp in Raleigh, which is a City-GDOT approved traffic engineer. The reason they ordered the traffic study is because he thought it would be needed for the rezoning of 717 Mayflower Drive. Perhaps there was a misunderstanding and maybe it was not needed. Their intent is to develop 717 Mayflower Drive along with 1610 Spring Garden Street, which is the adjacent property that is already zoned. They are requesting that 717 Mayflower Drive be rezoned. He has gotten to know a lot of the neighbors over the last month during several neighborhood meetings with them. They sent the initial notice letter of the application on March 9, 2018. They feel they have done a very good job of making themselves available to the local residents, answering questions and addressing their concerns. They have added a condition that addresses the neighbors' input. They recently agreed to another condition just this past Saturday that has been made part of the application. Another condition has been requested by the neighbors for an upgraded fence to provide additional barrier to the residential neighborhood behind this property. They are going to agree to strengthen that condition tonight to upgrade a fence to a wall. They have been very accommodating, in his opinion and taken every phone call and attended every meeting request and made a tremendous effort to make themselves available and to try to make this a collaborative effort with the neighborhood. There are still some questions about traffic and they cannot agree to additional conditions related to traffic, but in terms of zoning conditions, they have agreed to every condition that they have been able to. Because of all that they feel it is very appropriate to go ahead and hear this case tonight.

Tom Terrell, 300 N. Green Street, stated that he is one of three trustees of the subject property and the Quaker church, which is on Spring Garden Street. The church owns all the property at that site including the property on Mayflower Drive, which was previously used as the parsonage for the church. This house has been vacant for about three years. He noted that he has been doing zoning and land use for 34 years and he asked that this case be heard at tonight's meeting.

Ms. Mazzurco moved to hear the case tonight and deny the request for a continuance, seconded by Mr. Lester. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Holston, Pinto, Duggins, Marshall, Lester, Mazzurco and Alford. Nays: None.)

### Public Hearings:

**Z-18-04-001** 717 Mayflower Drive (east of Mayflower Drive and north of Spring Garden Street) – A rezoning request from RM-18 (Residential Multi-family - 18) to CD-C-M (Conditional District - Commercial Medium) with the following condition: 1. Where permitted, an opaque wooden fence no less than six (6) feet in height shall be installed along the northern property line of the subject property. - For 717 Mayflower Drive, generally described as the near the northeast corner of the intersection of Mayflower Drive and Spring Garden Street. (0.15 Acres) - Paramount Development Properties, LLC for North Carolina Yearly Meeting of the Religious Society of Friends, Inc.  
**(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Henry Isaacson, 804 Green Valley Road, presented handouts for the Board members' review and stated that the applicant is a developer of real estate and have projects which have been built throughout the southeast. He stated that there are two (2) new conditions to offer and asked that the Board consider making a part of this rezoning request as follows:

- 1) Where permitted an opaque ecostone fence no less than six (6) feet in height shall be installed along the northern property line of the subject property.
- 2) No dumpster shall be located on the subject property at 717 Mayflower Drive, Greensboro, NC.

Mr. Isaacson presented a brochure that explained the uses of ecostone fencing.

Ms. Mazzurco moved to accept the proposed new conditions, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Holston, Pinto, Duggins, Marshall, Lester, Mazzurco and Alford. Nays: None.)

Mr. Isaacson stated that this church has been vacant for approximately three (3) years and developers have looked at it and passed on it because it was not squared off and there was not enough room to put a substantial development on the property to do justice to the location and fit into the Spring Garden Street development pattern. He noted existing uses in the immediate area and showed photographs of these uses. He asked that the Commission consider approval of the request as it would fit well with the existing properties along Spring Garden Street as the proposed CD-CM request, as conditioned, requires an opaque fence along the northern property line to screen adjacent residential uses from potential negative impacts of future development. The subject parcel is also adjacent to a larger parcel to the south that is currently zoned C-M. The combination of the two lots in the commercial zoning enhances the ability to redevelop the currently vacant religious assembly use with other uses similar to those that are currently existing in this area along Spring Garden Street.

Chris Sneed, representing Paramount Development Properties, stated that he is the applicant for the rezoning request for 717 Mayflower Drive. He feels that one of the things that brings merit to this case is this is a very small tract of land at .15 acres, squared off with another piece of property to give it more consistent zoning and it is felt that this is good zoning for the Spring Garden Street corridor. This is a commercial corridor in this particular area and this parcel deserves to have life and a vibrant development on it with the proximity to UNCG. Due to the size of the property and the unique shape of it, and when combined with the larger piece, would bring more of a first class, strong development to this section of Spring Garden Street. He asked that the Commission give positive recommendation for approval of the request.

Tom Terrell, 300 N. Greene Street, stated that he is the Chairman of the Board of Trustees of the Statewide Quaker Organization that acquired this property when the Quaker Meeting just got too small to sustain itself. He has been very impressed with all the steps the applicant, Mr. Sneed, has taken to accommodate. He has listened to the neighbors and taken many steps to accommodate them. This rezoning does not create any inconsistency with the prevailing land use. It does create a consistency that is long overdue.

Joy Britt Revis stated that she is currently a resident of Kernersville, NC. She grew up in the house being considered for rezoning as her father was the pastor of Spring Garden Friends Meeting from 1972 until 1975. This was a potentially unsafe place to raise children this close to Spring Garden Street. There were many instances of homeless people approaching her mother for hand-outs or money. It became challenging for her family and for the congregation of the church. The church went through a very distressing time after being a thriving church, very progressive with a strong congregation. The church did die after 106 years of history and the building became vacant. The proposed zoning would acknowledge a transition for this area.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Edward McIrvine, 1703 Cobb Street, stated that this neighborhood has gone through a lot of changes over the years. In regard to the traffic study that was mentioned earlier, the reason they requested the continuance is that traffic study did not include Mayflower Drive and what they have been encountering. With this development they need a base line to look at what they have today and what is coming. So the characterization of the neighborhood was not accurate according to what has been presented. They are a small neighborhood and they are vibrant and intend to remain so. Their concerns are looking forward to the future and a good partnership with development that occurs along the Spring Garden corridor, but one that does not adversely affect those property owners that choose to remain in a neighborhood that they wish to preserve.

Michael Walker, 709 Mayflower Drive, stated that he also owns the houses to the left and right, 711 and 707 Mayflower Drive. The traffic is one of their major concerns for this neighborhood. A high density development such as the one proposed, would have a negative impact on the local area and traffic. Mr. Sneed has been a very agreeable person to work with and took action on some of their concerns. He pointed out that they would like an 8 foot wall around this property. He asked that this condition be modified to state that the wall will be 8 feet in height instead of just 6 feet.

Ronald McIrvine, 605 W. Market Street, stated that his son lives on Cobb Street and he has owned property in that neighborhood since the 1970s. The neighborhood was impacted adversely with the development of University Village and all of the traffic that it generated. Later University Village closed the entrance from Cobb Street into University Village, which made a tremendous difference in the quality of life for the people in the Mayflower area neighborhood. Increasing traffic on Mayflower Drive would adversely impact the quality of life of the neighborhood. He just wants to make the Commission members aware of the problems created by the proposed development.

There is parking on both sides of the street on Mayflower Drive and two cars cannot pass each other on this street. This creates a dangerous situation.

Rick Russell, 700 Mayflower Drive, stated that he agrees with what other speakers have said about this area. He moved to the area about a year ago and he is concerned about noise pollution, light pollution, increases in vehicular traffic as well as pedestrian traffic in the area. There has been no commitment by the developer as to what is actually going on the properties. There are also concerns about alcohol and drug use in the area. These are concerns voiced by the area residents. He would agree that an 8-foot barrier would be more appropriate for privacy to the residents.

Mike Decker, 715 Mayflower Drive, located directly beside the subject property. He stated that he has lived there since 1996 and stated that the house next door has been a rental house and part of the neighborhood. He also feels that the barrier wall is being accommodated, but also agrees that it should be taller than 6-feet, because people do trespass in his back yard and do drugs, drink alcohol and leave trash. That would give him more protection and privacy. He was concerned about the setback because of the wall proposed to be installed. Mike Kirkman stated that the required landscape buffer would be 25 feet, in width, which also includes the building setbacks. Neither of those would change as a result of the additional condition. Mr. Decker stated that the property line sits directly on his shop building at the rear of his property and also splits the middle of his driveway.

Larry Richardson, 507 Mayflower Drive, stated that his concern about all of this is, where do you stop encroaching into residential neighborhoods? He understands the zoning on Spring Garden Street and the whole corridor, but he is concerned about further encroachments into this neighborhood.

Jake Lawing, 712 Mayflower Drive, stated that his mother purchased this house in 1998 and he grew up in that house. He moved away for several years and he has seen several changes in this area through the years. He just purchased this property in January and plans to stay there for many years. The neighbors just want to make sure that their properties continue to increase in value. There is already a problem with traffic and trash on their streets. There are a lot of owner-occupied residents in this area and it is in a good situation in that regard. There are a lot of questions about what type of development will be taking place on the property facing Spring Garden Street and no one has told them. He is also in favor of an 8-foot barrier being installed.

Dawn Chaney stated that she has owned several properties on Mayflower Drive for quite a few years. She does not live there and those properties are leased. She has never had a problem with safety there. She does see some major issues with traffic control, and major issues if the development on the corner becomes something unacceptable for a neighborhood. She asked that the Commission consider the concerns and needs of the neighborhood residents as it is a very established neighborhood and is one that contributes to the development of the businesses along Spring Street and the students of UNCG. This is a very viable neighborhood and the integrity should be retained for this area.

Jane Rollings, 602 Mayflower Drive, stated that the difference between the rezoning of this parcel and what is going on for the rest of the parcel is that this one is on Mayflower Drive and impacts the neighborhood. This is a very nice street and a nice neighborhood and the neighbors stick together.

Speaking in Rebuttal in favor of the request, Chris Sneed stated that they would agree to the change in the condition, by allowing an 8-foot wall instead of just "up to 6 feet in height" at the rear of the property, which is permitted under the LDO. He pointed out that they did not offer any condition related to alcohol consumption, bars, nightclubs, et cetera on the property. The reason

they did not is because in the LDO, there are already protections on C-M property that is within 200-feet of residential that those uses could not be established. He also pointed to the LDO which addresses protections of lighting for C-M property that abuts residential. There are specific requirements that must be met for lighting to protect against light pollution into residential neighborhoods. In regard to noise, there are additional setbacks for a drive-through speaker and additional building setbacks and drive-through lane setbacks on property that abuts residential which are also covered in the LDO. He specifically responded to Mr. Decker, 719 Mayflower Drive, and stated that the property line splits his driveway and how the fence or wall would impact that. There is an easement for that driveway, a shared driveway easement that Mr. Decker would benefit from and that easement will transfer with the title of the property. They would not be able to build anything within that easement area. The location of a wall would be set outside of Mr. Decker's driveway easement area.

In response to a short discussion, Mike Kirkman stated that the Commission would need to vote to accept a modification to the condition with regard to the height of the proposed wall.

Ms. Mazzurco moved that the condition regarding the proposed wall be modified to read,  
"1) Where permitted an opaque ecostone fence no less than eight (8) feet in height shall be installed along the northern property line of the subject property."

Mr. Holston seconded the motion. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Holston, Pinto, Duggins, Marshall, Lester, Mazzurco and Alford. Nays: None.)

In response to questions posed by Mr. Holston, Mr. Sneed stated that in terms of ingress and egress onto Mayflower Drive, they do not have a final site plan or even a preliminary site plan at this point. He does know that they would definitely want a curb cut onto Mayflower Drive that would be a full access curb cut. In terms of uses, they have talked with the neighbors a lot about that and they do not have a firm, finalized deal with anyone on this site yet. They have specifically targeted retail uses and restaurant uses, which they feel is the highest and best use for this property. At this time, they feel that it may be a restaurant site.

Speaking in Rebuttal in opposition to the request, Michael Walker stated that the people in opposition to the request were now satisfied with the information they have received.

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

Mike Kirkman stated that this site is designated as Mixed Use Residential on the Generalized Future Land Use Map. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential but where substantial, compatible local-serving nonresidential uses may be introduced. The proposal supports 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 zoning, as conditioned, generally accommodates a wide range of retail, office, and service uses. Staff recommends approval of the request.

Mr. Lester stated that he wanted to congratulate the community and the developer for working together and making necessary compromises. He would support the request. Chair Bachmann stated that she would echo Mr. Lester's comments. To see two parties who were not in total agreement come together and have a reasonable, professional discussion and come to terms with each other is an outstanding accomplishment. She asked that the neighbors continue to be open to future discussions. Ms. Mazzurco also agreed with the other Commissioner's comments and she is so pleased with the applicant working with the neighborhood residents working together.

Mr. Holston moved approval of the rezoning request related to Z-18-04-001, 717 Mayflower Drive, and stated that the Greensboro Zoning Commission believes that its action to recommend approval for the proposed development, from RM-18 to CD-CM 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: 1) The request is consistent with the Reinvestment/Infill goals to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy and diversified economy. 2) The request does implement measures to protect neighborhoods from potential negative impacts, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Lester, Pinto, Mazzurco, Duggins, Alford. Nays: None.)

**Z-18-04-003** 1299 and 1301 Youngs Mill Road (east of Youngs Mill Road, west of McConnell Center Drive and south of Interstate Highway 40) - A rezoning request from CD-R-3 (Conditional District - Residential Single-family - 3) to CD-LI (Conditional District - Light Industrial) with the following conditions: 1. Vehicle access will only be allowed from McConnell Center Drive. 2. Loading docks shall not be oriented to any residentially zoned properties to the south. 3. Where permitted, provide a 50-foot wide landscape buffer along the southern property line. This buffer shall include a minimum six (6) feet tall berm or opaque fence adjacent to any lots containing residential uses. Any fence shall be installed in the portion of the buffer farthest from the southern property line. - For the property located at 1299 and 1301 Youngs Mill Road, generally described as east of Youngs Mill Road, west of McConnell Center Drive and south of Interstate Highway 40 (32.65 Acres) - William Seymour for Gorla Youngs Mill, LLC and Gladys M. Sears. **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Buddy Seymour, 5603 New Garden Village Drive, representing Gorla Youngs Mill, LLC, stated that he has been involved with this property since its original annexation and zoning and the development of McConnell Center, which is property adjacent to this property and will be combined with the property. McConnell Center is a very active industrial park and is home to seven (7) businesses and hundreds of jobs. They are currently in the permitting process for another spec building in the park and upon completion of that building, there would only be one other buildable lot remaining in McConnell Center. They want this property rezoned so they can have an additional site available for industrial uses. They have reached out to the neighbors in terms of a letter and an invitation to call or meet with them at a set meeting last week. There were no phone calls and no one attended the meeting. One of the owners, Mr. Gorla, did reach out to one of the owners, Mr. Stallings, and he is very much in support of the change to industrial use. He is currently out of state and unable to attend the meeting tonight. A traffic study was done and they followed up with all the protocols of this process.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Jerry Cooper, 1591 Candace Ridge Drive, stated that his neighborhood is under the effects of the recent tornado so a lot of the residents were unable to attend the meeting. In regard to the letter that was sent out, they may or may not have been read by the neighbors who received it. The

property management company for his neighborhood's association may not have received a letter. Residents did receive a monthly HOA letter, but none of this information was included in it. He has walked around the neighborhood and wanted to do more this past weekend, but with the tornado, they did not complete their walk-through. They had a petition with several signatures, but not as many as they could have, had it not been for the storms and weather conditions. This proposed development is going to be very close to the houses in this area. They moved to the County thinking that it would be a quiet development and the proposed development will see the loss of a lot of trees which created a buffer between the subject property and the residential neighborhood. Currently, the noise pollution from the highway can be heard because of the loss of all those trees. Mr. Cooper stated that if an industrial building is created, then there will be additional noise pollution of the transfer trucks visiting the property at all hours of the day and night, as well as the lighting from the property invading the neighborhood. A 6-foot fence is not going to stop the lighting from getting into the residential neighborhood. In response to questions posed by Ms. Mazzurco, Mr. Grouper stated that there would be at least 85 homes that would be impacted, just in their neighborhood, as well as other homes on McConnell Road.

Nakisha Adams, 1315 Sharp Ridge Road, stated that she did receive the notification from the applicant. Nothing in the letter really explains what they are going to request to be put on the property. It stated that it could be an office, but she is unsure what a Corporate Park entails. Part of the letter stated that there would be loading docks and she does have concerns about that. She has enjoyed the freedom of the being in the country setting with very few businesses. Her children can safely play outside and there is very little traffic. They enjoy seeing the wild animals coming from the woods in their natural setting. She is worried about what type of business will be located on the property and feels that a 6-foot fence will not provide enough buffer. Since they took out all the trees off the property there is a lot more noise from the highway. She feels that the area residents need more information about exactly what is going to happen on this property.

Crystal Drew, 1591 Candace Ridge Drive, stated that they moved their children about 6-7 years ago and that subdivision is very much quiet, country living. She also enjoys seeing the natural wildlife of the area. She does not like to think she would look out her back yard and see a lot of tractor-trailers. The change will notably diminish the natural scenic character of the neighborhood and will decrease the home and property values in the area, it will add noise and excess lighting and potentially pollute the air and groundwater. She also feels that they need more information on what will be on the property. This change will affect hundreds of the area residents. She provided a petition that was signed by many of the area residents. She was not able to reach many of the residents because of the weather conditions related to the tornado in the area. She asked that the Commission deny this request to help protect all the people that will be affected.

In response to a question, Counsel Jones stated that the Commission can give the petition whatever consideration they deem appropriate. However, if this were a quasi-judicial proceeding, then the signatures on the petition would have to be notarized. Ms. Drew stated that the petition has approximately 30 signatures and she would have had more, had it not been for the weather conditions. She reiterated that the residents do not feel that a 6-foot berm is going to provide the buffer needed for the residents of this area.

Nakisha Adams returned to the podium and stated that she is a Notary and wanted to know if she could go around the neighborhood and notarize any signatures they may be able to obtain. Chair Bachmann stated that there is an appeal process so if the residents wish to appeal, they can provide additional information when this case goes to City Council for consideration.

In rebuttal in favor of the request, Buddy Seymour stated that he wished they had had an opportunity to meet with the residents. The zoning conditions and Development Ordinance will be



followed through the development process. They were very specific in restricting all the truck access off McConnell Center Drive, which is an industrial drive, and it would keep truck traffic away from the residences located at the rear of this property. They were also specific in their condition of orienting all loading docks away from residential areas. They also feel that the building will serve as a buffer between the residential area and the interstate and should cut down on some of that noise. The 50-foot landscape buffer is also a condition beyond the Development Ordinance and he feels that they will also install a berm, which may be more than 6-feet high. He feels that this addresses the items that the residents have raised. They really want to be a good neighbor to the residential properties in the area.

In rebuttal in opposition to the request, Jerry Cooper stated that he had a question about the map that was shown and asked if letters were sent out to residents or individuals within 600 feet of the proposed development. Mike Kirkman stated that they did provide a list to the developer of the residents and/or property owners within 600 feet of the proposed development. Mr. Cooper advised the Commission members that just the homes at the rear of this property are not the only ones that would be impacted by the development. There are other properties in the immediate area that would be impacted, which he pointed to on the map.

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

Mike Kirkman stated that this site is designated as Low Residential on the Comprehensive Plan's Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. As part of this request, the applicant has requested a change to the Mixed Use Corporate Park. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale, business/employment parks with supporting uses. The proposal supports 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-LI zoning, as conditioned, is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related uses. Staff recommends approval of the request.

#### Commission Comments:

Mr. Pinto stated that he supports the request and feels that the conditions imposed will help protect the residential neighborhoods near the proposed development. Mr. Duggins thanked the neighbors for coming out to voice their concerns. He encouraged them to continue to reach out and work with the developer. He will support the request. Ms. Mazzurco stated that this was a difficult case for her but she relies on the highest and best use for the property. She will also support the request and thanked the residents for coming out and voicing their concerns and issues. She is disappointed that there was not very much communication between the developer and the residents prior to this meeting. Mr. Holston also agreed and stated that he would support the request, as he also feels that this is the highest and best use of the property. He encouraged the residents to have a conversation with the developer before leaving the meeting tonight to address the berm issue as well as the lighting and noise concerns.

Mr. Pinto moved approval of the request related to Z-18-04-003, 1299 and 1302 Youngs Mill Road and stated that the Greensboro Zoning Commission believes that its action to recommend approval for the proposed development, from CD-R-3 to CD-LI 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: 1) The request is consistent with Comprehensive Plan's

Economic Development Goals for a healthy and diversified economy. 2) The request does implement measures to protect neighborhoods from potential negative impacts, seconded by Mr. Duggins. The Commission voted 7-1 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Lester, Pinto, Mazzurco, Duggins. Nays: Alford.)

A short break was taken from 7:55 until 8:05 p.m.

**Z-18-04-004** 3507-3509 Brevard Street and 600-608 Coapman Street (south of Brevard Street and west of Coapman Street) – A rezoning request from RM-18 (Residential Multi-family - 18) to PUD (Planned Unit Development) with the following conditions: 1. Uses limited to a maximum of 60 residential dwelling units. 2. Maximum building height limited to 3 stories tall. - For the property located at 3507-3509 Brevard Street and 600-908 Coapman Street, generally described as south of Brevard Street and west of Coapman Street. (1.39 Acres) - Joe Kupiec for CDI Builders, Inc. **(CONTINUED TO MAY 2018)**

There being no one in attending to present this request, this item was continued to the May meeting.

Mr. Duggins moved to continue this item to the May meeting, seconded by Mr. Lester. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Duggins, Mazzurco, Duggins, Alford. Nays: None.)

**Items from Planning Department:**

Mike Kirkman stated that there were originally 7 items for the May meeting and with the addition on the last item on today's agenda, there will now be 8 items on the agenda for the May meeting.

**Items from the Zoning Commission Members:**

None

**Acknowledgment of Absences:**

The absence of Mr. Blackstock was acknowledged as excused.

**Adjournment:**

There being no further business before the Commission, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd




---

 PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION**

**MAY 21, 2018**

The regular meeting of the Greensboro Zoning Commission was held on May 21, 2018, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Vice Chair Eugene Lester; Hugh Holston; Janet Mazzurco; Donald Blackstock; Adam Duggins; Andrew Pinto, and Adam Marshall. Also present were Mike Kirkman, Lucas Carter and Hart Crane, Planning Department, and Terri Jones, City Attorney's Office.

Vice Chair Lester welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission. He asked that anyone wishing to speak, to be sure and add their name to the Sign-Up sheet.

**Approval of the minutes of the April 16, 2018 regular meeting**

Ms. Mazzurco moved approval of the April 16, 2018 regular meeting minutes as written, seconded by Mr. Marshall. The Commission voted 7-0 in favor of the motion. (Ayes: Duggins, Holston, Marshall, Lester, Pinto, Mazzurco, Blackstock. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that there were no request for withdrawals or continuances.

Vice Chair Lester stated that Ms. Mazzurco has requested that Z18-05-003, 8200 Capital Drive be moved to first on the agenda

**New Business**

- Z-18-05-03** 8200 Capital Drive (north of Capital Drive and west of Standard Drive) - A rezoning request from LI (Light Industrial) to HI (Heavy Industrial) for the property located at 8200 Capital Drive, generally described as at the northwest corner of the intersection of Capital Drive and Standard Drive. (12.08 Acres) – Michael Pinkos for EcoLab Inc. **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Stephen Vega, Plant Manager of EcoLab, Inc., stated that this will be an extension of the current EcoLab facility and that Ecolab is credited for being a great corporate citizen who have received numerous accolades for doing the right thing within the community. The current facility was bought in 1986 and was updated in 2006.

Sharon Ruppel, representing EcoLab, stated that proposed facility conveniently neighbors the current facility and that the two residential addresses nearby have been contacted and have no arguments about the rezoning. The rezoning request supports EcoLab's long term growth and allows for consistency in their ability to track future expansion.

Vice Chair Lester asked if there was anyone wishing to speak in opposition to this matter. There being no other speakers, the public hearing was closed.

Mike Kirkman stated that this site is designated as Employment Area on the Future Land Use Map of the Western Area Plan. The Employment Area designation accommodates employers looking for assemblages of land to accommodate a large footprint facility. The proposal supports 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 HI zoning is primarily intended to accommodate wide range of assembling, fabricating, and manufacturing activities.

### **Commissioner Comments:**

Mr. Duggins moved that in regard to Z-18-05-003 that the Greensboro Zoning Commission believes its action to approve the zoning amendment to the property located at 8200 Capital Drive from LI (Light Industrial) to HI (Heavy Industrial) to be consistent with 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 Economic Development goal to promote a healthy, diversified economy. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Duggins, Holston, Marshall, Lester, Blackstock, Pinto, Mazzurco. Nays: None.)

### **Old Business**

**Z-18-04-004** 3507-3509 Brevard Street and 600-608 Coapman Street (south of Brevard Street and west of Coapman Street) - A rezoning request from RM-18 (Residential Multi-family – 18) to PUD (Planned Unit Development) with the following conditions: 1. Uses limited to a maximum of 60 residential dwelling units. 2. Maximum building height limited to 3 stories tall. - For 3507-3509 Brevard Street and 600-608 Coapman Street, generally described as south of Brevard Street and west of Coapman Street. (1.39 Acres) - Joe Kupiec for CDI Builders, Inc.  
**(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Joe Kupiec, representing CDI Builders, stated that the proposal is to rezone the property so that an apartment building can be built on the property with a maximum of 60 units and a maximum height of 3 stories. Letters were sent out and positive responses were received.

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

Ben Jones, 3504 Brevard Street, stated that he is against the rezoning request because the streets in his neighborhood aren't that wide and there are lots of children. He also feels that parking will be an issue with a new apartment complex.

Speaking in rebuttal supporting the request, Joe Kupiec stated that he understands the concerns about traffic however there will be two entrances to the complex, one on Coapman Street and one on Spring Garden Street which would ease the congestion.

Brent Cockrum, 8518 Triad Drive, Colfax, stated that the sketch plan was submitted and was well received by staff. The parking will be behind the building and shouldn't be an issue.

Speaking in rebuttal for the opposition, Ben Jones stated that there have been many accidents in the neighborhood since he has lived there and doesn't want to see any kind of increase in traffic.

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

Mike Kirkman stated that this site is designated as Mixed Use Residential on the Generalized Future Land Use Map. 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 proposal 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 living environments, as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The PUD zoning, as conditioned, is restricted to only a residential use that is compatible with surrounding uses. Staff recommends approval of the request.

#### **Commissioner Comments:**

Mr. Pinto moved that in regard to Z-18-04-004, the Greensboro Zoning Commission believes its action to approve the zoning amendment to the property located at 3507-3509 Brevard Street and 600-608 Coapman Street from RM-18 (Residential Multi-Family – 18) to PUD (Planned Unit Development) to be consistent with 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 Housing and Neighborhood 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 and quality of life and necessary services and facilities. The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request does implement measures to protect neighborhoods from potential negative impacts, seconded by Mr. Marshall, The Commission voted 7-0 in favor of the motion. (Ayes: Duggins, Holston, Marshall, Lester, Blackstock, Pinto, Mazzurco. Nays: None.)

#### **New Business**

- Z-18-05-001** 6707 and 6709 West Friendly Avenue (south of Friendly Avenue and west of Pompano Drive) – A rezoning request from CD-R-3 (Conditional District – Residential Single-family – 3) and R-3 (Residential Single-family -3) to CD-RM-18 (Residential Multi-family – 19) with the following conditions: 1. Maximum building height shall be no more than 4 stories. Building height shall be limited to 3 stories for any portion of building located within 50 feet of the western property line. 2. Maximum number of dwelling units shall be 155. 3. Where permitted, an opaque fence no shorter than 6

feet shall be installed along all property lines adjacent to single-family residential uses. – For 6707 and 6709 West Friendly Avenue, generally described as south of Friendly Avenue and west of Pompano Drive. (8.61 Acres) – Panorama Companies, LLC for Greensboro Korean Baptist Church, Inc. and Wesley S. and Carolyn Brogan. **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Mark Smith, representing Panorama Companies, stated that they wish to make amendments to the previously proposed conditions as follows:

1. Maximum building height shall be no more than 4 stories, Building Height shall be limited to 3 stories for any portion of the building located within 50 feet of the western property line.
2. Maximum number of dwelling units shall be 154.
3. Where permitted, an opaque fence no shorter than 6 feet shall be installed along all property lines adjacent to single-family residential uses.
4. Use limit to Multi-Family (Elderly).

Ms. Mazzurco moved approval of the revised conditions, seconded by Mr. Holston. The Commission voted 7-0 in favor of the motion. (Ayes: Duggins, Holston, Marshall, Lester, Blackstock, Pinto, Mazzurco. Nays: None.)

Mark Smith stated that he specializes in creating upscale, active adult living and a complex was just finished in Kernersville.

Carol Carter, representing Panorama Companies, stated that the community meeting was held at Carriage Crossing and four residents of the townhomes attended and twelve to twenty personal phone calls came in resulting from the 135 letters that were sent out.

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

Mary Miller, 803 Settlers Lane Unit B, stated that she lives in a townhouse community and their driveway is opposite of the applicant's driveway which may cause her traffic problems. There are two nearby schools and Gilbarco manufacturing center which already produce a lot of traffic.

Robert Kinard, 6715 Forsythia Drive, provided the Commission with several handouts and stated that he has two properties at stake in this issue. He feels that he didn't have enough time to consider the project and that some of his neighbors didn't even receive letters. Mr. Kinard thinks that more time should be allowed for everyone involved to consider the project and he is against it.

Jonathan White, 6715 W. Friendly Avenue, stated that his house was built in 1992 and his property directly abuts the proposed project. Mr. White is concerned about an increase in the crime rate and the population increase this project may cause.

Colin Kelly, 6716 Forsythia Drive, stated that he didn't receive notification from the developer in a timely fashion and is concerned about the increase in traffic that will result from this project.

Speaking in rebuttal in favor of the request, Carol Carter stated that there was no traffic study done because one was not required. Suggestions for access to the site were provided by the Greensboro Planning department and have been followed.

Speaking in rebuttal in opposition to the request, Robert Kinard stated that he would like to see the case continued so more of the details could be made clear and is very skeptical of the applicant.

Mary Miller stated that she feels a traffic study is necessary for this project.

Murid Ahmid stated that he purchased his property eleven months ago and invested all his money and would not like to see apartments built near his house.

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

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types. As part of this request, the applicant has requested a change to the High Residential designation. The High Residential designation provides for high density apartment dwellings, condominiums, life care, and similar housing types. The proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the 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. The CD-RM-18 zoning, as conditioned, generally accommodates multi-family and similar residential uses. Staff recommends approval of the request.

Ms. Mazzurco asked staff what is going to be done about the pond on the property and Ms. Spillman stated that the developer will need to state what they are going to do on their site plan at the Technical Review Committee stage of development. Water Resources staff would evaluate the water body at that time.

Mike Kirkman stated that the pond was on the adjacent property and is not part of this rezoning request.

In response to a question Mr. Kirkman stated that 6701 is not a part of the rezoning request.

### **Commissioner Comments:**

Mr. Duggins stated that this seems to be rather abrupt and does not create a substantial buffer. He also does not feel that there was enough effort by the developer to meet and speak with the neighbors and he will not be supporting the request.

Ms. Mazzurco stated that she feels this is a good project but the developer and staff could have communicated better, there has been a lot of misinformation. There are remedies for the traffic concerns and she is generally in support of the request with reservations.

Mr. Pinto agreed with Ms. Mazzurco's comments and will be supporting the request.

Mr. Holston stated that he agrees with Mr. Duggins and is concerned about the high density on the site

and will not be supporting the request.

Mr. Lester moved that in regard to Z-18-05-001 the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the properties located at 6707 and 6709 West Friendly Avenue from CD-R-3 (Conditional District – Residential Single-Family-3) and R-3 (Residential Single-family -3) to CD-RM-18 (Residential Multi-family-18) 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 reinvestment/infill goal to promote sound investment in Greensboro’s urban areas as well as the housing and neighborhood goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing and stable living neighborhoods. The request is consistent with the Comprehensive plan to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing and stable living neighborhoods that offer security, quality of life and necessary services and facilities. The request is to implement certain measures to protect neighborhoods from potential negative impacts, seconded by Ms. Mazzurco, The Commission voted 4-3 in favor of the motion. (Ayes: Marshall, Pinto, Lester and Mazzurco. Nays: Holston, Duggins and Blackstock.)

Mr. Lester stated that there has been a favorable recommendation and the issue is subject to a public hearing at the next City Council Meeting.

**Z-18-05-002**      303 College Road (northwest of College Road and Lucye Lane) - A rezoning request from R-3 (Residential Single-family - 3) to CD-O (Conditional District – Office) with the following condition: 1. All uses permitted in the Office zoning district EXCEPT: Agricultural, Utilities (as a principal use), and Overnight Accommodations. - For the property located at 303 College Road, generally described as on the northwest side of College Road north of Lucye Lane (0.36 Acres). - Juraj Slovak for J&K Builders of NC, Inc.  
**(DENIED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members’ review.

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

Kevin Reeves, representing J&K Builders, stated that the property was purchased a year and a half ago while it was in distress. The request is in response to a violation due to parking.

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

Joel Moody, 6010 Lucye Lane, stated that the property at 303 College Rd. seems to be a full fledge construction business and not an office building. Another problem is that a garage built has diverted the water run-off and causes flooding.

Triet Phan, 305 College Rd., stated that there is a lot of construction equipment at the property and he doesn’t see any possible solution to enhance the driveway that the request relates to.

Speaking in rebuttal in favor of the request, Kevin Reeves stated that if the amendment is approved some sort of water system will be installed to take care of the flooding issue. In response to a question Mr. Reeves stated that the property is not being used as a primary residence and after having the property surveyed there is no encroachment onto the neighboring properties.



Mr. Kirkman stated that the violations in this case relate to the residential zoning which do allow home occupations with certain parameters such as no outside storage, limited number of commercial vehicles and no employees working at the location. The rezoning request is to allow the property to be used as an office. The enforcement of the violations were put on hold until the Commission makes a decision and there would still be a permit review if approved.

Ms. Mazzurco asked if there were other commercial properties in the area and Mr. Reeves stated that there are on the Friendly Ave. side.

Mr. Reeves stated that he doesn't want to make a change to the visible characteristics of the area, he simply wants to be able to use the house as an office.

Triet Phan stated that there is no possible way to extend the driveway and they are parking commercial vehicles on the site.

Joel Moody stated that the property is right in the middle of a neighborhood and it would be a disservice to the residents to approve this.

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

Mike Kirkman stated that this site is designated as Moderate Residential on the Generalized Future Land Use Map. The Moderate Residential designation category 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. The proposal supports 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, as conditioned, is primarily intended to accommodate office, institutional, supporting service and other uses, with no outdoor storage. Staff recommends approval of the request.

#### **Commissioner Comments:**

Mr. Holston asked where the nearest residence is relating to the property in question and Mr. Kirkman stated that there is one to the north on both sides of College Rd.

Mr. Holston moved that in regard to Z-18-05-002 the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning for the properties located at 303 College Rd. from R-3 (Residential Single-family - 3) to CD-O (Conditional District – Office) to be inconsistent 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 inconsistent with the reinvestment/infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Economic Development goal to promote a healthy, diversified economy and the property is not compatible with the surrounding properties seconded by Mr. Duggins, The Commission voted 5-2 in favor of the motion. (Ayes: Marshall, Pinto, Holston, Duggins and Blackstock. Nays: Lester and Mazzurco.)

**Z-18-05-004** 1319-1325 New Garden Road (west of New Garden Road and south Pine Haven Drive) - A rezoning request from R-3 (Residential Single-family - 3) to CD-O (Conditional District – Office) with the following conditions: 1. All uses permitted in the Office zoning district EXCEPT: Hotels and Motels, Funeral Homes and Crematoriums, Multi-family Dwellings, and Yard Sales. 2. Building height shall be limited to 2 stories. 3. Applicant will establish a vegetative screen

adjacent to single family uses which shall contain evergreen species to ensure year round screening. A minimum of 50% of the screening materials shall be evergreen. Shrubs shall be a minimum of three feet tall at the time of planting. 4. Building square footage shall not exceed 15,000 square feet. - For the property located at 1319-1325 New Garden, generally described as at the southwest corner of the intersection of New Garden Road and Pine Haven Drive (4.19 Acres). - Henry Isaacson for Marion C. Sharpe, Julie A. Troxler, Barbara B. Goodman, John R. Stone, Claire Stone, Robert H Stone, Jr., Rita Maloy, and Stephen R Maloy. **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Henry Isaacson, attorney representing the applicant, stated that they would like to amend the previous conditions as follows:

1. All uses permitted in the Office zoning district EXCEPT: Hotels and Motels, Funeral Homes and Crematoriums, Multi-family Dwellings, and Yard Sales.
2. Building height shall be limited to 2 stories.
3. Applicant will establish a vegetative screen adjacent to single family uses which shall contain evergreen species to ensure year-round screening. A minimum of 50% of the screening materials shall be evergreen. Shrubs shall be a minimum of three feet tall at the time of planting. To the extent practical, applicant shall utilize existing vegetation.
4. Building square footage shall not exceed 15,000 square feet.
5. External primary building materials shall consist of at least 75% brick, stone, stucco or other similar masonry products, including cement board siding (e.g. Hardie board, and/or glass).
6. Mobile medical facilities / vehicles / equipment shall not be permitted to remain on the subject property for more than forty-eight (48) hours at one time.
7. Electronic message boards shall be prohibited.

Ms. Mazzurco moved to approve the amended conditions as presented by the applicant's representative, seconded by Mr. Blackstock. The Commission voted 7-0 in favor of the motion. (Ayes: Duggins, Holston, Marshall, Lester, Blackstock, Pinto, Mazzurco. Nays: None.)

Mr. Isaacson stated that he represents two physicians, Dr. George Thurman and Dr. Michael Handy, who have independent practices and they have teamed up to purchase four existing properties on New Garden Rd. If rezoned, they will relocate their practices to that location. Mr. Isaacson then pointed out the diversified zoning in the area. The hours of operation for the practices will be approximately 8 am to 5 pm. The doctors have had face-to-face meetings with the neighbors to hear their concerns and the conditions are a result of those conversations.

David Blackmon, 5705 Pine Haven Road, stated that he is favor of the request and this will be a good use for the property however he is concerned about the value of his home and that his privacy may be lessened.

Ms. Mazzurco asked Mr. Blackmon if he has seen a sketch of what the building will look like and Mr. Blackmon stated he was given an indication of where the offices will be but has not seen a rendering.

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

Richard Jordan, 5503 Belvidere Place, stated that his problem is with the looseness of the CDO rezoning and would like to see it tightened a bit. The rezoning, if approved, would allow many types of unwanted businesses. Another problem is that the rezoning would allow up to a 15 foot monument type sign on New Garden Rd.

Diane Danning, 5607 Garden Ridge Rd., stated that she would like to maintain the desirability of the neighborhood and would like to see a modification of the rezoning conditions. She is also concerned about the types of businesses the rezoning would allow.

Harold Parker, 4 Brookglen Drive, stated that he abuts the property that the Doctors want to rezone however he was never told of a neighborhood meeting. He feels that the building will be too close to his home and would affect his privacy.

Speaking in rebuttal in favor of the request, Tammy Thurm stated that she lives over 600 feet from the property and she did receive a letter about the request. She is in favor of the development and thinks it will be a good use for the property.

David Blackmon stated that his property abuts the development and wanted to clear up any confusion.

Henry Isaacson stated that his clients have tried earnestly to satisfy the neighbor's wishes and this is why there are conditions added to the request.

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

Mike Kirkman stated that this site is designated as Moderate Residential on the Generalized Future Land Use Map. The Moderate Residential designation category 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. As part of this request, the applicant has requested a change to the 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 proposal supports 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-O zoning, as conditioned, is primarily intended to accommodate office, institutional, supporting service and other uses. Staff recommends approval of the request.

### **Commissioner Comments:**

Ms. Mazzurco stated that after previous discussions and listening to the public hearing she will be supporting the request.

Mr. Holston moved that in regard to Z-18-05-004, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the properties located at 1319-1325 New Garden Road from R-3 (Residential Single-family - 3) to CD-O (Conditional District – Office) 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 reinvestment/infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the economic development goal to promote a healthy diversified economy. The request is to implement certain measures to protect neighborhoods from potential negative impacts, seconded by Ms. Mazzurco, The Commission voted 7-0 in favor of the motion. (Ayes: Marshall, Pinto, Lester, Duggins, Blackstock and Mazzurco. Nays: None.)

Ms. Mazzurco was excused for the rest of the meeting.

At this time there was a short break from 9:00 until 9:10 p.m.

**Z-18-05-006** 608 Battleground Avenue (north of Battleground Avenue and east of Wharton Street) - A rezoning request from C-M (Commercial Medium) to CB (Central Business). - For the property located at 608 Battleground Avenue, generally described as at the northeast corner of the intersection of Battleground Avenue and Wharton Street (0.36 Acres). - J. Randall Dixon for St. Leos Limited Partnership, LLP. **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Randy Dixon, representing St. Leos Limited Partnership, stated that his family has owned the property since 1990. In anticipation of the rezoning hearing a letter was sent out concerning the request to adjacent neighbors which was dated May 1<sup>st</sup>. They were received by all but one neighbor and positive responses were received along with a few questions.

Vice Chair Lester asked if there was anyone wishing to speak in opposition to this matter. There being no other speakers, the public hearing was closed.

Mike Kirkman stated that this site is designated as Mixed Use Central Business District on the Generalized Future Land Use Map. The Mixed Use Central Business District designation applies only in and around Downtown Greensboro. It emphasizes the urban character and the mix and intensity of activities uniquely suited to the central city. The proposal supports the Comprehensive Plan's Downtown goal to promote reinvestment, preservation, diversification, and selective intensification of activity in Downtown Greensboro, as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CB zoning is established to encourage high intensity, compact urban development. The district is intended to accommodate a wide range of uses including office, retail, service, institutional, and high density residential developments in a pedestrian-oriented mixed-use setting.

#### **Commissioner Comments:**

Mr. Pinto moved that in regard to Z-18-05-006 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 608 Battleground Avenue from C-M (Commercial Medium) to CB (Central Business) 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 reinvestment/infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the downtown goal to promote reinvestment, preservation and diversification of activity in downtown Greensboro, seconded by Mr. Duggins, The Commission voted 6-0 in favor of the motion. (Ayes: Marshall, Pinto, Lester, Duggins and Blackstock. Nays: None.)

**Z-18-05-07** 1200 Revolution Mill Drive (west of Yanceyville Street and south of East Cornwallis Drive) - A rezoning request from CD-BP (Conditional District – Business Park) to CD-LIM (Conditional District – Light Industrial Mixed) with the following conditions: 1. No access to Cypress Street or Hubbard Street. Access to Maple Street via revolution Mill Drive will remain as existing on July 10, 2014. No additional driveway access to Maple Street will be permitted. 2. No tractor-trailer parking shall be permitted within 75 feet of the abutting property with frontage on to Maple Street, Cypress Street, or Hubbard Street. 3. A minimum 5 foot tall opaque fence shall be provided along the abutting property with frontage on to Maple Street, Cypress Street, or Hubbard Street. 4. The area located to the north of Revolution Mill Drive shall be limited to surface parking associated with uses on the south side of Revolution Mill Drive. - For the property located at 1200 Revolution Mill Drive, generally described as west of Yanceyville Street and at the end of Revolution Mill Drive (25.466 Acres). - Paul Brown with Self Help, LLC. for Historic Revolution, LLC **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. Photographs of the subject property and surrounding properties were shown for the Commission members' review.

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

Jeremy Anderson, representing Self Help, LLC, stated that the zoning will be the same except for the two uses that were limited from the current zoning. A neighborhood meeting was held and attended by about 8 neighbors.

In response to a question Mr. Anderson stated that the rezoning would allow flexibility down the road for internal tenants for different uses.

Vice Chair Lester asked if there was anyone wishing to speak in opposition to this matter. There being no other speakers, the public hearing was closed.

Mike Kirkman stated that this site is primarily designated as Industrial/Corporate Park on the 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, which may be introduced to replace older heavy industrial uses. The proposal supports 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-LIM zoning, as conditioned, accommodates limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities in a planned setting that emphasizes an integrated mix of uses which in their normal operations, have little or no adverse effect upon each other or adjoining properties. The district also contain higher density residential uses, which customarily locate within or adjacent to planned employment centers. Staff recommends approval of the request.

**Commissioner Comments:**

None.

Mr. Marshall moved that in regard to Z-18-05-007 the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the properties located at 1200 Revolution Drive from CD-BP (Conditional District – Business Park) to CD-LIM (Conditional District – Light Industrial Mixed) 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 reinvestment/infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the economic development goals to promote a healthy, diversified economy. The request is to implement certain measures to protect neighborhoods from potential negative impacts, seconded by Mr. Blackstock, The Commission voted 6-0 in favor of the motion. (Ayes: Marshall, Pinto, Lester, Duggins and Blackstock. Nays: None.)

**Items from Planning Department:**

**Items from the Zoning Commission Members:**

Mr. Holston asked if it was possible for the cases that staff knows will be very short can be moved to the beginning of the meeting so those applicants don't have to sit for hours waiting to be heard. Mr. Kirkman stated that, generally, the cases are put on the agenda in the order in which they are submitted to the City. It is the purview of the Commission to make adjustments to the agenda.

**Acknowledgment of Absences:**

The absence of Mr. Alford and Ms. Bachmann were acknowledged as excused.

**Adjournment:**

There being no further business before the Commission, the meeting adjourned at 9:29 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd:gm



GREENSBORO  
NORTH CAROLINA

PLANNING

## MEETING OF THE GREENSBORO ZONING COMMISSION

JUNE 18, 2018

The regular meeting of the Greensboro Zoning Commission was held on Monday, June 18, 2018, beginning at 5:34 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Anita Bachmann, Eugene Lester; Hugh Holston; Janet Mazzurco; Adam Duggins; Vernal Alford; Andrew Pinto, and Adam Marshall. Planning staff present were Hart Crane, Steve Galanti and Shayna Thiel. Also present was Terri Jones from the City Attorney's Office and Nolan Tipton from the Greensboro Department of Transportation.

### **APPROVAL OF THE MINUTES OF THE MAY 21, 2018 REGULAR MEETING**

Ms. Mazzurco moved approval of the May 21, 2018 regular meeting minutes as written, seconded by Mr. Duggins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Pinto, Mazzurco. Nays: None. Abstained: Alford.)

### **WITHDRAWALS AND CONTINUANCES**

Steve Galanti stated that there was a request to continue Z-18-06-008, Z18-06-009 and Z-18-06-010 and Chair Bachman asked if there was anyone who would like to come forward to speak on the continuance.

Marsh Prause, attorney representing the neighborhood, stated that he was hired about a week ago. It has been difficult for him to get up to speed in the course of one week due to the number of clients he represents. Would like a continuance to be able to get up to speed on the case.

Upon a question from Mr. Pinto, Mr. Prause stated that his clients lived at 801 Woodbrook Dr., 931 Woodbrook Dr., 907 Woodbrook Dr., 811 Woodbrook Dr., 5918 Arcadia Dr., and 800 Woodbrook Dr. He stated that they were all wearing green shirts showing their union in this matter, but some of them he does not represent.

Upon a question from Mrs. Mazzurco, Mr. Prause stated that his clients were stakeholders and worried enough that they hired him.

Tom Terrell, attorney for the applicant, stated that they do not accept the request for continuance and would like to have the matters heard tonight. There are three reasons why the case might be continued: 1. The applicant failed to communicate with the neighbors or did not do so until the last minute; 2. There was a major design change, or 3. The neighbors and the applicant both agree there is a need to continue talks. He noted that none of these apply to these cases. Friends Homes began communicating with these neighbors in February of 2017, 16 months ago. A letter was sent to everybody in the neighborhood; include those on Woodbrook Dr. and Arcadia Dr. Another letter was sent in September of 2017. In an effort to proactive Friends home solicited their input, had meetings, and answered every call and email.

This included a meeting in a home on Woodbrook on May 10, 2018, with the Arcadia Alliance. Two other meetings were held on May 22, 2018 and May 24, 2018. Mr. Terrell stated that it would not serve any purpose to continue these cases and the fact that they have waited 16 months to hire an attorney should not be held against the applicant. He asked that they deny the request.

There were no questions or comments by the Commission.

Ms. Mazzurco moved that the three cases in question be heard at tonight's meeting, seconded by Mr. Lester. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

### **PUBLIC HEARINGS:**

#### **Z-18-06-003 5590 GARDEN VILLAGE WAY (NORTH OF GARDEN VILLAGE WAY) - A REZONING REQUEST FROM COUNTY CU-PDM (CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – MIXED) TO CITY LI (LIGHT INDUSTRIAL). -FOR THE PROPERTY LOCATED AT 5590 GARDEN VILLAGE WAY, GENERALLY DESCRIBED AS ON THE NORTH SIDE OF GARDEN VILLAGE WAY (1.69 ACRES) – AMANDA HODIERNE FOR MJK INVESTMENTS, LLC. (FAVORABLE RECOMMENDATION)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Amanda Hodierne, attorney for the applicant, stated that this property is part of a development established in 2001, that it was zoned planning unit development under the county's ordinance, and over the last 20 years it has been developing the way it was intended. The clients is requesting Light Industrial zoning, annexation and access to city water and sewer. The property was limited to commercial uses; expanded to include limited residential but no heavy industrial uses are allowed. Letters were mailed to 10 property owners in the area and no feedback was received. The annexation request was favorably recommended by the Technical Review Committee and the Planning Board.

Mr. Galanti stated that staff recommends approval of the request because this site is designated as Mixed Use Corporate Park on the Generalized Future Land Use Map. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. Proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, affordable housing in stable living environments, as well as the Economic Development goal to promote a healthy and diversified economy. The LI zoning is intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

### **Commissioner Comments:**

Mr. Lester stated that it is not an uncommon type of rezoning based on the need of the city zoning and utilities, which is consistent with this type of request.

Mr. Lester stated that the Greensboro Zoning Commission believes that recommendation of approval of the zoning amendment for the property located at 5590 Garden Village Way from County CU-PDM to City LI is consistent with the Comprehensive Plan and considers the request to be reasonable and in the public's interest for the following reasons: the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy, and 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, seconded by Mr. Duggins, The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)



**Z-18-06-004 3917 HICKORY TREE LANE (EAST OF HICKORY TREE LANE AND NORTH OF HICKORY TREE LANE) – A REZONING REQUEST FROM COUNTY RS-40 (RESIDENTIAL SINGLEFAMILY) TO CITY R-3 (RESIDENTIAL SINGLE-FAMILY - 3). – FOR THE PROPERTY LOCATED AT 3917 HICKORY TREE LANE, GENERALLY DESCRIBED AS EAST OF HICKORY TREE LANE AND NORTH OF HICKORY TREE LANE. (1.08 ACRES) - MICHAEL AND BIKI TURNER (FAVORABLE RECOMMENDATION)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Michael Turner, the applicant at 3917 Hickory Tree Lane was interested in being annexed to be able to connect to city water.

Mr. Galanti stated that staff recommends approval of the request because this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types. The proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, affordable housing in stable living environments, as well as the Housing/Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable livable neighborhoods. The R-3 zoning generally accommodates low-density single-family detached residential development.

**Commissioner Comments:**

Upon a question from Mr. Holston, Mr. Galanti stated that the R-3 zoning destination was the City's closes equivalent to the County's current designation.

Mr. Duggins stated that the Greensboro Zoning Commission believes that recommendation of approval of the zoning amendment for the property located at 3917 Hickory Tree Lane from County RS-40 to City R-3 to be consistent with the Comprehensive Plan and considers the request to be reasonable and in the public's 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 Growth at the Fringe goal to promote sound and sustainable patterns of land use, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-06-005 2335 AND 2351 CAMPGROUND ROAD (SOUTH AND EAST OF CAMPGROUND ROAD) – A REZONING REQUEST FROM COUNTY LI (LIGHT INDUSTRIAL) AND COUNTY CU-LI (CONDITIONAL USE – LIGHT INDUSTRIAL) TO CITY BP (BUSINESS PARK). -FOR 2335 AND 2351 CAMPGROUND ROAD, GENERALLY DESCRIBED AS BEING LOCATED SOUTH AND EAST OF CAMPGROUND ROAD. (26.338 ACRES) - SAMET CORPORATION. (FAVORABLE RECOMMENDATION)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Upon a question from Mrs. Bachmann, Mr. Galanti stated that the two cell towers are not part of this request.

Chris Lowe, representing applicant, stated that they are the builders of this subject property, and feel that this is a great opportunity for new industrial development on this side of town.

Steve Galanti stated that staff recommends approval of the request because this site designated as Industrial/Corporate Park on the 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. Proposal supports the Comprehensive Plan's

Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, as well as the Economic Development goal to promote a healthy and diversified economy. The BP zoning is primarily intended to accommodate office complexes, warehouse, research and development, and assembly uses on large sites in a planned, campus-like setting that emphasizes natural characteristics and landscaping.

Ms. Mazzurco stated that the Greensboro Zoning Commission believes that recommendation of approval of the zoning amendment for the property located at 2351 Campground Road from the County LI and County CU-LI to City BP to be consistent with the Comprehensive Plan and considers the action to be reasonable of the public interest for the following reasons: The request is consistent with the Growth at the Fringe Goal to encourage sound, sustainable pattern of land use. The request is consistent with the Economic Development to promote a healthy, diversified economy, seconded by Mr. Duggins. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-06-006 5230 BURLINGTON ROAD (SOUTH OF BURLINGTON ROAD AND WEST OF DEBANNE ROAD) – A REZONING REQUEST FROM COUNTY RS-40 (RESIDENTIAL SINGLE-FAMILY) TO CITY R-5 (RESIDENTIAL SINGLE-FAMILY - 5). -FOR THE PROPERTY LOCATED AT 5230 BURLINGTON ROAD, GENERALLY DESCRIBED AS SOUTH OF BURLINGTON ROAD AND WEST OF DEBANNE ROAD (0.23 ACRES) – ISIAH HICKMAN. (FAVORABLE RECOMMENDATION)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Upon several questions from Mr. Holston, Mr. Galanti stated that the site contains .23 acres, its width and size meet the City's R-5 zoning designation, the nearest city limits are approximate 2,000 feet to the west, and that the annexation and zoning will run with the land so future owners could also connect to City utilities.

Upon several questions from Mrs. Mazzurco, Mr. Galanti stated that annexation and city zoning would allow the applicant to connect to city water, the applicant did not want to connect to city sewer at this time, he did not know what fee would be to connect to city water, and that the amount of the fee has been shared with the applicant.

Terri Jones, from the City Attorney's Office, stated that everybody who connects to city water is required to a pay the fee.

Robert Mason, 5226 Burlington Road, stated that in the beginning of May the City connected the subject property to water, he was not ready to connect to water.

Upon a question from Mr. Holston, Mr. Galanti stated that the applicant was already connected to water due to a public health and safety issue, and that they would be disconnected if the site is not annexed.

Upon a question from Mrs. Bachmann, Mr. Galanti stated that this request is only for the subject property.

Mr. Lester stated that it was his understanding that this commission does not have the authority to annex properties into the city, but they are able to make a recommendation to City Council should they decide to annex the property. The only question before the Commission is, do we make the recommendation of the zoning if the site is annexed.

Upon a question from Mrs. Bachmann, Mrs. Jones stated that the site must be annexed to connect to City water and they would be paying the rate for customers outside of the City limits until annexed.

Steve Galanti stated that staff recommends approval of the request because this site is designated as Interim Residential on the Generalized Future Land Use Map. The Interim Residential designation typically applies to areas with a mix of all types of residential densities and uses (single-family detached, single-family attached and multi-family), with some local-serving non-residential uses (schools, churches, convenience services). Proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide

a development framework for the fringe that guides sound, sustainable patterns of land use, as well as the Housing/Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable livable neighborhoods. The R-5 zoning is primarily intended to accommodate low-density single-family detached residential developments.

Commissioner Comments:

Mr. Holston stated that initially he had some reservations but from discussion of the process, he feels very comfortable.

Mr. Holston stated that the Greensboro Zoning Commission believes that recommendation of approval of the zoning amendment for the property located at 5230 Burlington Road from County RS-40 to City R-5 to be consistent with the Comprehensive Plan and considers the action to be reasonable of the public interest for the following reasons: The request is consistent with the 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 Growth at the Fringe goal to promote sound and sustainable patterns of land use, seconded by Mr. Pinto. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-06-007 4830 KOGER BOULEVARD (NORTH OF KOGER BOULEVARD EAST OF MARITHE COURT) - A REZONING REQUEST FROM CD-LI (CONDITIONAL DISTRICT – LIGHT INDUSTRIAL) TO CD-LI (CONDITIONAL DISTRICT – LIGHT INDUSTRIAL) WITH THE FOLLOWING CONDITION: 1. ALL USES PERMITTED IN THE LI ZONING DISTRICT EXCEPT: FUNERAL HOMES AND CREMATORIIUMS, ANIMAL SHELTERS, TRUCK DRIVING SCHOOLS, TAXI DISPATCH TERMINALS, GARDEN CENTER/NURSERIES, MANUFACTURED AND MODULAR HOME SALES, AND TRUCK STOPS. 2. BUILDING HEIGHT SHALL BE LIMITED TO 85 FEET. -FOR THE PROPERTY LOCATED AT 4830 KOGER BOULEVARD, GENERALLY DESCRIBED AS NORTH OF KOGER BOULEVARD NEAR MARITHE COURT (1.56 ACRES) - CARVANA, LLC. FOR JTF INVESTMENTS, LLC. (APPROVED)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Tom Terrell, attorney representing the applicant, stated that when the site was zoned to CD-LI two years ago, vehicle sales or service was not a permitted use. The applicant is asking for vehicle sales and service to be allowed. He explained that the proposed use is a car vending machine, since the car is purchased via the internet.

Lisa Gage, 1930 West Rio Salada Parkway, Tempe, AZ, stated that with Carvana the car's purchase and financing is done online, you can receive your car either by delivery or through the vending machine, done by appointment only. The vending machine will only hold the cars that have been previously purchased online. There is no shopping or service of cars located on the lot. They currently have 11 vending machines in operation and are the fastest growing company in America. The cars go through a 150-point inspection prior to sale. A Carvana site is compact with a 5,800 square foot building and 54 parking spaces.

Upon a question from Mr. Holston, Dana Brown (421 Fayetteville Street, Raleigh, NC) stated that at the approximate height of this vending machine is 70 feet, that the interior lighting would be directed towards the cars, and that the traditional operating hours are 7am to 9pm.

Upon a question from Mr. Lester, Ms. Brown stated that depending on the market, approximately half the cars are delivered and half the cars are selected by vending machine

Upon a question from Mr. Marshall, Ms. Brown stated that in general there are typically 6-12 employees on site.

Steve Galanti stated that staff recommends approval of the request because this site is designated as Mixed Use Commercial on the Generalized Future Land Use Map. 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. Proposal supports 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-LI zoning, as conditioned, is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development.

Mr. Marshall stated that the Greensboro Zoning Commission believes that approval of the zoning amendment for the property located at 4830 Kroger Blvd from CD-LI to CD-LI to be consistent with the Comprehensive Plan and considers the action to be reasonable of 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. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. The request implements measures to protect neighborhoods from potential negative impacts, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

It was determined by unanimous vote that the next three cases would be heard together, but there would be separate votes for each case.

Mr. Lester moved increase the time limits for the speaker to 25 minutes, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-06-008 6010-6100 WEST FRIENDLY AVENUE, 6010 NEAR - 6100 NEAR WEST FRIENDLY AVENUE, 1-9999 FRIENDS HOME, AND 909-911 WOODBROOK DRIVE (NORTH OF WEST FRIENDLY AVENUE AND EAST OF ELIZABETHAN DRIVE) – A REZONING REQUEST FROM CD-O (CONDITIONAL DISTRICT – OFFICE) AND R-3 (RESIDENTIAL SINGLE-FAMILY - 3) TO CD-PI (CONDITIONAL DISTRICT – PUBLIC AND INSTITUTIONAL) WITH THE FOLLOWING CONDITIONS: 1. ALL USES IN THE PI ZONING DISTRICT SHALL BE ALLOWED EXCEPT SHOOTING RANGES; CORRECTIONAL INSTITUTIONS; AND AUDITORIUMS, COLISEUMS AND STADIUMS (AS PRINCIPAL USE). 2. ANY VEHICULAR CONNECTIONS TO WOODBROOK DRIVE SHALL BE THROUGH AN APPROVED PRIVATE STREET OR PRIVATE DRIVE. -FOR THE PROPERTIES IDENTIFIED AS 6010-6100 WEST FRIENDLY AVENUE, 6010 NEAR - 6100 NEAR WEST FRIENDLY AVENUE, 1-9999 FRIENDS HOME, AND 909- 911 WOODBROOK DRIVE, GENERALLY DESCRIBED AS NORTH OF WEST FRIENDLY AVENUE AND EAST OF ELIZABETHAN DRIVE. (56.65 ACRES) - FRIENDS HOMES, LLC (FAVORABLE RECOMMENDATION)**

Hart Crane explained this request and presented photographs of the subject and surrounding properties.

Tom Terrell, attorney representing the applicant, stated that they wish to amend Condition #2, to be as follows: That the applicant shall ensure that private access for Woodbrook Dr. shall be an access controlled barrier or other means of secured access approved by the Greensboro Department of Transportation.

Ms. Mazzurco moved to amend Condition #2, as presented, seconded by Mr. Duggins. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

Mr. Terrell stated that the property in question is known as Quaker corner, the subject properties are part of Friends Homes a continuing care retirement center with a mission to provide affordable assistance to seniors. The non-profit organization has 630 residents and 449 employees. Friends Homes is 60 years old this year and is a very stable institution. Its oldest building was built to 1960's standards without kitchenettes, which needs updates. They are asking to go from R-3 to R-4, which is not much difference.

They want to construct a wellness center during phase 1 for Friends Home West. This can be done under current zoning. The old Copeland area is where Friends Home plans to construct approximately 66 units on around 27 acres. The density is 2.4 units an acre. Talks about a barn that is pretty to look at from a far, but up close it is falling down inside. It does have some good wood, such as the trusses. He states the barn may be old but it is not historic.

Hank Lovvorn, Vice President of Presbyterian Home that is managing Friends Home under a management contract, stated that as part of their plan they would like to move the main entrance, looking to add roughly 66 to 70 independent living units with a mix of single-family homes, duplex styles, and 2 small assisted living centers. They want to create a path that will connect Friends Home West and the Guilford Campus. It is absolutely intended to be a private road. They want to update some of the homes they own to make them senior friendly.

Upon a question from Mrs. Mazzurco, Mr. Lovvorn stated that the plan to replace the homes on Ridgecrest Drive.

Upon a question from Mr. Holston, Mr. Terrell stated that there was currently an entrance on Ridgecrest Dr. that will be enhanced.

Upon a question from Mr. Holston, Mr. Lovvorn stated that he didn't think the increase in traffic would be substantial and that the entrance on Woodbrook Dr. would be paved and the primary traffic will be shuttle buses, security and employees.

Upon a question from Mrs. Mazzurco, Nolan Tipton stated that Ridgecrest Dr. appeared to be 28 to 30 feet wide as measured on Google Maps.

Lois Baldwin, 811 Woodbrook Dr., stated that she is not opposed to the development but thought there are alternative ways to remodel the community to have less neighborhood impact. She was concerned that Ridgecrest Dr. was is going to become Friends Home mega question whether that was proper since traffic would empty into a neighborhood. She does not want this to be a cut through for traffic.

Sally Watkins, 913 Woodbrook Dr., stated that she has lived here for 30 years; the street they want to build to connect the two Friends Home sites is going right by her house.

Olene Mairde, 800 Woodbrook Dr., stated that they have one of the oldest neighborhoods in the county and that it is walkable, peaceful, friendly and safe. Between 1986 and 1991 Friends Home bought seven houses on Ridgecrest Dr, and two on Woodbrook Dr., they call these houses their cottages. Friends Home placed their residents in houses in the subdivision; we have had a neighborly relationship with Friends Home. She is opposed to the private access path and is worried about cut-through traffic.

Anna Cannell, 926 Woodbrook Dr., stated she has lived there for 5 years and will be directly affected because Woodbrook Dr. will have a cut through. Stated that EMS came 221 times last year to Friends Home. She is worried that the cut through will allow the EMS access and the quiet street they have now is no longer going to be quiet. Also worried about the next 15 years of construction that Friends Home is planning.

Linda Maynard, 907 Woodbrook Dr., stated she has been in the neighborhood since 1958 and it is a very special place to her. She is objecting to the private road. She states that she sat from 7am to 7pm at Friends Home and counted 817 cars in and out and 2 EMS deliveries. She is worried about that much traffic coming through her neighborhood.

Upon a question from Mr. Holston, Ms. Maynard state that she was concerned about the private road from W. Friendly Ave. to Woodbrook Dr.

Upon a question from Mrs. Bachmann, Ms. Maynard stated that the traffic was counted at the W. Friendly entrance to Friends Home West.

Upon a question from Mr. Holston, Ms. Maynard stated that they asked for the private road amendment last year and were told by Friends Home that they did not want to build a gated community.

Montia Goldsmith, 6119 Morgan Ashley Dr., wanted to make sure that traffic patterns are being considered, and that people using W. Friendly Ave. cut through Morgan Ashley in order to get to Linley Rd. She is concerned with the traffic light coming that more people are going to use her neighborhood to by-pass the light.

Upon a question from Mr. Pinto, Ms. Goldsmith stated that she was speaking on behalf of the community, that she is the president of the Morgan Ashley Community Board and that with the light there now people cut through Morgan Ashley to skip the light.

Jennifer Loame, 6121 Morgan Ashley Dr., stated that when the main entrance closes and the new one is built at Linley Rd. it will create a major choke point at that intersection and is worried about all the traffic that will be coming through that intersection.

Chris Peascoe, 5922 Arcadia Dr., stated that the residents he talked to were perfectly fine with taking the 2 to 4-minute shuttle bus ride.

Eric Summers, 916 Woodbrook Dr., stated that he is new to the neighborhood. He moved there because it was peaceful and safe. He is opposed to the road coming through and do not think it is necessary.

In rebuttal for the cases, Mr. Terrell stated that the changes are minimal and are needed to be successful. This city favors connectivity. This will be a private road. It will be a controlled access and GDOT will be controlling it. There is no reason EMS would go down the road. Originally, there was a discussion about not wanting this to be a gated community. Now it is clearer of what that road will be and what it will not be. There is nowhere near 800 and some cars that is going from on campus to the other.

Mr. Lester stated that the private access would be controlled by whomever the applicant would choose to allow through.

Mr. Terrell stated that the applicant also was trying to protect their community. They do not want people cutting through to get to the other side. It is not safe to their residents to allow this to happen. Friends Home wants to have a quiet and peaceful neighborhood.

Hank Lovvorn, representing Friends Homes, stated that the residents did not feel safe going around W. Friendly Ave. to New Garden Rd.

Upon several questions from Mr. Holston, Mr. Lovvorn stated that there are currently 630 residents, upon completion of construction there will be roughly 750 residents and 525 staff, and that there is a shuttle bus that goes back and forth on a regular schedule.

Upon a question from Mrs. Mazzurco, Mr. Lovvorn stated that they have a plan for the EMS and fire to get in and out in at one location.

Dana Connors, representing Friends Homes, stated that the architecture would be much like that in the neighborhood, with the homes closer to the road, driveways large enough for two vehicles.

In rebuttal in opposition to the request, Paul Campbell, 809 Woodbrook Dr., stated that they brought up the road and gate issue from the start. He is worried about it becoming a cut through. Stated that controlled access is important.

Upon a question from Mrs. Mazzurco, Mr Galanti stated that the neighborhood is not on the historic registry or overlay.

Eric Summers stated that it is hypothetical that the traffic will be minimal. States that all they want is a peaceful neighborhood. Does not understand why this road is necessary.

Dr. Billie Gwen Oakland, 800 Woodbrook Dr. stated that they do not want to lose the good feeling that has been developed by Friends Home over the years.

Steve Galanti stated that staff recommends approval of the request because this site is designated as Institutional and Low Residential on the Generalized Future Land Use Map. The Institutional designation applies to university and college campuses, major medical/health care concentrations, and similar large-scale institutional activity centers. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range. Proposal supports the Comprehensive Plan's Housing/Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing, as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-PI zoning, as conditioned, allows for mid- and large-sized, quasi-public, and institutional uses, which have a substantial land use impact for traffic generations potential.

#### Commissioner Comments:

Upon a question from Mr. Duggins, Mr. Galanti stated that there are no density limitations.

Mr. Lester stated that he would support the request because the applicant wants to enhance the current use and continue to be part of the community. The applicant has answered the communities question about whether the road is necessary or not. The answer is yes, it is necessary because of connectivity. The condition is exactly what the applicant is doing, addressing the communities concern.

Mr. Holston stated that he would not be in support of the request because it was not in the best interest of the neighbors that have lived there for so many years. He feels that the community will be impacted by the traffic going back and forth. He feels that the key cards can be in the hands of whoever they want to have them, including EMS.

Mr. Duggins stated that he would support the request because Friends Home is trying to make sure this is not an issue. Friends Home is not an outside developer; they are part of the neighborhood. He feels that Friends Home will make sure this does not become an issue, because they are part of the neighborhood. If it becomes an issue, it harms Friends Home.

Ms. Mazzurco stated that she would support the request because this is a good piece of land owned by Friends Home, they could sell it and we would be looking at a very different case. It could have an entirely different impact on the neighbors on Westbrook and Arcadia. The property owner is invested in the neighborhood.

Mr. Pinto stated that he would support the request because he thinks it is appropriate and the density matches the Guilford Campus. He was happy and satisfied with the conditions.

Ms. Bachmann stated that she would support the request because the process they have been through the last 16 to 17 months the willingness on both sides. The applicant is well invested and committed.

Mr. Duggins stated that the Greensboro Zoning Commission believes that approval of the zoning amendment for the property located at 6010-6100 West Friendly Ave, 1-9999 Friends Home, and 909-911 Woodbrook Dr. from CD-O and R-3 to CD-PI to be consistent with the Comprehensive Plan and considers the action to be reasonable of 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 Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request does implement measures to protect neighborhoods from potential negative impacts,

seconded by Ms. Mazzurco. The Commission voted 7-1 in favor of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: Holston.)

**Z-18-06-009 910-1004 RIDGECREST DRIVE, 5901-5903 ARCADIA DRIVE, AND 903-1017 NEW GARDEN ROAD (EAST OF RIDGECREST DRIVE, SOUTH OF ARCADIA DRIVE, AND WEST OF NEW GARDEN ROAD) – A REZONING REQUEST FROM CD-O (CONDITIONAL DISTRICT – OFFICE), R-3 (RESIDENTIAL SINGLE-FAMILY - 3), AND CD-PI (CONDITIONAL DISTRICT – PUBLIC AND INSTITUTIONAL) TO CD-PI (CONDITIONAL DISTRICT – PUBLIC AND INSTITUTIONAL) WITH THE FOLLOWING CONDITIONS: 1. ALL USES IN THE PI ZONING DISTRICT SHALL BE ALLOWED EXCEPT SHOOTING RANGES; CORRECTIONAL INSTITUTIONS; AND AUDITORIUMS, COLISEUMS AND STADIUMS (AS PRINCIPAL USE). -FOR 910-1004 RIDGECREST DRIVE, 5901-5903 ARCADIA DRIVE, AND 903-1017 NEW GARDEN ROAD, GENERALLY DESCRIBED AS EAST OF RIDGECREST DRIVE, SOUTH OF ARCADIA DRIVE, AND WEST OF NEW GARDEN ROAD. (18.17 ACRES) - FRIENDS HOMES, LLC. (APPROVED)**

Mr. Lester stated that the Greensboro Zoning Commission believes that approval of the zoning amendment for the property located at 910-1004 Ridgecrest Drive, 5901-5903 Arcadia Drive, and 903-101 New Garden Road from CD-O, CD-PI and R-3 to CD-PI to be consisted with the Comprehensive Plan and considers the action to be reasonable of 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 Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request implements measures to protect neighborhoods from potential negative impacts, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-06-010 905-1003 RIDGECREST DRIVE (NORTHWEST OF RIDGECREST DRIVE AND SOUTH OF ARCADIA DRIVE) – A REZONING REQUEST FROM R-3 (RESIDENTIAL SINGLE-FAMILY - 3) TO CD-RM-5 (CONDITIONAL DISTRICT – RESIDENTIAL MULTI-FAMILY – 5) WITH THE FOLLOWING CONDITION: 1. USES SHALL BE LIMITED TO A MAXIMUM 14 RESIDENTIAL DWELLING UNITS. - FOR 905-1003 RIDGECREST DRIVE, GENERALLY DESCRIBED NORTHWEST OF RIDGECREST DRIVE AND SOUTH OF ARCADIA DRIVE. (3.7 ACRES) - FRIENDS HOMES, LLC 4. (APPROVED)**

Steve Galanti stated that staff recommends approval of the request because this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range. Proposal supports the Comprehensive Plan's the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the Housing/Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing. The CD-RM-5 zoning, as conditioned, accommodates duplexes, twin homes, townhouses, cluster housing, and similar residential uses at a density of 5.0 units per acre or less.

Ms. Mazzurco stated that the Greensboro Zoning Commission believes that approval of the zoning amendment for the property located at 905-1003 Ridgecrest Drive from R-3 to CD-RM-5 to be consisted with the Comprehensive Plan and considers the action to be reasonable of 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 Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request implements measures to protect neighborhoods from potential negative impacts, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Items from Planning Department:**



None.

**Items from the Zoning Commission Members:**

None.

**Acknowledgment of Absences:**

The absence of Mr. Blackstock was acknowledged as excused.

There being no other business before the Commission, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning Department

SS/jd;pr



GREENSBORO  
NORTH CAROLINA

PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION**

**JULY 16, 2018**

The regular meeting of the Greensboro Zoning Commission was held on July 16, 2018, beginning at 5:35 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Anita Bachmann, Eugene Lester; Hugh Holston; Janet Mazzurco; Adam Duggins; Andrew Pinto, Donald Blackstock, Vernal Alford and Adam Marshall. Also present were Luke Carter, Mike Kirkman, Planning, Noland Tipton, Transportation and Terri Jones, City Attorney's Office.

Chair Bachmann welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission. Luke Carter asked that anyone wishing to speak, to be sure and add their name to the Sign-Up sheet at the back of the room.

**Approval of the minutes of the June 18, 2018 regular meeting**

Ms. Mazzurco moved approval of the June 18, 2018 regular meeting minutes as written, seconded by Mr. Blackstock. The Commission voted 9-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Pinto, Blackstock, Alford and Mazzurco. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that there was a request to withdraw case Z-18-07-0028, 815 Dolley Madison Road. Since the request was made by the applicant no action was needed by the Commission.

Chair Bachmann announced that the Commission had agreed to adjust the order of the agenda to allow the attorney representing the last case to be heard first so he could attend another function.

**Public Hearings:**

**Z-18-07-003    2025 Sixteenth Street (north of Sixteenth Street and east of US Highway 29) – A rezoning request from CD-HI (Conditional District – Conditional District – Heavy Industrial) to CD-HI (Conditional District – Conditional District – Heavy Industrial) with the following conditions: 1) All uses permitted in the HI zoning district EXCEPT: Animal Shelters, Passenger Terminals, Wastewater Treatment Plant and Water Reclamation Facility, Water Treatment Facilities, Pulp and Paper Mills, Salvage Yards, Junk Yards, and crap Processing, Sexually Oriented Businesses, All Resource**

**Extraction (Mining and Quarrying), and Land Clearing and Inert Debris Landfills, Major,. 2) All outdoor storage areas shall be screened by either an opaque fence with a minimum height of six (6) feet or by an opaque vegetative buffer. – For property located at 2025 Sixteenth Street, generally described as north of Sixteenth Street and east of US Highway 29 (6.39 acres). (FAVORABLE RECOMMENDATION)**

Luke Carter explained this request and presented related photographs of the subject property and surrounding areas for the Commission members' review.

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

Mike Fox, attorney representing the applicant, stated that the property is being bought by the Brady Companies and Mr. Brady was in attendance. The property was most recently occupied by a business called Avery Dennison and the Brady Companies would like to move their corporate headquarters and operations to this location. Mr. Fox stated that the Brady Companies plan to upgrade the building and the appearance of the site since it will be their headquarters. The reason for the rezoning is that in the previously approved zoning from 2006 was specific to the operations of Avery Dennison. He stated that this request to change the zoning would keep Heavy Industrial but eliminate many of the other zoning restrictions. Outdoor storage is generally allowed in HI, but prohibited on this property by condition, and Mr. Fox noted the applicant has agreed to screen outdoor storage areas with a fence or a vegetative buffer between the neighbors. Mr. Fox then noted that they held a neighborhood meeting and sent a mailer to everyone on the City's distribution list. Three people showed up who represented the Islamic Center of Greensboro located adjacent to the subject property. The representatives learned of the plans and reported that they were supportive of the move.

Chair Bachmann asked if there was anyone wishing to speak in opposition to this matter and no one came forward. The public hearing was then closed.

Mike Kirkman stated that this site is designated as Industrial/Corporate Park on the 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. The proposal supports 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-HI zoning, as conditioned, is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. Staff recommends approval of the request.

### **Commissioner Comments:**

Ms. Mazzurco stated that she was familiar with the Brady Companies and that the family business had been in Greensboro for some time. Ms. Mazzurco stated her support.

Mr. Blackstock moved that in regard to Z-18-07-003, 2025 Sixteenth Street, that the request to rezone from CD-HI to CD-HI is consistent with the Comprehensive Plan and considers the request to be reasonable and in the public's interest for the following reasons: the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diverse economy and consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas., seconded by Mr. Duggins, The Commission voted 9-0 in favor of the motion. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Blackstock, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-07-001 3318 Kettering Place (north of Kettering Place and east of Staunton Drive) – A rezoning request from R-3 (Residential Single Family – 3) to R-5 (Residential Single Family -5). – For 3318 Kettering Place, generally described as north of Kettering Place and east of Staunton Drive. (0.851 Acres) - David Pearce (DENIED)**

Luke Carter explained the request and presented related photographs of the subject property and surrounding areas for the Commission members' review.

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

David Pearce, the applicant, stated that he and his wife lived at 3318 Kettering Place where they had lived since February 1987. Mr. Pearce stated that he and his wife were looking to downsize and wanted to build a second single family home on a separate new lot adjacent to the current house and lot.

Mr. Holston asked if the applicant intended to keep the current structure. Mr. Pearce responded that they would keep the current house as is and it would be sold to another family. Mr. Pearce said that the second house would conform to the neighborhood. Mr. Holston asked if it was going to be a "shot-gun" style house on the smaller lot. Mr. Pearce stated that it would fit the area.

Ms. Mazzurco asked if the second home would be something like an "in-law" suite or a full sized house. Mr. Pearce responded that it would be a full sized house and would not be a "tiny house" style and would be separate from the other house.

Mr. Duggins noted that, based on a drawing showing the proposed change of the existing lot into two lots, the new lot was ~.321 acres and he asked if there was a way to get it to be ~.333 acres so that it would work in the existing R-3 zoning. He also noted he thought the R-5 zoning was an abrupt change from R-3 and it seems that you can accomplish the same thing with R-3. Mike Kirkman responded that when you create new lots, you have to make sure that any lot left over, meets minimum requirements, so you have to make sure the setbacks, building coverage and all those type things are on the plan, as well as making sure that the new lot is going to meet the minimum lot size requirements. Based on the amount of acreage on the existing lot and the placement of the existing house the new proposed lot would not meet certain minimal dimensional requirements and still maintain required building setbacks.

Luke Carter stated that the biggest issue under the ordinance was lot width and explained that the lot width of an R-3 zoned lot would need to be at least 75 feet wide to meet the rezoning requirement.

Chair Bachmann asked if there were any other questions of the applicant or if there was anyone else who wished to speak in favor of the request.

Angelo Ludraker, whose home is located at 3305 Kettering Place, stated that he was very much in favor of the application for the rezoning.

Carolyn Lorezan, 3314 Kettering Place, stated that she was in favor of the rezoning.

Roland Nolan, 710 Staunton Drive, stated that he also had no objections to the rezoning.

Egan Bengal, stated that he lived at 3313 Kettering Place and he is in favor of the rezoning.

Chair Bachmann indicated that there were no others in favor or opposition to the request, and the public hearing was closed.

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other generally compatible housing types. The proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the 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 R-5 zoning accommodates single-family and similar residential uses at a density of 5.0 units per acre or less. Staff recommends approval of the request.

**Commissioner Comments:**

Mr. Duggins inquired regarding the minimum width of a R-5 zoned lot. Mike Kirkman stated it was 50 feet and the width of the proposed lot is 62 feet. When asked a follow up question on the potential number of lots that could be created if rezoned, Mr. Kirkman also responded that the minimum width of an R-5 zoned lot at 50 feet meant up to three lots could be created since the Pearce's existing lot was approximately 188 approximately feet.

Mr. Lester asked to clarify that the existing parcel would support a density of 5 units on that one parcel. Mr. Kirkman responded that the parcel would support up to 5 dwelling units if they could meet minimum lot size and dimensional standards. Mr. Lester stated that there had been no conditions included with the rezoning request that would limit the use of the lot in a way that has been represented by the applicant. Mike Kirkman stated that this is a straight rezoning request so they would have the opportunity to have all the rights under the R-5 zoning. Mr. Lester pointed out that although it would not be viable right now, someone could tear down the existing structure and put an additional 3 units or up to 5 units on that property. Mike Kirkman stated that the density is allowed in this district but staff would have to look at the individual lots to confirm exactly how many units could go there. He pointed out that there would be a requirement of a minimum of 50 feet, so there would only be enough property width for 3 lots.

Ms. Mazzurco stated she has concerns about this request because of the lot size and what it could accommodate today, and the change to an R-5 would go with the land. She thought that there may be unintended consequences for the future of others if the rezoning was approved as others might also want to request an R-5 zoning of their lot. She also stated concerns that the request for the change in zoning did not include drawings, visuals or conditions. Further statements included that this change could impact the landscape of the entire neighborhood.

Mike Kirkman confirmed that the zoning allowances go with the land, not with the owner. He also noted that R-5 zoning is for a single family zoning district, so conversation for multifamily would require R-M zoning which is a different conversation in terms of intensity.

Mr. Pinto stated that he would not be supporting the request because there are too many variables and impacts on the neighborhood.

Mr. Duggins stated he would support the request of R-5 on the new lot, but not R-5 on the existing old lot and stated that therefore he could not support the request. It also opens up the possibility of other similar requests in the future.

Mr. Holston stated he was concerned about the inconsistencies and similarities that could arise in the neighborhood and therefore could not support the request.

Mr. Lester stated that he was concerned about the accommodations for density, and therefore, could not support the request.

Ms. Bachmann stated that she thanked the applicant and all the neighbors for coming out to speak on this request. She stated that if it was rezoned R-5, that others could come along and build 3 structures on the property that would not fit the R-3 setting of the neighborhood and therefore she could not support the request.

Chair Bachman asked if there were any additional comments. There being none, she asked for a motion.

Ms. Mazzurco moved that in regard to Z-18-07-001, that the Greensboro Zoning Commission believes that its action to recommendation denial of the zoning request for property at 3318 Kettering Place, from R-3 (Residential Single Family – 3) to R-5 (Residential Single Family -5), to be consistent with the Commissions 2015 Comprehensive Plan and considers the action to be reasonable of the public interest for the following reasons. The request is inconsistent with the Reinvestment/Infill Goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Housing and Neighborhood goals to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing and stable neighborhoods that offer security, quality of life and the necessary array of services and facilities, seconded by Mr. Duggins. The Commission voted 9-0 to deny the request. (Ayes: Bachmann, Duggins, Holston, Marshall, Lester, Alford, Pinto, Mazzurco, Blackstock. Nays: None.)

#### **Items from Planning Department:**

Mike Kirkman stated there was nothing to discuss from staff. There are currently five (5) items on the Agenda for the August meeting.

#### **Items from the Zoning Commission Members:**

Chair Bachmann stated that several members would be going off the Commission in August, so members should think about election of new Chair and Vice Chair positions.

Ms. Mazzurco stated that she attended the meeting held to discuss the New Garden Road Corridor. She spoke favorably of the meeting and she believed that if the process proceeds as planned there would be many zoning cases coming before the Commission in the future. She noted that the meeting was well attended by several. She stated that there was a committee to review the Comprehensive Plan and citizens were glad that the meetings were starting early in the process.

#### **Acknowledgment of Absences:**

There were no absences to acknowledge.

There being no other business before the Commission, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Sue Schwarts, FAICP, Director  
Planning & Community Development

SS/jd;la



---

PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
AUGUST 20, 2018**

The regular meeting of the Greensboro Zoning Commission was held on August 20, 2018, beginning at 5:37p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Anita Bachmann, Eugene Lester; Janet Mazzurco; Adam Duggins; Andrew Pinto, Vernal Alford and Adam Marshall. Also present were Shayna Thiel, Mike Kirkman, Planning Department, Noland Tipton, GDOT and Terri Jones, City Attorney's Office.

Chair Bachmann welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission. Mike Kirkman asked that anyone wishing to speak, to be sure and add their name to the Sign-Up sheet at the back of the room.

**Approval of the minutes of the July 16, 2018 regular meeting**

Ms. Mazzurco moved approval of the July 16, 2018 regular meeting minutes as written, seconded by Mr. Marshall. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Pinto, Alford and Mazzurco. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that there was a request to continue Z-18-08-003: A portion of 1603 West Friendly Avenue. Request was made by the applicant. No action needed by the Commission.

Chair Bachmann stated that the agenda would be switched up to allow the attorney representing this case to be heard first.

Mr. Marshall stated that he would need to be recused from this matter as the applicant's client is also a current client of his firm.

Ms. Mazzurco moved to recuse Mr. Marshall, seconded by Mr. Duggins. The Commission voted 6-0-1 in favor of the recusal. (Ayes: Bachmann, Lester, Mazzurco, Duggins, Pinto, Alford. Nays: None. Abstained: Marshall.)

Mr. Marshall stepped down from the dais.

Clint Cogburn, attorney representing the applicant, said he was here on behalf of the applicant. His office is located on 100 North Greene St. They are asking for a continuance until the meeting on September 17<sup>th</sup>, 2018. The reason they are asking for the continuance is that there are additional questions and comments that neighbors have, and they want to address this fully before coming to the Commission. They are going to set up additional meetings and communications with the adjoining neighborhoods.

Chair Bachmann asked if there was anyone opposed to the continuance request and no one responded.

Ms. Mazzurco said she had a question for staff. She asked about how many cases are on the next meeting. In response Mike Kirkman said it would be the 12<sup>th</sup> case on for the next meeting. Ms. Mazzurco stated that in fairness to the other applicants, this item should be at the end of the agenda for September. Mike Kirkman stated that typically, continued cases are heard at the beginning of the following meeting.

Ms. Mazzurco moved to continue Z-18-08-003 as requested by the applicant, to the September meeting, seconded by Mr. Duggins. The Commission voted 6-0-1 in favor of the continuance. (Ayes: Bachmann, Lester, Mazzurco, Duggins, Pinto, Alford. Nays: None. Abstained: Marshall.)

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

### **Public Hearings:**

**Z-18-08-001** 2321 Battleground Avenue (southwest of Battleground Avenue and east of North Elam Avenue) – A rezoning request from C-M (Commercial Medium) and R-5 (Residential Single Family -5) to C-N (Commercial Neighborhood). – For 2321 Battleground Avenue, generally described as southwest of Battleground Avenue and east of North Elam Avenue. (0.388 Acres) – William Marshall Kotis, III for Kotis Holdings, LLC. **(APPROVED)**

Mike Kirkman explained the request and presented related photographs of the subject property and surrounding areas.

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

Chuck Winfree, attorney representing the applicant, said his office is at 100 North Greene Street and he represents Marty Kotis. He showed related photographs of the existing Kasish Convenience Store on the subject property. He also showed a sketch plan for proposed improvements. The plan is to put a dental office and parking on the lot.

Chair Bachmann asked about any notices that the applicant sent out about the zoning request. In response, Marty Kotis, 1410 Mill Street, said that he had not initiated any specific discussions and they had not sent any notices out because this is effectively a down-zoning.

Chair Bachmann asked if there was anyone wishing to speak in opposition to this matter and no one came forward. The public hearing was closed.



**Staff Recommendation:**

Mike Kirkman stated that this site is currently designated as Mixed Use Commercial on the Comprehensive Plan's Generalized Future Land Use Map. 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. The proposed 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 C-N district is primarily intended to accommodate a mix of low intensity office, retail, and personal service uses as well as upper story residential uses located within residential areas. Staff recommends approval of the request.

**Commissioner Comments:**

Ms. Mazzurco asked how long the C-N zoning district had been in existence since she was not really familiar with it. Mr. Kirkman responded that this type of district had been in place for a number of years and was called N-B (Neighborhood Business) under the Unified Development Ordinance. He added that there are a handful of properties currently zoned Commercial Neighborhood in Greensboro and the C-N zoning district is designed for neighborhood oriented commercial development.

Mr. Duggins moved that in regard to Z-18-08-001, 2321 Battleground Avenue, that the Greensboro Zoning Commission believes that its action to approve the zoning request for property at 2321 Battleground Avenue from CM (Commercial Medium) and R-5 (Residential Single Family) to C-N (Commercial Neighborhood), to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Mr. Pinto, The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

**Z-18-08-002** 1401-1501 Asher Downs Drive, 3806 Yanceyville Street, and 2903-2904 Hampton Park Trail (east of Yanceyville Street along Asher Downs Drive and Hampton Park Trail) – A rezoning request from CD-RM-18 (Conditional District - Residential Multifamily – 19) to R-7 (Residential Single Family – 7). – For the property located at 1401-1501 Asher Downs Drive, 3806 Yanceyville Street, and 2903-2904 Hampton Park Trail (8.891 Acres) – Trudy Menzento for Habitat for Humanity **(APPROVED)**

Mike Kirkman explained this request and presented related photographs of the subject property and surrounding areas. Chair Bachmann asked if there was anyone wishing to speak on this matter.

Trudy Menzento, Director of Real Estate for Habitat for Humanity, spoke about the request and her efforts to contact with the property owners to make them aware of this rezoning request by Habitat. Ms. Menzento said most contacts were made in person, with the remaining 9

contacts attempted via Certified Mail. Some was forwarded and not responded to. Every property owner (or authorized representative) had signed documents confirming that they had been notified of the rezoning request. Ms. Menzento noted that there are 5 languages spoken in that neighborhood, so it was a little bit harder to reach everybody, but they were able to do it. She concluded that none of the property owners she spoke with were in favor of townhouses in this area.

Chair Bachmann asked Ms. Menzento about the rezoning request why it was needed. Ms. Menzento said that everything developed in the neighborhood so far are all single-family lots. The current zoning allows a total of 32 single family lots. Habitat was interesting in subdividing a couple of the existing vacant lots (particularly on Hampton Park Trail) for additional single family units and were not interested in building any townhomes. This meant that they would have more than 32 single family lots so a rezoning was needed.

Ms. Mazzurco asked for clarification on 3<sup>rd</sup> party rezoning request since the Commission had have not seen one in a long time. Counsel Jones (City Attorney's Office), stated that pursuant to section 30-4-5.2(a) of the City's Land Development Ordinance, any person who resides in the City can submit for a petition of any property to be rezoned. She then read from State statutes that allowed 3<sup>rd</sup> party rezonings and from which the City ordinance was created.

Ms. Mazzurco wanted to know more about the required signatures from the property owners regarding their knowledge of this rezoning hearing and if staff actually had them. Mr. Kirkman stated that Ms. Menzento did provide the required notification documents and signatures for all affected property owners prior to that evening's hearing. Ms. Mazzurco asked how the City checked the signatures provided by Habitat. Mr. Kirkman said that they reviewed everything Habitat provided to all property owners, which included the City's notification for the zoning request that was also sent separately to those property owners and everyone within 600 feet of the request. Mr. Kirkman then confirmed that the name of the property owners and the signatures matched up based on staff's review. Ms. Mazzurco asked again how do you verify the signatures. Counsel Jones said that that the Land Development Ordinance requires an actual notice to be provided to each affected property owner in accordance with State law. The applicant has to certify to the City that the owner of the parcel of land shown on the County Tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant is required to provide notice and certify to the City that property owners have been provided notice. Staff has no reason to believe that the signatures provided are not the signatures of the property owners.

Ms. Menzento said that each property owner had an individual letter to sign. If property was owned by a married couple the wife got one and the husband got one. Ms. Bachmann said that if there are multiple owners, then everyone got a letter? Mr. Kirkman said they all would have gotten a letter. Ms. Mazzurco asked Ms. Menzento if she took the letter to the owner and asked for identification when they signed the letter. Ms. Menzento said she did not ask for identification. Ms. Mazzurco then stated that she doesn't have a problem with the rezoning request itself, but she is having a problem with the process of how this happens. She feels the Commission needs to talk about that in a future training class. Chair Bachmann commented that the notice provided by the applicant is a notice that lets the owners know that this case is coming up on the agenda. There is also a sign on the property and the City mails a separate notice. So there are at least 3 ways that citizens can be aware of the 3<sup>rd</sup> party rezoning request.

Mr. Lester asked how many plots owned by Habitat that are subject to this rezoning. Mr. Kirkman stated there are 6 lots in this subdivision owned by Habitat based on Tax records. Mr.

Lester said that Habitat wants to rezone to build on the 6 remaining lots. Ms. Menzentto said they can already build on 5 of them, it would give them one more lot to build on and they would prefer to build single-family homes. Ms. Mazzurco asked why this was not zoned residential single-family to begin with, instead of CD-RM-18. What prompted the interest in the change if it's just one lot? Mr. Kirkman said the current zoning was put in place in 2004 and his assumption is because it went from the previous RS-12 (Residential Single-family District) the applicant was interested in adding an option for townhomes.

Chair Bachmann followed up that the current zoning allows up to 31 single family dwellings and 12 townhouses. The applicant's request to move to R-7 (Residential Single Family) will allow up to 56 single family units at 7 per acre. Mr. Kirkman confirmed that rough estimate. Chair Bachmann asked if there were any other questions of the applicant or if there was anyone who wished to speak in favor of the request.

Chair Bachmann indicated that with no others in favor or opposition to the request, the public hearing was closed.

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. The proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the 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. The R-7 designation is primarily intended to accommodate low to moderate density single-family detached residential developments. Staff recommends approval of the request.

**Commissioner Comments:**

Mr. Lester stated that if any of the existing uses on this subject property would become unacceptable as a result of this rezoning. Mr. Kirkman said the existing uses at this point are undeveloped land and single family dwellings and those would be allowed with the change in zoning. Ms. Mazzurco asked if someone has been out and looked at each property and measured it off. Mr. Kirkman responded that they have done general assessment of the lots and did not see anything that would raise an immediate red flag for staff. He then added that if they find later down the road that there is a nonconformity, there are provisions that allow for properties to be rebuilt or for alterations. The property owner would also always have the right to go to the Board of Adjustment, should they need to.

Chair Bachman asked if there were any additional comments. There being none, she asked for a motion.

Mr. Pinto moved that in regard to Z-18-08-002, that the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for property 1401-1501 Asher Downs Drive, 3806 Yanceyville Street, and 2903-2904 Hampton Park Trail (east of Yanceyville Street along Asher Downs Drive and Hampton Park Trail) from CD-RM-18 to R-7 is 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 proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in

Greensboro's urban areas as well as the 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, seconded by Mr. Duggins. The Commission voted 7-0 to approve the motion. (Ayes: Pinto, Duggins, Marshall, Bachmann, Lester, Mazzurco, and Alford. Nays: None)

After the vote Ms. Mazzurco noted she still has reservations about the process of getting signatures for this type of rezoning request. It really bothers her that any citizen can come and submit a rezoning application of another's property and that someone can go out door to door and have someone just sign a document with no verification.

**Z-18-08-003** A portion of 1603 West Friendly Avenue (southwest corner of West Friendly Avenue and Westover Terrace) – A rezoning request from R-5 (Residential Single Family- 5) to CCD-C-L (Conditional District – Commercial Low) with the following conditions: 1. All uses permitted in the C-L zoning district EXCEPT the following: All agricultural uses; all residential uses; Animal Shelters; Cemeteries, all educational facilities; all government facilities; all overnight accommodations; Convenience Stores with Fuel Pumps; Caretaker Dwellings; Junked Motor Vehicles; Recycling Collection Points; Satellite Dishes/TV and Radio Antennae Towers; Swimming Pools; Land Clearing & inert Debris Landfills, Minor; Portable Storage Units' and Temporary Wireless Telecommunication Facilities. – For a portion of the property located at 1603 West Friendly Avenue, generally described as the southwest corner of West Friendly Avenue and Westover Terrace. (0.26 Acres) – Michael S. Fox for Marshton Enterprises, LLC.  
**(CONTINUED TO SEPTEMBER MEETING)**

**Z-18-08-005** 706 Guilford Avenue and 303 North Mendenhall Street (northwest corner of Guilford Avenue and North Mendenhall Street) – A rezoning request from R-5 (Residential Single-Family – 5) and RM-26 (Residential Multi-Family – 26) to PUD (Planned Unit Development) with the following conditions: 1. All uses permitted on Lot 1 shall be Multi-family Residential uses, per the approved Concept Plan. 2. All uses permitted on Lot 2 shall be Single-Family Residential uses and/or parking, per the approved Concept Plan. – For the properties located at 706 Guilford Avenue and 303 North Mendenhall Street, generally described as the northwest corner of Guilford Avenue and North Mendenhall Street (0.73 Acres) – Marc L. Isaacson for Westerwood Ventures, LLC. **(APPROVED)**

Mike Kirkman explained this request and presented related photographs of the subject property and surrounding areas.

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

Marc Isaacson, attorney representing the applicant, 804 Green Valley Road, said that they wish to amend the conditions for this item as follows:

1. All uses permitted on Lot 1 shall be Multi-family Residential uses, per the approved Concept Plan, and limited to a maximum 15 dwelling units.
2. All uses permitted on Lot 2 shall be Single-family Residential uses and/or parking, per the approved Concept Plan.
3. Applicant shall install an opaque fence not less than six feet in height along the western boundary line and northern boundary of Lot 1 (as shown on the PUD Concept Plan). The required fence along the northern line of Lot 1 shall only extend from the northwest corner of Lot 1 to the eastern line of the current alleyway between Lots 1 & 2 (as shown on the PUD Concept Plan).

Mr. Lester asked if the parking behind the existing single family dwelling was for that residential use or if the parking was for the multi-family use. Mr. Isaacson said that intent was if for some reason the single-family dwelling is removed from the property then that full lot could be used to support the multi-family property with additional parking. The parking area behind the single family residence was not done with permits or plans. Mr. Lester said his concern is if this is something that the city will accept at this point. Mr. Isaacson said that it was discussed with the staff, but if the single-family dwelling was removed that lot alone could not become a parking lot. Mr. Kirkman said that basically if it gets to that point they would have to combine the lots before they could expand the parking. There is nothing there talking about removing the house, it just gives them that option. Mr. Lester said as it is intended that lot 2 will remain single family residential and it can be used as such or for parking for the multi-family. Mr. Isaacson said it could be, but steps would have to be taken for it to be parking for the multi-family. Ms. Mazzurco said that she had the same concerns, if the house remains there and it becomes a condition the house remains there, the space around it could technically be used as residential multi-family. Mr. Kirkman said no, he did not think so because of the way this lot is laid out. Ms. Mazzurco said by adding this condition you are meeting the criteria. So she asked Mr. Isaacson that without this change you would not be able to meet the criteria? Mr. Isaacson said that's correct.

Ms. Bachmann asked for a motion for the amendment.

Ms. Mazzurco moved to accept the amended conditions number 1, 2 and 3, as submitted by the applicant, seconded by Mr. Lester. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

Marc Isaacson continued with his presentation and showed a zoning map of the property. He noted that there are two lots. One that is zone RM-26 and one zoned R-5. This is not unusual where you have very old lots, before the current zoning ordinance was ever in place. He noted some deficiencies that were brought to the owner's attention and the rezoning application to a PUD (Planned Unit Development) was suggested. Mr. Isaacson added that the initial PUD concept had already been through the Technical Review Committee and approved. The next step in the process is the zoning to the PUD category. He then referenced the approved PUD Concept Plan showing Lot 1 as multi-family and Lot 2 as single-family. He noted that the cross hatch between the two properties is an alleyway and since the same owner owns both lots after the rezoning they will move to legally close that access. This allows for 8 more off street parking spaces which also allows for more on street parking for the residents and creates

people attending First Baptist Church.

Ms. Mazzurco asked about the proposed plan. She wanted to know how many parking spaces are required for this PUD. Mr. Kirkman said that parking is based on individual uses in a planned development and is based on the type and the number of units. Ms. Mazzurco asked about whether or not the plan had gone through the TRC process. Mr. Kirkman said that a concept plan has been through a concept review which is designed to see if there are any major issues.

Mr. Isaacson then showed more pictures of the property and letters related to the request. The first letter is the notice that they sent out explaining the rezoning request. They heard no concerns or oppositions because of this letter. There was a neighborhood association in place and he met with the board last Thursday. As a result of that meeting they came up with the revised conditions, which the Commission voted on today. The other letter was from the Secretary of the Neighborhood Association saying that the revised conditions are satisfactory to them. Mr. Lester said under the PUD plan, where is the parking for the single-family home?

Sterling Kelly answered that there is currently no parking for the single family home, and it is on street parking for the single-family residence. Mr. Lester asked if there was anything in the request that would prohibit the single-family use to use the parking for the multi-family lot. Mr. Kelly said not that he was not aware of any such restrictions. He then noted that currently there are 15 parking spaces for the existing lot for 15 apartments, and 10 of the apartments are 2 bedrooms. The parking ratio to residents is significantly under par. This plan will add 8 parking spaces.

Chair Bachmann asked if there were any other questions of the applicant or if there was anyone who wished to speak in opposition to the request.

Gary Lowell, 708 Guilford Avenue, stated that he and his neighbors are not actually opposed to the request, but they do have additional questions. He noted that the rezoning is not going to add any more space to the lot so he doesn't see how they are adding any more parking spaces on the lot. Another question is lot 2 is currently a full-size city lot. Once that space is cut down for the additional parking is that going to be an acceptable city lot? Mike Kirkman responded that if the PUD zoning is approved the owner can establish the minimum lot size so the new residential lot will be considered a legal lot.

Drew Perry, Guilford Avenue, asked would the rezoning allow the developer to remove the single-family residence? Mike Kirkman stated that the request does say single-family dwelling or parking lot so they can remove the house and make it a parking lot. Ms. Mazzurco said that if they opt not to take down the house, how does the developer get the parking in the PUD? If it does pass then the people who live in that house would be subjected to parking and if they were to report it, they would have nowhere to go with that, because the Commission has zoned it for that. Mr. Kirkman said that as long as there were residents living in it, then it wouldn't be any parking. If the resident was to move, then they would be able to turn it into parking. Mr. Perry doesn't understand the reason for the rezoning.

Speaking in rebuttal and to further answer questions, Marc Isaacson stated that while there is the possibility for the single family to be removed there are no plans to do so right now and the owner is looking at options to sell the house to a willing buyer. It will not affect the property owners.

Mr. Lester asked about what happens to the use of the parking lot? Mike Kirkman stated that it is a residential lot, and that is what is there now. If the single family residence were removed they would have to combine the lots with the multi-family lot to use for parking. The single-family is losing a parking spot, but the multi-family is getting 8 spots. Mr. Isaacson said that they are curing a number of deficiencies with this PUD request.

Sterling Kelly that there are several aspects that they saw in this property. The single-family lot will be losing a parking space. They can park on the street or they can park in the parking lot. When looking at this property there are 2 ways they could go to continue to improve the property. One would be to sell the single-family house. The main thing we are trying to do is create additional parking for the residents of the multifamily building and the house and it can't happen without this rezoning. He doesn't think the economics of taking the house down will work too well. Marc Isaacson responded that adding the "and/or" parking to the condition and was just there for flexibility, there is no intent to do anything with that. Ms. Bachmann asked about any additional comments or concerns.

Gary Lowell said that he doesn't know what they can do. They asked a lot of questions and found out a lot. If it's for parking to improve the multifamily, that's great. The apartment has been a good neighbor. If the house has to go then ok, but he doesn't see how zoning or not zoning can change that. Ms. Bachmann said that what was mentioned earlier was that existing structure could be removed today, based on the rezoning. Mr. Kirkman said that that is correct.

Betsy Blake, 706 Guilford Avenue, said parking is crazy on the streets. She will come home at night and won't be able to find any parking. As long as there is an understanding that she would be able to park there or have a request to park there she can support the request. Ms. Bachmann said the parking is intended for the homeowner, but anyone can park there.

Chair Bachmann indicated that with no others in favor or opposition to the request, the public hearing was closed.

### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. The proposal supports the Comprehensive Plan's Growth at the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, as well as the 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. The PUD district, as conditioned, allows only residential uses. Staff recommends approval of the request.

### **Commissioner Comments:**

Ms. Mazzurco stated that she has some concerns about the parking situation. She thinks they will be able to work the challenges out and she will support. Mr. Pinto stated that he thinks the neighborhood and the owner will work together. Chair Bachmann stated that these were good questions about this and the involvement with the neighborhood. There is a lot of activity and traffic on that road. She will support this.

Chair Bachman asked if there were any additional comments. There being none, she asked for a motion.

Ms. Mazzurco moved that in regard to Z-18-08-005, that the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for property at 706 Guilford Avenue and 303 North Mendenhall Street, from R-5 and RM-26 to PUD, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers its actions taken to be reasonable and in the public interest for the following reasons: The proposal supports the Comprehensive Plan's Growth at the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, as well as the 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 and offers security, quality of life and a necessary array of services and facilities; the request does implement measures to protect neighborhoods from potential negative impacts, seconded by Mr. Marshall. The Commission voted 7-0 to approve of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

### **ELECTION OF OFFICERS**

Chair Bachman stated that there needed to be an election of Chair and Vice Chair for the Commission as this meeting is her last and Mr. Duggins will also go off the Commission because their terms are up.

Ms. Mazzurco nominated Mr. Lester to serve as Chair for the Commission. The Commission voted 7-0 to approve of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

Mr. Pinto nominated Ms. Mazzurco to serve as Vice Chair for the Commission. Ms. Mazzurco stated that she would accept the nomination, only if Mr. Pinto would step in her place if she was unable to complete the duties of Vice Chair because of her current health. The Commission voted 7-0 to approve of the motion. (Ayes: Bachmann, Duggins, Marshall, Lester, Alford, Pinto, Mazzurco. Nays: None.)

### **Items from Planning Department:**

Mike Kirkman stated there is a very heavy agenda for September. At this time there are 11-12 cases to be heard at the September meeting. They will be working with the Chair and Vice Chair to ensure the agenda runs smoothly. From the staff they want to personally thank Ms. Bachmann and Mr. Duggins for their time on the Commission

### **Items from the Zoning Commission Members:**

Mr. Lester also thanked Ms. Bachmann and Mr. Duggins for their time and dedication on the Commission. Ms. Mazzurco also thanked Ms. Bachmann and Mr. Duggins for their time on the Commission. Ms. Bachmann thanked all of the Commission and the staff for all their hard work during her time as Chair.



**Acknowledgment of Absences:**

The absence of Mr. Holston and Mr. Blackstock were acknowledged as excused.

There being no other business before the Commission, the meeting adjourned at 7:27 p.m.

Respectfully submitted,

Sue Schwarts, FAICP, Director  
Planning & Community Development

SS/jd:pr

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 17, 2018**

The regular meeting of the Greensboro Zoning Commission was held on September 17, 2018, beginning at 5:37 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair, Eugene Lester; Janet Mazzurco; Hugh Holston; Andrew Pinto; Donald Blackstock; Vernal Alford; Zac Engle; and Adam Marshall. Also present were Lucas Carter and Mike Kirkman, Planning Department, Noland Tipton, GDOT and Terri Jones, City Attorney's Office.

Chair Lester welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission. Mike Kirkman asked that anyone wishing to speak, to be sure and add their name to the Sign-Up sheet at the back of the room.

Due to the length of the agenda, Chair Lester moved to adjust the time limit for speakers on agenda items to ten minutes from the usual fifteen minutes, seconded by Mr. Alford. The Commission voted 8-0 in favor. (Ayes: Lester, Mazzurco, Holston, Pinto, Blackstock, Alford, Marshall and Engle Nays: None).

**Approval of the minutes of the August 20, 2018 regular meeting**

Ms. Mazzurco moved approval of the August 20, 2018 regular meeting minutes as written, seconded by Mr. Blackstock. The Commission voted 7-0-1 in favor of the motion. (Ayes: Lester, Marshall, Holston, Pinto, Alford and Mazzurco. Nays: None. Abstained: Engle.)

**Withdrawals and Continuances**

Mike Kirkman stated that there has been a request for Z-18-09-005 to be continued by the applicant.

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

Bryon Nelson, the applicant, stated that they are requesting a continuance to adjust one of the proposed conditions. He stated that they originally wanted to do an all brick building, but the building cost is coming in a little higher than they anticipated and they may have to come in with some hardy plank or Masonite for parts of the building. This would mean changing one of the conditions related to materials, which will require it to be readvertised.

Mr. Holston made a motion to continue case Z-18-09-005, seconded by Mr. Blackstock. The Commission voted 8-0 (Ayes: Lester, Mazzurco, Marshall, Holston, Blackstock, Pinto, Alford and Engle Nays: None)

**Public Hearings:****Old Business**

**Z-18-08-003** A portion of 1603 West Friendly Avenue (southwest corner of West Friendly Avenue and Westover Terrace) – A rezoning request from R-5 (Residential Single-family - 5) to CD-C-L (Conditional District – Commercial Low) with the following conditions: 1. All uses permitted in the C-L zoning district **EXCEPT** the following: All agricultural uses; all residential uses; Animal Shelters; Cemeteries, all educational facilities; all government facilities; all social service facilities; all overnight accommodations; Convenience Stores with Fuel Pumps; Caretaker Dwellings; Junked Motor Vehicles; Recycling Collection Points; Satellite Dishes/TV and Radio Antennae Towers; Swimming Pools; Land Clearing & Inert Debris Landfills, Minor; Portable Storage Units; and Temporary Wireless Telecommunication Facilities. - For a portion of the property located at 1603 West Friendly Avenue, generally described as the southwest corner of West Friendly Avenue and Westover Terrace. (0.26 Acres) - Michael S. Fox for Marshton Enterprises, LLC (**APPROVED**)

Mr. Marshall was recused from this item due to his firm's work with the property owner.

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Mike Fox, attorney representing the applicant, stated that this is an odd request. The subject property has been in use as a parking lot for a long time and serves as parking for adjacent businesses there, including a vet service and a Mexican restaurant. The citywide ordinance was changed in 2010, and the parking lot is currently zoned two different zoning categories, which is unusual. The current land use ordinance was adopted in 2010 and says that you can no longer use a residential zoned parcel for commercial parking for commercial businesses. Staff brought this item to their attention and they decided to ask for the rezoning. Mr. Fox noted that there was no intention for this property to be anything other than parking and they are just wanting to bring their parking into compliance. He added that the other businesses are in support of this request. They also had a meeting with the neighbors and had a good conversation about what was planned and why they were asking for the rezoning. He also noted that staff is in support of this rezoning request.

Michael Shifton, the applicant, stated that he and his partner have owned this property for 30 years or more and tried to be good neighbors. They understand the needs of the residential neighborhood nearby. The parking lot has been commercially used since the 1950's and maybe even before that. They are trying to bring the property in compliance with the current zoning

ordinance which has changed. Previously they have always used that as commercial parking and hope to continue to do so.

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

Patrick Rowe, 211 Hillcrest Drive stated that he is representing the Westerwood Neighborhood Association and serves as the President of the Board of Directors. They do not support the request as they have concerns about parking for larger events. They want some more information about how the owner and tenant will handle parking for 177 people when they only have 23 spaces.

Stephanie Barnard, 1405 North Field Street, stated she is opposed to the rezoning, because when she thinks about coming home at night and not having a place to park in front of her house. She wants more information on how they are going to accommodate all the parking.

Michael Pendergraft stated that he is neither in support of or opposed to the rezoning. This is more of a public safety issue for him. His concern is that people will start backing out from some of the existing parking into the street. His request is that there be a condition to the zoning request that the DOT close that existing curb cut. He also noted that the proposal includes the ability for alcohol to be used in that space.

Marsh Prause, Attorney for the Westerwood Neighborhood, stated that the problem is that there is not any other parking in the area. The space could be used for a night club with the capacity of 180 to 200 people and the City is only going to require 23 or 25 parking spots. That is a bigger issue with the neighborhood, because the residents will have to rely on off-street parking, since the neighborhood was developed before everyone had cars. There is not enough parking there for bigger events.

Speaking in rebuttal in favor of the item:

Mike Fox stated that they have had great conversations with the neighborhood and the people that spoke here tonight. They realize that whatever businesses is in that spot they rely on those neighbors to provide customers for them. They must comply with the City's requirements for parking ordinance for whatever businesses are in there. The applicant is willing to work with the neighbors on any issues they have. They will work with GDOT on any driveway permit issues and will work with them to make sure the entrances and the exits out of the parking lot are safe.

### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is intended for primarily single residential development with a density of 3-5 dwelling units per acre. The proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy. The C-L zoning district allows lower intensity commercial and service uses at the edges of residential areas and this request includes a condition prohibiting many uses generally allowed in the C-L district. Staff recommends approval of the request.

Ms. Mazzurco asked if this request went through the Planning Board and what could go here today without rezoning. Mr. Kirkman said that because this request was tied to use of property and did not trigger any type of amendment to the Comprehensive Plan, it did not need to go to Planning Board for comments. He then stated that the current residential zoning allows for single family residential and neighborhood oriented uses like churches and schools. The current zoning does not allow for the use of a commercial parking lot.

Mr. Pinto moved that in regard to Z-18-09-003, a portion of 1603 W. Friendly Avenue, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from R-5 (Residential Single-family - 5) to CD-C-L (Conditional District – Commercial Low) with the stated conditions, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Mr. Blackstock, The Commission voted 7-0-1 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Mazzurco. Nays: None. Abstained: Marshall.)

### **New Business**

**Z-18-09-001** 3819-3825 McConnell Road and 4802 Clover Road (east of McConnell Road and south of Clover Road) - A original zoning request from County HB (Highway Business) and County AG (Agricultural) to City C-M (Commercial Medium): - For the properties located at 3819-3825 McConnell Road and 4802 Clover Road, generally described as east of McConnell Road and south of Clover Road. (4.4 Acres) -William Seymour for SHIV SUMANGALA, LLC  
**(FAVORABLE RECOMMENDATION)**

Lucas Carter explained the request and presented related photographs of the subject property and surrounding area.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Buddy Seymour, the applicant, stated that he represents the current owners of the property. They were previously co-owners of part of the property and also served as the developer for the McConnell Center industrial park to the west. He noted the original plan for McConnell Center included 12 acres of commercial zoning that would have been used to provide support services for the businesses as they developed. However, they rezoned those 12 acres into additional Light Industrial zoning to support additional development of a 233,000 square foot spec building on that property. Mr. Seymour noted that he met early on with staff on this property had a transportation study done as part of this request. They want to have food service and other commercial convenience store type services on the property to support the growing industrial park. He noted that he did get one phone call from a property owner behind the request on Clover Road, who had questions on the request but did not express any concerns.

Chair Lester asked if there was anyone wishing to speak in opposition to this item and no one came forward.

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Mixed Use Corporate Park on the Generalized Future Land Use Map. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. The proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, as well as the Economic Development Goal to promote a healthy, diversified economy. The Commercial Medium district in general permits a wide range of retail, service and office uses, which would support the adjacent industrial park. Staff recommends approval of the request.

Mr. Holston moved that in regard to Z-18-09-001, 3819-3825 McConnell Road and 4802 Clover Road, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from County HB (Highway Business) and County AG (Agricultural) to City C-M (Commercial Medium) to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as well as the Economic Development goal to promote a healthy and diversified economy, seconded by Mr. Blackstock, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Marshall, Mazzurco. Nays: None.)

**Z-18-09-002** 3321 Old McConnell Loop (including ROW) (north and south of Old McConnell Loop and north of McConnell Road) – An original zoning request from County AG (Agricultural) to City CD-R-7 (Conditional District- Residential Single-family) with the following zoning conditions: 1. The use shall be limited to a maximum of 85 Residential Single-Family dwelling units. - For the property located at 3321 Old McConnell Loop, north and south of Old McConnell Loop and north of McConnell Road. (17.9 Acres) -Dick Franks for EHL Development, LLC (**FAVORABLE RECOMMENDATION**)

Lucas Carter explained the request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Dick Franks, the applicant, stated that they are asking for the original zoning to do a median income single-family residential development. They see a need for new residential development because of the new development of the Publix distribution center coming to the area in the future.

Mr. Franks stated that they are looking to develop about 35 residential lots and the portion of the property south of Old McConnell Loop will be used for open space. He concluded that this request fits with the needs out in this area of the city.

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

Lou Sadie Hackett, 771 JFH Dairy Road, stated that she has lived on her farm next to the property requested for rezoning for 67 years and it has been used as farm use since around 1895. She owns over 31 acres beside the land that they want to develop and rezone. She uses this land to raise produce that she sells. She has it zoned Agricultural use and wants to keep it in Agricultural use. She does not want 85 houses built around her property. She thinks the roads will be in heavy use. She is afraid that there will be people trespassing on her property. Ms. Mazzurco asked her to clarify where her property meets the property where they are requesting rezoning and asked her if her address is 771 JFH Dairy Road. Ms. Hackett said that it is located at the intersection of JFH Dairy Road and Old McConnell Loop, and yes, her address is 771 JFH Dairy Road.

Speaking in rebuttal in favor of the request, Dick Franks stated that the subject property is still in the Hackett family and that new residential in this area is needed and will fit in.

Speaking in rebuttal in opposition to the request, Ms. Hackett stated that A & T is not in support of this. She has talked to them and a representative from A&T State University was supposed to be here to voice his opposition to this request.

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

#### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Mixed Use Corporate Park on the Generalized Future Land Use Map. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, as well as the 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 R-7 district is primarily intended to accommodate low to moderate density single-family detached residential development. Staff recommends approval of the request.

Mr. Holston asked if it was residential or agricultural use right now. Mr. Kirkman replied with it is agricultural right now. Ms. Mazzurco said that she was excited about this request and the recent announcement of the new distribution center. Mr. Holston stated he would not be supporting this request, as it doesn't fit this area. Mr. Pinto asked Mr. Holston what zoning he would recommend instead of the request. Mr. Holston replied that he would leave the zoning as it is. Mr. Lester and Mr. Engle said they would support the change in zoning.

Mr. Marshall moved that in regard to Z-18-09-002, 3321 Old McConnell Loop, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from County AG (Agricultural) to City CD-R-7 (Conditional District-Residential Single Family) to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as well as the 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. Engle, The Commission voted 6-2 in favor of the motion. (Ayes: Lester, Engle, Pinto, Marshall, Mazzurco. Nays: Holston and Alford.)

**Z-18-09-003** A portion of 4220 Holts Chapel Road and a portion of 752-754 J F H Dairy Road. (south of Holts Chapel Road and north of McConnell Road) – An original zoning request and rezoning request from County AG (Agriculture) and City R-5 to City PI - For a portion of the property located at 4220 Holts Chapel Road and 752-754 J F H Dairy Road, generally described as south of Holts Chapel Road and north of McConnell Road. (63 Acres) - North Carolina A&T State University (**FAVORABLE RECOMMENDATION**)

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas. He also noted that this property was being annexed into the City under a provision of State law that automatically brings in publicly owned properties if they are located between the primary City limits and any private property requesting to be annexed. In this case, this property is located between the City limits and the property at 3321 Old McConnell Loop that is seeking to be annexed into the city.

Mr. Alford recused himself from this item due to his employment status with North Carolina A&T State University.

Chair Lester asked if there was anyone wishing to speak in favor or in opposition to this item and no one came forward. In response to questions from Commission members, Mr. Kirkman briefly discussed the connection between the zoning request and annexations in the area, confirmed the University understood the request and conveyed that the University had expressed no interest in changing the existing use (agriculture) of the property if the zoning was changed. There being no speakers the public hearing was closed.

#### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential and Mixed Use Corporate Park on the Generalized Future Land Use Map with Mixed Use Corporate Park covering most of the property. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the



3-5 dwelling unit per acre density range. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. The proposal supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use. The PI zoning is intended to accommodate large size (over 5 acres) public and quasi-public mid and larger scale institutional uses such as medical campuses, colleges/universities and large religious assembly uses. Staff recommends approval of the request.

Ms. Mazzurco said that since the applicant wasn't there to speak, how would the Commission have the right to recommend anything to City Council. She also asked if this request is something that the City initiated, or NC A&T initiated. Counsel Jones, deputy city attorney, said that there is no requirement for the applicant to be at the Zoning Commission meeting in order for the Commission to take action. Mr. Kirkman noted that the City did talk to A & T University to ensure they understood the provisions of State law and how it applied to this property. Staff also asked NC A&T representatives on their preferred zoning for this property and it was determined that the Public and Institutional zoning made the most sense. Ms. Mazzurco just wanted to make sure that NC A & T was the applicant and is in favor of this and everyone around has been notified. Mr. Kirkman said yes, there was no objection from the university and the item was okay to proceed. Chair Lester said that this is a unique application of the annexation statute since the City cannot typically initiate the annexation of property. He noted that there is a section of the statute that allows this state-owned property to be annexed and the Commission is making a recommendation to City Council as to what the Commission thinks is the appropriate zoning if annexed.

Mr. Pinto moved that in regard to Z-18-09-003, a portion of Holts Chapel Road and portion of 752-754 J F H Dairy Road, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from County AG (Agriculture) and City R-5 to City PI, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use as well as the Community Facilities Development 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, seconded by Mr. Blackstock, The Commission voted a 7-0-1 in favor of the motion. (Ayes: Lester, Holston, Engle, Pinto, Blackstock, Marshall, Mazzurco. Nays: None. Abstain: Alford)

- Z-18-09-004** 3508 Associate Drive (east of Associate Drive and north of North O'Henry Boulevard) – A rezoning request from CD-LI (Conditional District Light Industrial) to CD-LI (Conditional District – Light Industrial) with the following zoning conditions: 1. Uses limited to offices, warehouses, religious assembly and/or a business park. - For the property located at 3508 Associate Drive, east of Associate Drive and north of North O'Henry Boulevard. (.914 Acres) - Megan Cruz, Puerta Abierta a las Naciaores, Inc. **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Megan Cruz, the applicant, stated that she is there with her senior pastor from the church. They are not requesting to change the types of uses that are currently allowed but want to add religious use to the current conditional zoning. They are doing that because they are in the process of changing the use for the building to a church and they were told they had to get the property rezoned first to allow the church use.

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

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the 3-5 dwelling unit per acre density range. Per adopted Council policy, any zoning requests that are less than one acre in size do not require a change to the Comprehensive Plan. The proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-LI zoning, as conditioned, is primarily intended to accommodate offices, warehouses, religious assembly and/or a business park. Staff recommends approval of the request.

Mr. Holston moved that in regard to Z-18-09-004, 3508 Associate Drive, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from CD-LI to CD-LI with the stated conditions to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Mr. Blackstock, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Pinto, Blackstock, Marshall, Mazzurco. Nays: None.)

- Z-18-09-005** 1911-1915 Spring Garden Street and 903 Reynolds Place (south of Spring Garden Street and west of Reynolds Place) – A rezoning request from RM- 18 (Residential Multi-family) to CD-RM-26 (Conditional District Residential Multifamily) with the following zoning conditions: 1. Use will be limited to Multi-family Residential development 2. Exterior buildings will be brick veneer except for trim areas and doorways - For the property located at 1911-1915 Spring Garden Street and 903 Reynolds Place, south of Spring Garden Street, west of Reynolds Place. (1.422 Acres) - Bryon Nelson on behalf of Hawthorne Communities, LLC. **(CONTINUED TO OCTOBER MEETING)**

**Z-18-09-006** 1080-Z and 1114 NC 68 North (east of NC 68 North and north of I-73) – An original zoning request from County AG (Agricultural) to City PUD (Planned Unit Development) with the following zoning conditions: 1. Uses: Limited to Office, Retail, Commercial and Residential as shown on the PUD Concept Plan dated 6/13/18 and filed in connection with this PUD zoning application. 2. Applicant shall install opaque fence a minimum 6 feet in height along the northern property boundary. - For the property located at 1080-Z and 1114 NC 68 North, east of NC 68 North and north of I-73. (50.883 Acres) - Marc Isaacson for East Wind Development Company LLC. **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Marc Isaacson, attorney representing the applicant, stated that East Wind Development Company have developed multiple properties around Greensboro and this property was assembled by the developer about a year and a half ago. Mr. Isaacson noted that they have worked with NCDOT and the GDOT to design this project due to its location next to the intersection of two highways. He then stated that the only access to and from this property will be along HWY 68 and showed a proposed site layout to the Commission. The property is now in Guilford County and they are seeking annexation into the city. Since the project would consist of a mix of uses, they are requesting PUD (Planned Unit Development) zoning. There would be multi-family in the back, retail in the front and middle of the property and office use in the southwest corner of the property. As noted in the conditions there would be a 6 feet opaque fence along the boundary line.

Peter Strafaci, 4915 Gold Crest Drive, stated that six or seven years ago this property was logged by a private family and they now have to deal with the traffic on HWY 68 and I-73. This property was bought by East Wind Development. Mr. Strafaci noted that of the eight pieces of property along the northern border, six are residential and two are owned by the DOT. His home is about 50 feet from where the requested property is. He wants the Commission to consider that the grading be done along the borders in a way that the fence and required trees can be planted now.

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

Zem Corechi, 4916 Gold Crest Drive, stated she would like the property owners to put up the fence now. She is constantly cleaning up after the grading. She was told there is going to be over 300 apartments and wants to know is there enough water to accommodate all the residents. She said that she and the other residents to the north all have individual wells right now. She is very concerned about there being enough water in the ground.

Mike Penning, 4907 Gold Leaf Road, wants to know if they are going to make any connections to the roads going into the development.

Kent Lieske, 7900 Riding Trail Court, said that he is on the north side of the development. They knew nothing about the site plan until this meeting. They are not completely in opposition. They have a creek that is a run off for the entire development. There has been a large amount of sediment that has accumulated in the creek bed and the water volume has increased. They are worried that the bridge will wash out. Lighting is another concern and they want to make sure that they get the best possible ordinance when it comes to lighting. They are worried about the sound and it is an active job site already. This has been going on for six months and there has been zero restriction about when they can come to work and have the heavy machinery running. They appreciate the fence and trees but doesn't think that will be close enough to what they need to protect their property.

Moses Perry, 7903 Riding Trail Court, said that he wants to work toward an amical development. His concern is about the water source for the project as they want to protect their water. He asked if the applicant can put a stipulation to prevent a gas station or any type of underground storage that could potentially contaminate the water source. He asked that a traffic study be done for the I-73 intersection.

Chair Lester said it is his understanding that the Zoning Commission doesn't have the authority to initiate conditions. The applicant must make the conditions.

Speaking in rebuttal in favor of the request, Marc Isaacson stated that the purpose of the request is to have access to city water and sewer. This is a typographically challenging property and there will be grading and construction activity. The applicant has talked to one or more of the nearby property owners and has directed the construction work so it would not have much impact on the neighboring properties. There will be one or more storm water retention ponds or other storm water runoff facilities located per the city ordinance to address runoff. Lighting and sound are already very tightly controlled with lighting designed to point down and way from adjacent properties. Mr. Isaacson also noted that there was a traffic impact study done and it is included in the staff report. He added that they will consider conditions about restricting gas stations and other items they have heard tonight.

Peter Strafacci said that he does not disagree with any of his neighbors relative to their deep concerns about their property. One of the biggest concerns the neighbors have was Gold Crest Drive and Golden Acres Road that dead end on that property not connecting to this new development.

Speaking in rebuttal in opposition to the request, Mike Penning stated that his main concern was the potential road connection to Golden Acres. They did not see the site plan until tonight when they put it up.

Zem Corechi, 4916 Gold Crest Drive, stated that her property is the closest to this new development. Her property sits in the valley, so all the runoff goes through her property. Since she has lived there it has never flooded. She noted that the construction for this site would make her property go even more into the valley. How are they going to make sure all that water is not

going to go into her property? She wants the builder to take into consideration how it falls into the valley when they are building.

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

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Interim Corporate/Business Park on the Generalized Future Land Use Map. The applicant has requested a change to the Future Land Use Map as part of their request to designate this property Mixed Use Commercial. 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 proposal 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, as well as the Economic Development goal to promote a healthy and diversified economy. The PUD zoning, as conditioned, will allow a mix of residential, commercial, service and office uses located at the intersection of two highways. Staff recommends approval of the request.

Chair Lester said that this is an original rezoning request. The applicant is asking to be annexed into the city and Mr. Kirkman confirmed the property is outside the City's jurisdiction right now. Ms. Mazzurco thinks this will be a good project once it is fully developed. Since this property is in the county right now the developers are out there doing work under county permitting, not city ordinances. She will support this request because if they do bring it into the city then it would be under City ordinances.

Mr. Lester moved that in regard to Z-18-09-006, 1080-Z and 1114 NC 68 North, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from County AG to City PUD, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use as well as the Economic Development goal to promote a healthy and diversified economy, seconded by Mr. Blackstock, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Pinto, Blackstock, Marshall, Alford, Mazzurco. Nays: None.)

At this time a short break was taken from 7:50 until 8:04 p.m.

**Z-18-09-007** 8748 West Market Street (north of West Market Street and west of Landmark Drive) – A rezoning request from R-3 (Residential Single Family) to LI (Light Industrial) - For the property located at 8748 West Market Street, north of West Market Street and west of Landmark Drive. (.91 Acres) – Hani Kattan (**APPROVED**)

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Hani Kattan, the applicant, stated that he and some others are in the process of buying this property from the current owner. They are looking to rezone it from Residential to Light Industrial. The properties around it are zoned Light Industrial and the request aligns with the conditional uses or the future uses for this area. He also noted staff was supportive of the request.

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

### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Employment Area in the Western Area Plan. The Employment Area designation provides for increasing industrially zoned properties to accommodate future demand for large scale industrial uses. The proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy. The LI zoning is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which in their normal operations have little or no adverse effect upon adjoining properties. Staff recommends approval of the request.

Mr. Marshall moved that in regard to Z-18-09-007, 8748 West Market Street, that the Greensboro Zoning Commission believes that its action to approve the rezoning request for this property from R-3 to LI, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Ms. Mazzurco, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Blackstock, Marshall, Mazzurco. Nays: None.)

**Z-18-09-009** 815 Dolley Madison Road, a portion of 815 Y Dolley Madison Road and a portion of 5800 West Friendly Avenue (north of Foxwood Drive and Dolley Madison Road) – A rezoning request from R-3 (Residential Single-family), CD-O (Conditional District Office), PI (Public and Institutional) and CD-RM-12 (Conditional District-Residential Multi-family) to CD-PI (Conditional District – Public Institutional) with the following zoning conditions: 1. Use: All uses permitted in the PI zoning district except Correctional Institutions. - For the property located at 815 Dolley Madison Road, a portion of 815 Y Dolley Madison Road, and a portion of 5800 West Friendly Avenue, north of Foxwood Drive and Dolley Madison Road. (12.084 Acres) - Brian W. Byrd for Guilford College. **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Brian Byrd, attorney representing the applicant, stated that they wish to add conditions to the request as follows: Parking lot lighting shall be cutoff style fixtures mounted on poles not to exceed 22 feet in height and vehicular access from Dolley Madison Road or Foxwood Drive shall be limited to one gated access drive.

Ms. Mazzurco moved in case Z-18-09-009 to accept the new conditions: 1. Parking lot lighting shall be cutoff style fixtures mounted on poles not to exceed 22 feet in height and 2. Vehicular access from Dolley Madison Road or Foxwood Drive shall be limited to one (1) gated access drive, seconded by Mr. Blackstock. The Commission voted 8-0 to accept the additional conditions (Ayes: Lester, Mazzurco, Marshall, Holston, Blackstock, Pinto, Alford and Engle Nays: None)

Brian Byrd continued with the presentation and stated that their rezoning request includes a little over 12 acres. The purpose of the rezoning request is to facilitate the development of a new softball facility on the Guilford College campus, with the softball field built primarily on the portion of the property that is currently zoned CD-RM-12, but a small portion being on the college property that is currently zoned R-3. He noted that this would result in a split zone lot so staff requested they come up with some natural boundary that could be identified and distinguished between the R-3 and PI zoning districts. As a result, this request is based off a stream that runs across the college's campus and forms the northeastern boundary of this rezoning request. The reason for the new softball field is that the current field is not adequate and a new one is needed to allow the college to comply with Title 9 federal regulations. The current field is not located near the women's locker room, which is pretty much across the campus. It is also facing the west and almost 90 degrees opposite of the baseball field and located right up against New Garden Road, resulting in passing vehicles being hit by balls. The parking lot that will serve the softball field would exit onto Dolley Madison Drive. Some neighbors have expressed concerns about the parking lot and how traffic might travel along Foxwood Drive. Mr. Byrd said that they have talked with the city about proposed conditions from the neighbors and staff didn't think that some of the conditions were necessary or enforceable. Since the college is okay with all the conditions the neighbors want it has provided a letter agreement to those neighbors assuring them those concerns will be addressed.

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

Sharon Storm, 810 Dolley Madison Road, stated that she lives right across the street from where the proposed softball field will be located. She noted the College has done a good job with communicating with the neighbors. She added that she would like to see a traffic study done, as neighbors are concerned about traffic on the narrow roads. Five years ago, the same group of people stood in front of the Commission with Guilford College to protect the Guilford Woods. They helped defeat rezoning to put up condominiums so there is a great deal of confusion with the neighbors on what has changed. How can something that was previously considered so sacred now be considered for tearing down 12 acres of old growth forest.

Eric Anderson, 5406 Foxwood Drive, said they own the property at 5410 Foxwood Drive and stated that, in addition to the previous comments, he has concerns with the driveway for the parking lot and left turns down Foxwood Drive. He sees no reason for the portion of the property following the creek to be converted from R-3 to PI. This is a residential on both sides of Foxwood Drive and are clearly residential lots. They have limited involvement in the softball field and don't see why they need to rezone this area.

Speaking in rebuttal in favor of the request, Brian Byrd stated that the college has no plans of cutting down 12 acres of trees. There is a small portion of the R-3 zone that is needed for the softball facility. The CD-RM-12 property as it is currently zoned probably has more intensive use in traffic generation than what they are requesting this evening. It is unlikely that the parking lot and softball field will be used every day that will generate daily traffic onto Dolley Madison Road. Subject to plan review the parking lot will exit directly onto Dolley Madison Road. Mr. Holston asked where the field would be. Mr. Byrd said the property zoned CD-RM-12 is about 80 percent of the land that would be used for the softball facility. The parking lot is in the R-3 zoned portion currently down towards Dolley Madison and Foxwood Drive.

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

#### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Institutional on the Generalized Future Land Use Map. The Institutional designation applies to university and college campuses, major medical/health care concentrations, and similar large-scale institutional activity centers. The proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The PI zoning, as conditioned, is primarily intended to accommodate mid- and large-sized (over 5 acres) public, quasi-public, and institutional uses. Staff recommends approval of the request.

Chair Lester, said that it appears the Guilford College is growing into a residential area, so there is a bit of conflict on expanding the Public Institution uses beyond its current boundaries. Ms. Mazzurco asked about the width of the road and if it would be able to accommodate the PI zoned uses. Mr. Tipton, GDOT said that Dolley Madison is adequate to handle the proposed facilities.

Ms. Mazzurco moved that in regard to Z-18-09-009, 815 Dolley Madison Road, a portion of 815 Y Dolley Madison Road, and a portion of 5800 West Friendly Avenue, that the Greensboro Zoning Commission believes that its action to approve the zoning request for from R-3, CD-O, PI and CD-RM-12 to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as 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, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Blackstock, Marshall, Mazzurco. Nays: None.)



**Z-18-09-010** 3608 West Wendover Avenue and 714 Camann Street (north of West Wendover Avenue and west of Camann Street) - A rezoning request from CD-C-M (Conditional District-Commercial-Medium) to CD-C-M (Conditional District-Commercial-Medium) with the following conditions: 1. Use: All uses permitted in the C-M zoning district except Sexually Oriented Businesses. - For the property located at 3608 West Wendover Avenue and 714 Camann Street, north of West Wendover Avenue and west of Camann Street. (1.18 Acres) - Mark Reynolds for Wendover RE II, LLC. **(APPROVED)**

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Anthony Lester, an engineer with Evans Engineering, stated that Mark Reynolds (the applicant) is a local developer and he is representing him tonight. Generally, the C-M zoning district allows car washes but there is an existing condition on this property that doesn't allow drive thru uses. This request would be to allow an express car wash and city staff had determined the use was considered a drive thru use so a rezoning was needed to remove the condition that prohibited drive thrus. Mr. Lester added that they proposed to eliminate a driveway on West Wendover Avenue and two driveways on Camann Street with this development, which would make the site safer than it currently is. A patron would come in off Camann Street and exit out on Camann Street. Mr. Lester also noted that they did notify all the property owners with 600 feet and no one responded negatively to the request.

Ms. Mazzurco asked is this going to be like the carwash on the corner of Holden and Patterson. Mr. Lester said that it would be very similar, but not exactly like that facility.

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

### **Staff Recommendation:**

Mike Kirkman stated that this site is designated as Commercial on the 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 proposal supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, as well as the Economic Development goal to encourage a healthy, diversified economy. The CD-C-M zoning, as conditioned, allows a wide range of retail, service and office uses. Staff recommends approval of the request.

Ms. Mazzurco asked staff why this is a zoning case instead of a Board of Adjustment case. Mr. Kirkman said that the zoning condition dictates use for the property and property uses are not the purview of the Board of Adjustment. As conditioned right now no drive thru uses are permitted and the Zoning Commission is being asked to amend that condition with this rezoning request.

Mr. Marshall moved that in regard to Z-18-09-010, 3608 West Wendover Avenue and 714 Camann Street, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from CD-C-M to CD-C-M, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Mr. Blackstock, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Blackstock, Marshall, Mazzurco. Nays: None.)

**Z-18-09-011** 500, 512, 516 and 600 Guilford College Road and 319 South Swing Road (northwest and southwest corners of Bridford Parkway and Guilford College Road and west of Guilford College Road) - A rezoning request from LI (Light Industrial) to PUD (Planned Unit Development) with the following zoning conditions: 1. Use: The use shall be limited to a maximum of 280 Residential Dwelling Units and 100,000 square feet of Commercial/Office space. - For the property located at 500,512, 516 and 600 Guilford College Road and 319 South Swing Road, northwest and southwest corners of Bridford Parkway and Guilford College Road and west of Guilford College Road. (20.59 Acres) Comet Development LLC for LDS Guilford, LLC.  
**(APPROVED)**

Lucas Carter explained the request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Seth Coker, 1106 Magnolia Street, is the applicant and noted that the property is currently zoned Light Industrial and they are seeking a change to the Planned Unit Development designations. They are looking to build up to 280 multi-family units and up to 100,000 square feet of commercial and office space. Parcel 1 will be commercial development, and Parcel 2 is where the multi-family piece will be located. Parcel 3 is where the master storm water facility will be for the project. Mr. Coker noted they met with city staff at the beginning of the year to try and identify the most appropriate zoning district for this request and PUD was determined to be the best fit. The applicant met with representatives of other largely undeveloped land to the east currently zoned R-3 and for sale and there were no objections. They also mailed letters to all the neighbors and five neighbors responded favorably and asked how they can help with this project.

Mr. Coker then noted that they had a traffic study done to measure the impact of the development on the road system and the proposed project had gone to the Planning Board for discussion due to the change to the Comprehensive Plan and they commented that the request seemed appropriate for the area. Mr. Coker then noted that this land has been available for development as an Industrial sight for a very long time and no one has tried to build an industrial use on it. He added that the extension of Bridford Parkway through the parcel makes it even less desirable for an industrial use now and it is more conducive to multi-family and

commercial uses. He also noted that multi-family and commercial uses have been successful along Guilford College Road and Bridford on both sides of I-40 and as the loop gets finished it will get even better.

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

**Staff Recommendation:**

Mike Kirkman stated that this site is designated as Industrial/Corporate Park on the Generalized Future Land Use Map and the applicant has requested a change in designation to Mixed Use Commercial. 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 proposal 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, as well as the Economic Development goal to encourage a healthy, diversified economy. The proposed PUD district, as conditioned, allows for both residential and nonresidential development at a density and scale that is consistent with development in the surrounding area. Staff recommends approval of the request.

Ms. Mazzurco moved that in regard to Z-18-09-011, 500, 512 and 600 Guilford College Road and 319 South Swing Road, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from LI to PUD, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed 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, seconded by Mr. Holston, The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Blackstock, Marshall, Mazzurco. Nays: None.)

**Items from Planning Department:**

Mike Kirkman stated that he had no other matters to bring to the Commission from Planning.

**Items from the Zoning Commission Members:**

None.

**Acknowledgment of Absences:**

None.

There being no other business before the Commission, the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd:pr



PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION**

**OCTOBER 15, 2018**

The regular meeting of the Greensboro Zoning Commission was held on October 15, 2018, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Eugene Lester; Adam Marshall; Hugh Holston, Marion Dansby-Byrd; 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.

Chair Lester welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission.

**Approval of the minutes of the September 17, 2018 regular meeting**

Mr. Engle moved approval of the September 17, 2018 regular meeting minutes as written, seconded by Mr. Pinto. The Commission voted 7-0 in favor of the motion. (Ayes: Lester, Pinto, Mazzurco, Engle, Alford, Marshall. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that Item Z-18-10-002 has been pulled from the agenda due to the need for a traffic study. There has also been a request to continue Item Z-18-10-001.

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

Steve Crihfield, 3308 Gaston Road, asked to continue item Z-18-10-001 (5300 High Point Road) because the applicant has had lots of time to prepare their presentation and their thinking on this land. He and his neighbors have only had about three weeks. He noted that there are over 300 residents in Sedgefield and they have been heavily involved over the years regarding zoning issues in and near their community. He added that Kisco Corporation came to the community in 2008 and told them about their ideas for developing this area. They held several meetings and the neighbors were in agreement with Kisco about their plans. He then asked for more time to prepare their presentation since he was not aware of the request until the sign went up in front of Pilot Life. This is a rush to judgement and would like to be able to respond in a reasonable way.

Stacy Ofsanko, 5514 Mecklenburg Road, stated they were out of power for four days, with no internet connection due to the storm. Most of them just heard about this ten days ago. They are willing to work with the developer, but they would like some more time to see if they can come to an agreement on some conditions. Ms. Mazzurco asked how the recent storm had impacted them. Ms. Ofsanko said that they tried to pull this together in ten days and a lot of people only got power back yesterday. Mr. Holston asked if they were asking for a continuance for thirty days. Ms. Ofsanko answered yes, they are asking for the request to be put off until the November meeting. Their goal is to work with the developer. Mr. Holston asked when they found out about the rezoning. She said that they found out ten days ago.

Cotton Moring, 3214 Forsyth Drive, stated that a lot of the neighbors turn to the left towards Adams Farm Shopping Center to leave Sedgefield so they didn't see the rezoning sign on High Point Road. She just found out about this seven days ago. She also thought the traffic changes with the new roadway had not given them the opportunity to see the sign like it would if Gate City Blvd wasn't there.

Speaking in opposition to continuing the matter

Henry Isaacson, attorney representing Cameron General Contractors, stated that he was here with the Director of Development Bob Lewis who wanted to speak on behalf of the applicant.

Bob Lewis, representing the proposed developer, stated that they did have two neighborhood meetings. They sent out about 200 letters about a month ago. Ten neighbors showed up to each meeting. He stated that they did receive a letter from some neighbors that included six items of concern but most of the items were general site plan concerns. Mr. Lewis did note that they would follow the recommendation of this board if the Board decides to continue this item as they want to work with the neighbors. Chair Lester asked if there were any financial concerns if the item was continued until November. Mr. Lewis answered that from a contract stand point, no. Mr. Engle asked Mr. Kirkman when the request for a continuance was made. Mr. Kirkman responded that the potential for a continuance request first came up late Wednesday afternoon last week. Ms. Mazzurco said stated some neighbors had asked about a continuance several weeks ago, right after they had gotten their notice letters and right after the neighborhood meetings with the developer, and were told that they didn't have to put it in writing for a continuance. Mr. Kirkman said staff was not aware of any previous continuance request. Mr. Lewis again said that they will follow the recommendation of the board since at the end of the day they want to work with the neighbors.

Ms. Danby-Byrd arrived at 5:53 p.m. for the remainder of the meeting. It was then determined that she would abstain from voting on the continuance matter as she had not heard all of the testimony related to this continuance.

Chris Morris, 5512 High Point Road, stated that he wrote a letter on the 11<sup>th</sup> of October to Chair Lester and received an email on Friday morning. Ms. Mazzurco asked him to clarify what he asked for in the letter he wrote to Chair Lester that was forwarded to Mike Kirkman. Mr. Morris said he asked for a continuance until after the furniture market. They had almost a 100 people opposed to the new zoning and he expects it to grow since they only started the online petition recently. Ms. Mazzurco asked when that was. Mr. Morris replied that was on October 11. Mr. Engle asked when Mr. Morris received notice of the rezoning. Mr. Morris said it was around the first week of October.

Chair Lester moved to approve the continuance of this item to the November meeting as there appears to be some effort in the community to work with the developer. Mr. Pinto asked Mr. Kirkman when staff sent out letters for the hearing. Mr. Kirkman said staff followed all requirements and standard procedures and sent out mailed notices to all residents within 600 feet. Mr. Holston asked when staff sent out the notices. Mr. Kirkman said September 28<sup>th</sup>. Mr. Pinto stated he is against the continuance request because he doesn't think the groups will be able to resolve their issues within three weeks. Mr. Engle said that he is also against the continuance. Ms. Mazzurco asked Mr. Kirkman how the applicant had a meeting with the neighborhood prior to the notices going out. Mr. Kirkman clarified that those were two different time frames, with the City's notification being the official notification of the hearing. When the City generates the list to be used for notifications it is typically provided to the applicant so the applicant can send out separate information to the neighborhood if they would like to do so. Ms. Mazzurco said that if she got something from an applicant in the mail that she didn't know, and it said this meeting was going to be held and it didn't come from the City itself, she doesn't think she would recognize the authenticity of the letter. She asked if the City letter should go out before the applicant sends a letter. Mr. Kirkman state that they serve different purposes. The City's letter is to let the public know that there is a public hearing on a certain date and time and the rezoning request is coming before the City. The applicant is at their discretion to communicate with

the neighbors. Ms. Mazzurco stated she will support this continuance request because of the recent storm and many people not getting their emails due to power outage from the storm.

Chair Lester made a motion to continue this item and Ms. Mazzurco seconded the motion. The Commission voted 3-4-1 and the motion failed so the item would be heard at today's meeting. (Ayes: Mazzurco, Lester and Alford. Nays: Holston, Pinto, Engle and Marshall. Abstained: Danby-Byrd.)

**The application for the following agenda item was deemed insufficient as a Traffic Impact Study is required and has not been completed:**

- 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, and 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 building(s) 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) - Shelley R. Bass for Bridge Over Troubled Waters **(REMOVED FROM AGENDA)**

**Public Hearings:**

**Old Business**

- Z-18-09-005** 1911-1915 Spring Garden Street and 903 Reynolds Place (south of Spring Garden Street and west of Reynolds Place) – A rezoning request from RM-18 (Residential Multi-family) to CD-RM-26 (Conditional District Residential Multifamily) with the following zoning conditions: 1. Use will be limited to Multi-family Residential development. - For the property located at 1911-1915 Spring Garden Street and 903 Reynolds Place, south of Spring Garden Street, west of Reynolds Place. (1.422 Acres) - Bryon Nelson on behalf of Hawthorne Communities, 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.

Bryon Nelson, the applicant, 1911-A Spring Garden Street, stated that the owner of the property was also at the meeting. He noted that enrollment at both of the City's universities are at record levels and will continue

to grow over the next few years so there will be increased demand for housing in the area. He stated that this rezoning request would make more affordable housing available for the student sector. This property generally runs in a lower tier as far as monthly rent is concerned. They get students from UNCG, NC A&T, GTCC, Bennett College and a few Greensboro College kids. Ms. Mazzurco asked if they had a community meeting as part of this request. Mr. Nelson replied that they did not have meetings, but sent out 78 letters on August 25<sup>th</sup> and invited them to come to the office to review the site plan and answer any questions. They had one phone call from the neighbor across the street who is in favor of the rezoning.

There being no opposition, the public hearing was closed.

Mike Kirkman stated that this site is designated 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 proposal 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. The requested CD-RM-26 district includes a zoning condition to limit negative impacts on the surrounding neighborhood. Staff recommends approval of this request.

Mr. Pinto moved that in regard to Z-18-09-005, 1911-1915 Spring Garden Street and 903 Reynolds Place, the Greensboro Zoning Commission believes that its action to approve the zoning amendment request is consistent with the adopted Connection 2025 Comprehensive plan, and considers the action made 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 and the request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens with a choice of decent and affordable housing in stable livable neighborhoods that offers security, quality of life and a necessary array of service and facilities and the request includes measures to protect neighborhoods from potential negative impacts, seconded by Mr. Engle. The Commission voted 8-0 in favor of the request. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle, Dansby-Byrd. Nays: None.)

## **New Business**

- Z-18-10-001** 5300 High Point Road (north of High Point Road and west of Alamance Road) – A rezoning request from PUD (Planned Unit Development) to PUD (Planned Unit Development) with the following conditions: 1) Uses: All uses permitted in the PUD district **except** manufactured dwellings, manufactured dwelling parks, sexually oriented businesses, rooming houses, fraternities and sororities, cemeteries, wireless communication facility, junk motor vehicles, portable storage units, animal shelters, TV/HDTV/AM/FM broadcast facilities, amusement and water parks/fairgrounds, campgrounds and recreational vehicle parks, pawn shops, satellite dishes/TV and radio antennae towers. 1) Tract 1 and Tract 2, proposed mixed use/commercial, shall be limited to uses permitted in the R, RM, TN, MU, CL, CM, CH, and O zoning districts.
- a) A mix of residential and commercial uses is allowed. The number of residential units in Tract 1 (18.91 acres) shall not exceed 445 units with a maximum building height of four stories and a minimum open space of 1.89 acres. Commercial square footage in this tract shall not exceed 225,000 (GFA), with a minimum open space of 0.52 acres.



- b) A mix of residential and commercial uses is allowed. The number of residential units in Tract 2 (16.72 acres) shall not exceed 380 units. If developed as residential, there will be a minimum open space of 1.67 acres. Commercial square footage in this tract shall not exceed 260,000 (GFA), with a minimum of 0.6 acres of the Tract reserved for open space. No building in Tract 2 shall exceed 5 stories in height.
- 2A) The following Conditions will apply to the western property boundary of Tract 1 contiguous with the Sedgefield Landing community.
- a) In conjunction with the initial phase of any new construction, a minimum 84 inch (where permitted) opaque fence will be constructed along the western side of Tract 1 that abuts Sedgefield Landing. The fence will be continuous (no breaks), and will continue along the entire Tract 1 property line beginning with the southernmost point of the Duke Power right-of-way, if permitted, and continuing to the point where the fence meets the existing NCDOT sound wall, if the DOT permits.
  - b) A gate will be constructed in the fence, if permitted, at the point where the fence crosses the Duke Power right-of-way.
  - c) There shall be a 35 foot wide buffer along the entire property line of Tract 1 that abuts Sedgefield Landing consisting of evergreen plantings in order to achieve a consistent visual screen. The initial evergreen plantings in this buffer shall be 6' tall and shall be installed on the Sedgefield Landing side of the fence, with the fence installed no closer than 15 feet to the property line where there are Sedgefield Landing residences within 25 feet of the property line and will be at least 5 feet from the property line in all other instances.
  - d) Buildings located within 75 feet of the property line on Tract 1 which directly abuts the Sedgefield Landing community shall be no more than one story in height (structures outside of this 75 foot boundary may exceed one story). Businesses located in those buildings shall have operating hours of no earlier than 6 a.m. and no later than midnight; and, subject to City approval, there shall be no vehicle access behind these buildings.
  - e) Trash dumpsters shall be screened and located at least 50 feet from the western property boundary of Tract 1 that abuts Sedgefield Landing.
  - f) There will be no vehicular traffic access from the end of Sedgefield Gate Road in Sedgefield Landing onto the subject property, or from the subject property onto Sedgefield Gate Road.
- 1) Tract 3 (43.1 acres), proposed mixed use/commercial/residential/adaptive reuse, shall be limited to:
- a) All uses permitted in R, RM, and TN districts with dwelling units not to exceed 571 units with a maximum building height of 4 stories.
  - b) Uses permitted in a retail, office or an institutional setting containing uses permitted in the R, RM, MU, PI, CL, CM, CH, CN and O zoning districts. New commercial square footage will not exceed 200,000 square feet (GFA), in addition to the square footage of existing buildings located on tract 3 as of March 9, 2015.
  - c) A mix of residential and commercial uses is allowed.

- 2) Tracts 4 (11.79 acres) and 5 (24.08 acres), proposed residential, shall be limited to uses permitted in the R, RM, and TN districts and shall be further conditioned as follows:
  - a) The number of residential units in Tract 4 shall not exceed 130 units with a maximum building height of three stories and a minimum open space of 1.77 acres.
  - b) The number of residential units in Tract 5 shall not exceed 226 units, with a maximum building height of two stories and a minimum open space of 3.61 acres.
- 3) Tract 6 (16.81 acres) will be reserved as a buffer and mitigation site, with permitted uses limited to those consistent with the PNR district, with an exception to allow construction necessary for wetland mitigation and storm water control.

- For property located at 5300 High Point Road generally described as north of High Point Road and west of Alamance Road (131.41 Acres)  
-Henry Isaacson on behalf of Pilot Life Center **(APPROVED)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. Chair Lester asked Mr. Carter about tract four at the intersection at High Point Road and Alamance Road. Mr. Carter confirmed the only changes to the current zoning were related to Tract 4. Ms. Mazzurco said that there were a lot of conditions for this property that were approved back in 2015 when the entire property was rezoned. Mr. Carter confirmed that yes the current zoning conditions were approved in April of 2015.

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

Henry Isaacson, 804 Green Valley Road, Suite 200, introduced Bob Lewis and Bret Hammonds and noted that they will be making the presentation for the applicant.

Bob Lewis, Director of Development, Lincoln, Nebraska stated that he was with Cameron General Contractors. They are only focusing on the area of the property shown as Tract 4 since that is the only property they have under contract to purchase and develop. He stated that they have no intentions of impacting the other tracts in the larger development which are still owned by another developer, Kisco. Mr. Lewis stated that his company owns, operates, and develops senior independent living communities around the United States, with 24 in operation and another 22 in the development process. Mr. Lewis stated that they want to build a 130-unit three story senior independent living community. He noted that there will not be a lot of traffic from the development since many residents would not have a drivers license and would use a shuttle to get wherever they need to go. He added that there would be a variety of amenities in the community, so residents don't have to leave the community if they don't want to.

Bret Hammonds, Richmond Virginia, stated that they are only here for Tract 4 and he provided examples of what the community could look by showing pictures of other communities like one in Raleigh, NC. He stated that they intend to use a colonial style with a lot of different window treatments, real brick and hardy plank siding, nothing that a portion of the Tract is located within the Scenic Corridor Overlay District Two of the Greensboro Urban Loop. Mr. Hammonds presented a preliminary site plan that he stated was shown to residents to try to provide them ideas on how the property would look. Ms. Mazzurco asked about the water feature shown on the plan and if that was just the stream to the rear of the property. Ms. Mazzurco also asked about retention ponds. Mr. Hammonds responded that he said he was not aware of any ponds on Tract 4 but there were some ponds on other portions of the larger property. Mr. Holston asked if the amenities in the community were going to be private or open to the public. Mr. Hammonds said that the on site amenities would be private. The proposed bank, gift shop, pharmacy, and fitness center would be for

residents only and they would also offer valet parking for their residents. Mr. Holston asked about the access off High Point Road. Mr. Hammonds stated that the intent of that entrance would be for services such as food coming in for the kitchen and for garbage removal. Mr. Holston asked if any fences were being put up, and Mr. Hammonds said that there will be no gates on the entrances. Ms. Mazzurco asked what the buffering might look like. Mr. Hammonds responded that the creek to the north of the tract is the buffer and they have no desire to interrupt the buffer.

Laura Allred and husband, Hugh Black, 3086 Sedgefield Gate Road, stated that Ms. Allred has another town house at 3103 Sedgefield Gate Road that is right next door to the Jefferson Pilot property and have lived there for several years. They stated that they went to the informational session on September 26, and were favorable of the plans for this property. They hope that it elevates the property values when it is completed and want the zoning request approved.

Henry Isaacson, attorney representing the applicant, asked if there were any questions about the booklet of information he handed out. He noted that in April of City Council agreed to the annexation of this property and the rezoning from Conditional Office to a Planned Unit Development. With the current request, the only thing that will be changed is the conditions for Tract 4, raising the total number of units from 93 to 130 and maximum building height from two-story to three-story. A portion of this property is designated as an Activity Center in the Comprehensive Plan, which encourage higher intensity and mixed development than would ordinarily be allowed. Mr. Isaacson noted in that staff report says that this request only makes minor changes to a small portion in Tract 4.

Speaking in opposition to the request:

Steve Crihfield, 3308 Gaston Road, stated that what the applicant and developers plan to do and the quality of what they are showing is outstanding, but in all the pictures staff took around the site there are not any urban size building and the rest of the place looks undeveloped. He noted that the housing proposed with the current conditions is only two-story and one story is not a unreasonable suggestion. The proposed rezoning would allow a three-story building close to High Point Road and he doesn't know how to deal with this. Greensboro has a desire to move urbanization into the country and they have seen the four-story buildings built by Koury Corporation on the corner of High Point Road and Jamestown Parkway and they are an overwhelming sight. He is concerned that this development will have a similar impact.

Fran Pollock, 3402 North Rockingham Road, stated that she found out about this through a meeting that her friend told her about. The presentation was a beautiful presentation. Her concern is when this was presented to them by Kisco in 2015 they saw this fabulous plan to incorporate the Jefferson Pilot building and the surrounding area to provide for retirement living, including single-family and on the other side of Gate City Blvd will be retail. It's not a bad plan, but it's not for their area and they want the architecture of the building to match the area. She doesn't want a three-story building and thinks that they have no say to this to keep the zoning as it is now.

Amy Patterfields, 5505 High Point Road, stated that part of the reason that many of them moved out to Sedgefield area was because itn looked rural and you don't see a lot of homes right on the road. With a new three-story building and the losing of the Jefferson Pilot building it would be a detriment to the community. She wants to leave the zoning as it and keep it at two-story buildings.

Stacy Ofsanko, 5594 Mecklenburg Road, stated that the community thought this was going to be developed like Kisco described in 2008. She thinks that they can all come together and create a project that is beneficial to everybody. In 2015 when Kisco came in and requested the rezoning and annexation for all six tracts, the proposal for tracts four and five are only two-story, lower density, lower height, town-homes or single detached homes with proper landscaping, proper setbacks, two-story height maximum, not proposing apartments, and not proposing four-story buildings. They are trying to understand why these conditions are being changed again.

Carolyn Gorda, 4102 Gravel Taft Drive, stated that this represents about a 40 percent increase in the number of units. That is a big change from what was initially proposed. They should be looking at the community. If you change one parcel dramatically then other parcels will follow. They want that same planning and process to go forward. She does not think this is the best they can do.

Reagan Stiefel, stated she did not know about this meeting until about a week ago. If anybody has driven down High Point Road and the intersection of Alamance Road it is a very tiny intersection. She thinks that if they start adding more density to that area, what is going to happen to that road in the future? Will that road need to be widened? Is this going to be the beginning of making it more urban type neighborhood? She thinks they need to stick to the original integrity of the property.

Chris Morris, 5512 High Point Road, stated that they started this whole thing in 2008 and agreed to a master plan in 2015. Now we lost a whole lot with a huge building on the corner. That's why they wanted a continuance to have more time to discuss things and is asking again for the Commission to give them time.

### **In Rebuttal:**

Bob Lewis, stated that this is a low-density area. They checked the traffic and the proposed project will generate less traffic than what is approved to be built there today. He also noted that his group has nothing to do with the existing Jefferson Pilot building that is on another portion of the property. They will be glad to work with the neighborhood and discuss things but they are just asking for a height increase to three stories and to increase the number of units allowed a little bit. Mr. Holston asked how many occupants will the proposed building hold. Mr. Lewis that it would be between 140 and 165 residents, depending on location. Their Raleigh building is 100 percent occupied and there are 165 occupants. The staff maximum staff is 15 and between 8 a.m. to 5 p.m. They will also have live in managers on site and maybe a concierge, so maximum three overnight and two of them already live on the property. Chair Lester noted that the applicant is proposing the retirement resort living community, but nothing has restricted them to that use based on the current zoning conditions, correct? He then directed the question to staff and Mr. Kirkman answered by saying the request is limited to residential dwellings which could go from single-family up through multi-family uses. There is a multi-family for the elderly use on a permitted use table, but the request does not restrict uses just to that use.

Chair Lester said that the Commission can't impose conditions, but it seems like the community likes the talk they just want to make sure you walk the walk. They need to do everything that was illustrated there today. Mr. Lewis said that they would not be opposed to further restricting uses. Ms. Mazzurco thinks that they will end up being a good neighbor and will work with the neighbors, but she is concerned about the lack of conditions. If they are saying that they want to do 55 and older she would like to see it in a condition. Mr. Kirkman answered by saying that Tract 4 is limited to residential uses in the Residential Single-family, Residential Multi-family and Traditional Neighborhood districts and shall be further condition as follows: the number of units in tract four should not exceed 130 units with a maximum building height of three-stories.

Bret Hammonds noted that they are proposing a single building and the Scenic Corridor Overlay buffer for part of the property does contain some landscaping buffer requirements to comply with.

### **In rebuttal in opposition**

Steve Crihfield, stated that they knew in 2008 that senior living was in development for this property. He wishes that they would include some of these other suggested conditions. He doesn't think they should be able to do three-stories. It just doesn't fit in the neighborhood. He is just asking the Commission to help them out. Chair Lester asked if the Jefferson Pilot building was two-story or three-story? Mr. Crihfield said he thought it was three-story but the Pilot Life property is way back off the road. He would like to see one-story development along High Pont Road, but two-stories would be viable. The closer it is to High Point Road the more illuminating it is going to appear.

Chris Morris noted that when they are looking at the zoning map the Pilot Life building is up on the side. There is no planning for the Pilot Life building.

Fran Pollock, ask if she understood that the Tract 4 conditions also go along with tract five. Mr. Kirkman said that both tracts go along with the conditions in terms of use but if someone wanted to ask for Tract 5 to be increased they would have the same public hearing as they are doing tonight. Mrs. Pollock said that she agrees that a three-story building would be too illuminating there. She wants them to look like what they have there currently.

Stacy Ofsanko, stated that if this is approved and this development does not move forward then that tract would be open to building a three-story apartment building. They did make a request to the developer and Mr. Isaacson to make conditions last week and the applicant respectively declined. Mr. Pinto asked what conditions were suggested. Ms. Ofsanko said there was an email sent to Mr. Isaacson on Thursday and one of those conditions was that this property be developed by this company, to make it a 55 and older, and to come up with a condition that kept the building in the line with architectural and historical integrity of this Sedgefield community. Mr. Kirkman told the Commission that the applicant stated that they were not opposed to conditions related to the age restriction and they would like to ask the Commission for some time to be able to draw up a draft additional conditions to present to the Commission, but they will need some time to talk with the applicant and wanted to know if they could take a recess. Ms. Mazzurco asked that if the applicant and the opposition can work this out and if they have not had enough time to work that out, could they move on to the other cases while they work it out. Mr. Kirkman said that the Commission was still in the middle of a public hearing and they complete this hearing before going onto another case. If there is not an agreement, then the Commission can consider what has been proposed already.

At this time the Commission held a recess between 7:32 and 7:57 p.m to allow for discussions between the application, neighbors and staff on potential additional conditions for the request.

Following the recess Bob Lewis offered the following additional conditions for this request:

1. The number of residential unit in tract four shall not exceed 130 units and a maximum building height of three-story building.
2. Additional uses shall be limited to multi-family (elderly).
3. Chain link fence is prohibited.
4. No garages or storage buildings shall be located between High Point Road and the principal structure. This condition relates to both Tract 4 and Tract 5.
5. Vinyl and stucco materials are prohibited on all exterior building elevations.

Chris Morris, speaking in opposition, stated that he gets the whole building design but wants to know what is going on with Tract 3 and tract 5. Chair Lester said that the only conditions and rezoning they are doing tonight relate to Tract 4. Mr. Morris then said that why we wanted a continuance to talk about what we can do with the city. You will have up 700 residences on tract three and five.

Cotton Mooring, asked who decided that stucco was a bad idea, noting Sedgefield Country Club has a stucco building with timber. So, she doesn't know why stucco was stuck in there.

There being no other speakers the public hearing was closed.

Ms. Mazzurco moved to approve the offered conditions: that the units in tract 4 not exceed 130 units and a maximum building height of three-stories, additional uses shall be limited to multi-family (elderly), chain link fences are prohibited, no garages or storage buildings shall be located between High Point Road and the principle structure and vinyl and stucco materials are prohibited on all exterior building elevations, seconded by Mr. Engle. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle. Nays: None.)



Mike Kirkman stated that this site is designated as Mixed Use Planned Community on the Generalized Future Land Use Map. The Mixed Use Planned Community designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for larger scale, creatively planned residential, mixed with other uses such as supporting retail and small to medium scale office development. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy and diversified economy. The PUD zoning, as conditioned, will allow the mix of residential, commercial, service and office uses. With the added conditions, staff recommends approval of the request.

### **Discussion:**

Chair Lester stated that this is an historic property and the 2015 rezoning envisioned commercial along Gate City Boulevard, a mix of commercial and residential in the middle of the site and just residential along High Point Road. The proposed request does increase the intensity of development along High Point Road a little bit and there is concerns for the height of the building.

Ms. Mazzurco asked staff to clarify something. She had received an email about this case and had also seen the historic district reference keep coming up. She looked it up and it does not appear to be a historic overlay district. She doesn't think that it is applicable to this case. Mike Kirkman responded that she is correct and that this is not located in a historic overlay district. Ms. Mazzurco asked if there was anything that would prohibit the Sedgefield residents from asking for a historical overlay district. Mike Kirkman said no, they could petition to have a historic overlay and is a similar process like the rezoning. Mr. Engle stated that he would support the rezoning request because he feels like with regards to his community they have always had a special place for the people in retirement. He thinks that the development will fit well into that community.

Mr. Holston moved that in Z-18-10-001, 5300 High Point Road from PUD (Planned Unit Development) to PUD (Planned Unit Development), that the Greensboro Zoning Commission feels that it is consistent with the Connections 2025 Comprehensive Plan and is reasonable and in the public interest, because the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy, and is consistent with the Comprehensive Plan's Reinvestment/infill goal to promote sound investment in Greensboro's urban areas. 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 and sustainable pattern of land use, limits sprawl, protects urban areas, protects dual character and is a sound stewardship of the environment and provides for the additional division of other services and facilities as the City expands, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the request. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle, Dansby-Byrd. Nays: None.)

**Z-18-10-003** 4316 Burlington Road (south of Burlington Road and west of Wagoner Bend Road) – An original zoning request from County LI (Light Industrial) to City R-3 (Residential Single-family - 3). - For the property located at 4316 Burlington Road, generally described as west of Wagoner Bend Road (1.08 acres) - Kevin Buchanan for Anthony Ruffolo, Robert Ruffolo Jr., and Tania Crawford **(FAVORABLE RECOMMENDATION)**

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 to speak on this matter and no one came forward. The public hearing was closed.

Mike Kirkman stated that this site is designated as Mixed Use Corporate Park on the Generalized Future Land Use Map. The Mixed Use Corporate Park designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. The proposal 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. The request also supports the Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use. The R-3 district is primarily intended to accommodate low density single-family detached residential development. Staff recommends approval of this request.

Mr. Pinto moved that in Z-18-10-003, 4316 Burlington Road, that the Greensboro Zoning Commission believes that the request is consistent with the 2025 Comprehensive plan Housing and Neighborhoods goal meets the need 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 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 provisions of public services and facilities as the city expands, Seconded by Mr. Alford. The Commission voted 8-0 in favor of the request. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle. Nays: None.)

**Z-18-10-004** 6807 Pepperdine Road (west of Old Oak Ridge Road and south of Pepperdine Road) – A rezoning request from R-3 (Residential Single-family - 3) to CD-C-M (Conditional District-Commercial Medium) with the following conditions: 1. All uses permitted in C-M District excluding Group Living, Retreat Centers, Bus and Rail Terminals, Funeral Home/Crematoriums, and Recycling Collection Points. - For the property located at 6807 Pepperdine Road, generally described as west of Old Oak Ridge Road and south of Pepperdine Road (0.92 acres) - Jeff Nimmer for WAW Properties, 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 to speak on this matter.

Jeff Nimmer, the applicant, stated that he was there representing WAW Properties, LLC. They own the Lowes Food Shopping Center directly across the street from the subject property. The purpose of this rezoning is to align this property with the non-residential uses surrounding it. They sent letters to all the property owners within 600 feet and talked directly with Kevin Baker the director of Piedmont Triad Airport Authority. Mr. Nimmer noted that he didn't receive any concerns from the neighbors. In response to a question from the Commission Mr. Nimmer replied that there is no specific user in mind for this property currently.

There being no one speaking in opposition to this matter the public hearing was closed.

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the 3-5 dwelling unit per acre density range. The Proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy. It also is consistent with the Reinvestment/Infill goal to promote sound investment

in Greensboro's urban areas. The proposed CD-C-M zoning district incorporates conditions that limits uses to aide with compatibility with surrounding properties. Staff supports this request.

Ms. Mazzurco moved that in regard to Z-18-10-004, 6807 Pepperdine Road, the Greensboro Zoning Commission believes that its action to approve the zoning amendment from R-3, residential single family to CD-C-M, Conditional District-Commercial-Medium to be consistent with the 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 Economic Development goal to promote a healthy, diversified economy and the request implements measures to protect neighborhoods from potential negative impact, seconded by Mr. Marshall. The Commission voted 8-0 in favor of the request. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle. Nays: None.)

**Items from Planning Department:**

Mike Kirkman stated that they had no specific items but noted there will be a series of meetings coming up around the city to talk about the vision and some of the key goals for the updated Comprehensive Plan and staff is looking for some input to make sure they are heading in the right direction. Commissioners and the public can go to PlanitGSO online and there is information about those meetings dates, times, and locations. Chair Lester welcomed Marion Danby-Byrd to the Commission. In response to a question Mr. Kirkman stated there are currently three or four cases on the agenda for next month.

**Items from the Zoning Commission Members:**

**Acknowledgment of Absences:**

The absence of Mr. Blackstock was acknowledged as excused

**ADJOURNMENT:**

There being no further business before the Commission, the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd;pr





PLANNING

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
NOVEMBER 19, 2018**

The regular meeting of the Greensboro Zoning Commission was held on November 19, 2018, beginning 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 Andrew Pinto. Also present were Mike Kirkman and Lucas Carter, Planning Department, Noland Tipton - GDOT, and Terri Jones, City Attorney's Office.

Chair Lester welcomed everyone to the meeting and explained the policies and procedures of the Zoning Commission.

**Approval of the minutes of the October 15, 2018 regular meeting**

Mr. Engle moved approval of the October 15, 2018 regular meeting minutes as written, seconded by Ms. Mazzurco. The Commission voted 7-0 in favor of the motion. (Ayes: Lester, Pinto, Mazzurco, Engle, Alford, Dansby-Byrd, Marshall. Nays: None.)

**Withdrawals and Continuances**

Mike Kirkman stated that the applicant for item 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, would like to continue the item to the December meeting. This was based on communications with staff from North Carolina A&T. Staff conveyed that the applicant wanted more time to clarify some things related to the request before the application went forward.

Mr. Alford was recused from this item.

Chair Lester asked if there was anyone wishing to speak on this matter and there were no speakers. Ms. Mazzurco did express some concerns on continuing the item to the next meeting without the applicant present.

Chair Lester moved to continue the matter to the December 17, 2018 meeting, seconded by Mr. Holston. The Commission voted 5-1-1 and the motion passed to continue until the December meeting. (Ayes: Dansby-Byrd, Holston, Pinto, Lester, and Engle. Nays: Mazzurco. Abstain: Alford)

Mike Kirkman stated that there was also a request to continue item Z-18-11-003 - 2737 and 2745-2767 Horse Pen Creek Road to the December meeting.

### **In Favor of Continuance**

Donna Kabadi, 2738 Horse Pen Creek Road, stated that she requested the continuance because she feels that the neighborhood needs more time to investigate what all this means. They had the three weeks notice that was required of the City, but it was still hard to understand the process and know exactly what is going on. They need more time to work with the developers. Mrs. Kabadi also noted that she just got the list of neighbors on Friday, so she has not had much time to talk to others. Mr. Holston asked Mrs. Kabadi if she has had the option to get with the developers regarding the project. She stated that the developers had offered two meetings, but both were on a Thursday and she could not attend. She did however go out on her own time and look at the neighborhood the developer had previously built. She also noted that she had just met Judy Stalder tonight, but has talked to her on the phone previously. Ms. Mazzurco asked if they were requesting a 30-day or a 60-day continuance do to the holidays. Mrs. Kabadi stated that she would like the item to be continued to January, because of the holidays. Mr. Kabadi, 2738 Horse Pen Creek Road, stated that he agreed with his wife and he would like a 60-day continuance.

Jared Pike, 2736 Horse Pen Creek Road, stated that he also agrees with Mrs. Kabadi on a continuance as he lives directly across the street from the rezoning site and needs more time to gather information.

Brenda Carpenter, 3309 Terrault Drive, stated that she would like to have a continuance until after the holidays. She did not receive the notice until 12 days ago. She thinks the continuance will allow for neighborhood outreach and planning. She would like more time to investigate the traffic study. She does not think that is accurate for the area. Chair Lester asked her how she received the notice. She stated that she lives in the area and received it in the mail. She said she also met with Keystone at the first community meeting on November 6. Chair Lester asked her if she has seen a copy of the traffic study report. She stated that she has not. Ms. Mazzurco stated that Ms. Carpenter went to a meeting on the sixth, received the notice on the seventh from the City of Greensboro. So, prior to receiving the notice, she already had the chance to meet with Keystone and no traffic study was there. Ms. Carpenter said she did not see a traffic study at the meeting. Ms. Mazzurco asked if she was asking for a 60-day continuance. Ms. Carpenter stated that is correct. Mr. Holston asked how many meetings had occurred. She said she got a letter for one meeting that she went to, but she thinks there was another meeting scheduled. She does not know how many other meetings there may have been.

### **In Opposition of Continuance**

Judy Stalder, 115 S. W. Gate Drive, stated that she was here with Scott Wallace from Keystone Development Group. She stated that she had only become aware of the request for a continuance this morning and they do not want to continue this item, especially not for 60 days. She said that they have spent many weeks in the application process and time is of the essence to meet contractual obligations. They are working with the Catholic Bishop out of the Charlotte Diocese and four other property owners who are relying on them to complete this project. Ms. Stalder noted that they sent out 211 invitations to residents within 600 feet on October 27 using the list of property owners provided by the City. They then hosted their first community meeting on November 6. After a call from the HOA of Sullivan Lakes neighborhood about some concerns with that meeting date another community meeting was held on November 8. They did not have enough time to send out another mailing. They had more people at that meeting than the first meeting. They do not own these properties right now and need to honor the contractual obligations. They are willing to work with the neighborhoods as they go forward.

Scott Wallace, 3708 Alliance Drive, stated that he is the Co-Founder, Co-Owner and President of the Keystone Group. He said that time is of the essence here because there are six different property owners for this project. Mr. Wallace stated that they have worked with the neighbors and anyone that has reached out to them and are all about having conversation with the neighbors. He noted that it has taken more than a year to coordinate all of this. Chair Lester asked Mr. Wallace how long he thought the neighbors have known about their proposal. Mr. Wallace said he thought at least several weeks or more and said they had strong attendance at their neighborhood meetings.

Mrs. Mazzurco noted that the developer has been working on this project for more than a year and this property was rezoned in March 2017. So it sounded like this current development proposal stated shortly after it was rezoned the last time. Mr. Wallace said they have been working on this property for nearly a year and have had many conversations on the project before they started working on it. Ms. Mazzurco asked Mr. Wallace if he was aware that this property was rezoned on March 20, 2017. Mr. Kirkman clarified that a portion of the subject property was zoned CD-RM-12 and another portion of the property was zoned CD-O. Ms. Mazzurco asked if this was the property that Mr. Isaacson helped to get rezoned for Wellspring, an over 55 aged community. Mike Kirkman said it was. Ms. Mazzurco then noted that shortly after to March 2017 rezoning, the current developers started working on the property. Ms. Stalder noted that only after the previous developer decided not to do their project did Mr. Wallace begin working on his project. Ms. Mazzurco asked when that happened. Mike Kirkman said he did not know the exact period when the previous developer walked away from that project.

Chair Lester asked staff what the typical timeframe is for when the required hearing notices are sent out. Mr. Kirkman stated that under State law the required hearing notices must be sent out between 10 and 25 days prior to the public hearing. The City's general practice is sending out notices 18 days prior to the hearing. Mr. Kirkman noted that the official mailed notice for this hearing went out on Friday November 2 and the newspaper notice was published on November 1. The site was also posted to make persons aware of the request. Mr. Pinto said that he would be opposing the continuance, because he feels like the developer has gone above and beyond to meet with the neighbors in a timely fashion. They have also proposed conditions that further address concerns of the neighborhood. Mr. Engle said he would also be opposing the continuance request.

Mr. Pinto moved to oppose the continuance in case Z-18-11-003, seconded by Mr. Holston. The Commission voted 5-2 and the continuance was denied so the item would be heard as part of tonight's agenda. (Ayes: Dansby-Byrd, Pinto, Holston, Alford, Engle. Nays: Mazzurco and Lester.)

### **Public Hearings:**

- Z-18-11-001** A portion of 1703 East Wendover Avenue (north of East Wendover Avenue and west of Gatewood Avenue) – A rezoning request from R-5 (Residential Single Family - 5) to CD-LI (Conditional District - Light Industrial) with the following conditions: 1) Uses shall be limited to all uses permitted in the LI district except the following: recreational uses; overnight accommodations; eating and drinking establishments; any use with drive-thru service; convenience stores with fuel pumps; taxi dispatch terminals; truck stops; car washes; park and ride facilities; flea markets; and junked motor vehicles. 2) No principal structures are permitted on the property associated with this rezoning. – For a portion of the property located at 1703 East Wendover Avenue, generally described as north of East Wendover Avenue and west of Gatewood Avenue (approximately 1.93 acres of the 3.88 total acres) – Benjamin D. Ridings for Mema II, LLC.  
**(FAVORABLE RECOMMENDATION)**

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 Favor of:**

Ben Ridings, 301 N. Elm Street Suite 700, stated that he is here on behalf of the applicant. His client purchased this property sometime last year from Penn National and then discovered the zoning issue. Unfortunately, his client did not make Penn National fix this issue before they bought the property so he is now asking the Commission to approve this rezoning request. He added that they intended for the subject property to remain as a parking lot.

### **In Opposition of:**

Odell Swinney, 1925 Teller Street, stated that he is against this rezoning for one purpose. He is afraid of the effect that it will have on the neighbors and the ability to get loans. This is more of a low-income neighborhood.

Mauricio Rocha, 1880 Macer Avenue, stated that he agrees with Mr. Swinney. He lives right behind the rezoning property. He wants to know how this will affect his property.

James Johnson, 1902 Woodside Drive, stated that he is two streets over from the rezoning. He spoke to Mr. Carter earlier about the situation. He said Mr. Carter said the neighborhood would not be affected by it. However, he wants to make sure that it will not affect the neighborhood. Ms. Mazzurco asked if staff told him the difference in the zonings and what that looks like if the current property owner sells the property. Mr. Johnson said he does not, but Mr. Carter explained that it was just that portion of the parking area that was requesting to be rezoned. Mr. Johnson said that he just does not want his area to be affected by this rezoning. Ms. Mazzurco said that if a neighbor came and asked for his property to be rezoned to LI then it is likely that more owners could come and ask for the same zoning as well, because they are setting precedent here. Chair Lester said that there are conditions on this property so that condition number 2 says "no principal structures are permitted on the property associated with this rezoning". So, if the zoning is approved to Light Industrial it would remain a parking lot. Mike Kirkman stated that is correct and if the zoning is approved it will be subject to these conditions regardless of who the owner is. Ms. Mazzurco asked if they could tell them what accessory structures mean. Mike Kirkman said that an accessory structure is something that is associated with the principal use of the property. So the applicant could use some type of storage building on the subject lot.

### **In Favor Rebuttal:**

Ben Ridings, stated that the zoning staff did a good job of explaining the conditions. In terms of communications, he sent out 71 letters on November 2. A lot of the properties are occupied by renters and the City's mailing list is based on property owners. Mr. Holston asked if they had any intentions to build on that property. Mr. Ridings said the parking lot is to stay the same but the owner does want to place one or two storage sheds. One is 10x20 and they needed a building permit for this building. Mr. Holston asked if they plan on making any kinds of changes in lighting. Mr. Ridings said it was going to stay a parking lot and there would be no change in lighting

### **In Opposition Rebuttal:**

None

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

### **Staff Recommendation**

Mike Kirkman stated that this site is designated as Low Residential. The Low Residential category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Under Council adopted policy, a Generalized Future Land Use Map amendment is not required because the request does not involve a significant physical change resulting in new or expanded structures (based on Condition # 2). The proposal supports the Comprehensive Plan's Economic

Development goal to promote a healthy, diversified economy as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-LI district includes zoning conditions that will limit negative impacts on the surrounding neighborhood. Staff recommends approval of this request.

**Discussion:**

Chair Lester asked staff if the purpose of this rezoning is to continue to use it as a parking lot and bring the parking lot into conformity. Mike Kirkman said that is correct.

Mr. Holston asked staff what happens if the Commission does not approve this request. Mr. Kirkman said that the change of use in the adjacent building from an industrial use to an office use increased the amount of required parking and some of this parking was on the adjacent residential zoned lot. Mr. Engle asked what the property with the proposed office was zoned. Mr. Kirkman said that it is zoned Light Industrial. Mr. Engle said that for it be used as LI it requires a certain amount of parking, correct? Mike Kirkman said that was correct. Mr. Engle asked how many spaces would be required. Mike Kirkman said that office uses requires one space for every 300 square feet. Mr. Engle asked how many spaces were in the parking lot. Mr. Kirkman said he does not have that information.

Mrs. Mazzurco asked if the Board of Adjustment could handle this through a variance. Mr. Kirkman said the Board of Adjustment does not address use issues. He added that this is an issue where a citywide ordinance was changed that previously allowed for parking to encroach into residential zoning. The only way to address that is to bring the parking lot into conformity. Ms. Mazzurco asked what would happen if the Commission denied this request. Mr. Kirkman said they would have to look at other options then. Chair Lester stated that he would support this application because it does not push Light Industrial into the residential area any further but does allow accessory parking and storage for the office use.

Chair Lester moved that in regard to Z-18-11-001, 1703 East Wendover Avenue, the Greensboro Zoning Commission believes that its action to approve the zoning amendment from R-5, residential single family to CD-LI, Conditional District-Light Industrial to be consisted with the Connections 2025 Comprehensive Plan and considers this action taken to be reasonable and in the public interest for the following reasons: The request is consistent with the economic development goal to promote a healthy, diversified economy, the request is consistent with the land use goal to promote sound investments in Greensboro's urban areas and the request includes conditions that limit potential negative impact to the surrounding area, seconded by Mr. Pinto. The Commission voted 5-2 in favor of the request. (Ayes: Lester, Holston, Pinto, Alford, Engle. Nays: Mazzurco and Dansby-Byrd.). Chair Lester noted that because the motion to approve got less than 6 affirmative votes, the action became a favorable recommendation and the item will now move on to the City Council.

**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 (north and south of Salem Street and north of Bluford Street (5.61 acres) - North Carolina A&T State University. **(CONTINUED TO DECEMBER MEETING)**



**Z-18-11-003 2737 and 1745-1767 Horse Pen Creek Road** (south and west of Horse Pen Creek Road and west of Terrault Drive) – A rezoning request from R-3 (Residential Single Family -3), CD-RM-12 (Conditional District – Residential Multifamily -12), and CD-O (Conditional District – Office) to CD-RM-18 (Conditional District – Residential Multi-family -18) with the following zoning conditions: 1. The landscaped buffer adjacent to Sullivan’s Lake Association parcels REID: 0081972 (4222 CE Sullivan’s Lake Drive) and 0081973 (4206 Open Sullivan’s Lake Drive) shall be of a Type C buffer width with a Type B buffer planting rate, - for the property located at 2737 and 2745-2767 Horse Pen Creek Road, generally described as south and west of Horse Pen Creek Road and west of Terrault Drive (21.37 acres) – Judy Stalder for Keystone at Horse Pen Creek, LLC. **(FAVORABLE RECOMMENDATION)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. Mr. Carter also noted that an additional zoning condition would be proposed by the applicant for this request.

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

**In Favor of:**

Judy Stalder stated that this new zoning condition was the result of a meeting with the Sullivan Lakes Community and HOA. There was a desired for a fence, because neighbors were worried about foot traffic. Ms. Stalder said Keystone would use their typical decorative fence with brick columns and aluminum type materials with wrought iron. It will start at Horse Pen Creek Road, extends along the first two parcels until it intersects with the required 100-foot undisturbed buffer around the stream and then along the northern border of the undisturbed buffer approximately 60 feet. Mrs. Mazzurco asked if the applicant was striking condition number one and replacing it with this new condition. Mr. Kirkman stated that the proposed condition would be in addition to the existing advertised condition and was not a modification.

Ms. Mazzurco moved to add a new condition number two to case Z-18-11-003 as follows - a minimum 6 foot tall fence composed of brick columns and aluminum type material with wrought iron appearance shall be constructed near the southern property bound adjacent to the Sullivan Lakes association parcels REID 0081972 and 0081973 as shown in exhibit A, where the fence intercepts with any required stream buffers it shall be placed along the eastern edge of those buffers for the distance of 60 feet as shown in Exhibit A. The fence shall be placed in a manner so as not to interfere with any new or conserved plants, seconded by Alford. Mr. Holston asked for clarification on the total length of the proposed fence. Ms. Stalder said she did not have the number, but it starts at the road and goes along the two properties and then along the stream buffer. The commission voted 7-0 to add the condition. (Ayes: Dansby-Byrd, Holston, Pinto, Lester, Mazzurco, Alford and Engle. Nays: None)

Judy Stalder noted that the Comprehensive Plan is 15 years old and is currently undergoing a rewrite so changes will occur to what was previously approved. She then noted that the proposed development on the subject site is similar to the types of developments being built in Winston-Salem, High Point and even in Mebane. These developments attract a younger population and downsizing older adults and will provide amenities that will attract those people to the community. Ms. Stalder stated that as the Greensboro population is getting older, we need younger people and to keep our college students here so we need these kinds of developments. The proposed development provides new housing stock and strengthens the tax base. Ms. Stalder then stated that Horse Pen Creek Road is undergoing construction right now, but when it is done it will be a major roadway connecting two major thoroughfares in Greensboro. She added that the applicant had a transportation engineer do a traffic study that was reviewed by GDOT. The results state that with the

construction and the new lanes, the improved roadway will be able to handle traffic from the proposed development. Additionally, the proposed development reduces the driveways on Horse Pen Creek Road from ten to two.

Mrs. Stalder also noted that buffers along the boundaries with the Sullivan Lake Townhomes were the biggest known concerns since this neighborhood had participated with many rezonings in the area and the residents were intent on meeting with the applicant to address any concerns. Mrs. Stalder concluded that the proposed development meets the intent of the current Comprehensive Plan, is appropriate for the site and they are offering additional conditions on landscaping and fencing to protect neighbors adjacent to the site. As such, she is asking for the Commission's approval to the request.

Scott Wallace, Keystone Development, stated that he is very excited to have this opportunity to provide a resort style living that goes above and beyond with their intended amenities packages. He noted they are excited to be able to work with six different property owners and bring this all together as one first-class community and research shows that this area will be popular for this type of development. Mrs. Mazzurco asked if the building would be four stories or have faux windows at the top. Mr. Wallace said that buildings would be no taller than four stories as the four-story building is an urban style building with a flat roof type look that allows for air conditioners and other equipment to be located on the roof. A three-story building will have more traditional gable roof that will look higher. Mrs. Mazzurco asked about what the largest story on the proposed buildings would be. Mr. Wallace responded that it would be four and he would be more than happy to add another condition stating that the maximum height of the building would be four stories. Chair Lester asked if the zoning request included any restrictions on height. Mr. Kirkman stated that there is no maximum height requirement with the proposed zoning conditions. Ms. Mazzurco asked staff about language for a third condition addressing height. Mr. Kirkman suggested "the maximum height of any buildings shall not exceed four stories". The applicant was in agreement with the condition and the Commission then voted to accept this additional condition. Chair Lester moved to add a new condition number three in case Z-18-11-003, seconded by Ms. Mazzurco. The Commission voted to add condition number three, which says "the maximum height of any buildings shall not exceed four stories". The Commission voted 7-0 (Ayes: Lester, Dansby-Byrd, Holston, Pinto, Mazzurco, Alford, and Engle)

Mrs. Mazzurco then asked if the applicant had any pictures or drawings of the proposed development she could look at to see what the entire site will look like. Mr. Wallace stated that he did have a preliminary plan he could show and provided it to the Commission. During this time, Mrs. Stalder stated that Keystone owns and operates their developments versus selling them to other owners. Mr. Wallace then quickly reviewed the preliminary sketch plan showing a new stop light on Horse Pen Creek Road that will be the main entrance and exit. He noted that there would be a second entrance on Horse Pen Creek Road that would be a right in, a left in, and a right out. He also noted that this will be a gated community and will most likely include a water quality pond. Mrs. Mazzurco asked further about the retention pond. Mr. Wallace said that they assume they will have a pond to provide a better filtering process. Ms. Mazzurco asked staff if this retention pond would discharge into Horse Pen Creek watershed. Mr. Kirkman noted that this is just a sketch plan and items like storm water were technical in nature and will be handled later in the development process. Mrs. Mazzurco asked about the electronic gates and how that might affect traffic. Nolan Tipton, GDOT said the standard driveway leading to a gate is a minimum of 150 feet from the right of way. Mr. Wallace added that they will adhere to all standards for traffic, gate and other development ordinances. Mr. Holston asked Mr. Tipton how many cars could be located in that 150 feet from the right of way. Nolan Tipton, GDOT stated that approximately eight to nine vehicles could fit in that space.

### **In Opposition of:**

Vinay Kobadi, 2738 Horse Pen Creek Road, state that he and his wife live right across the street from the rezoning area. His main reason for being against this request is because he wants to keep the area lower residential as much as possible and prefers it to be RM-12 or less. If it must go to RM-18, he would like to have some other conditions worked out and he wants the traffic and noise levels worked out.

Donna Kabadi, 2737 Horse Pen Creek Road, stated that she had two main concerns. After looking at a similar project developed by the applicant on Guilford College Road, she noted a lighted sign over the clubhouse, and she thinks that is not desirable for her neighborhood. She also stated that this was the first night she had seen a site plan. She stated that they have a tower and does not think that it will fit in with the aesthetics of the neighborhood. She does not want a four-story building; she thought the limit should be three stories.

Jared Pike, 2736 Horse Pen Creek Road, stated that he grew up in this house on Horse Pen Creek Road. He is worried about the amount of people that these new units will bring. There would be anywhere from 300 to 1200 people in these units and that does not fit well with where he lives. Mr. Pike said that he does not think they were given a reasonable time amount of to understand the development and its potential impacts. He added that he is not generally against builders, apartment complexes, or this company.

### **In Favor Rebuttal:**

Mr. Wallace stated that they will continue to work with the neighbors, as they want to be good neighbors, and added that they have been working on this property for a very long time. Chair Lester said that a large portion of the property is zoned for CD-RM-12, which means about 200 units or so, and they are talking about up to 400 units, which is a significant increase in density. He then noted that across Horse Pen Creek Road is R-3, which is the lowest level of residential development and other adjacent developments are zoned RM-5 and RM-8 so the request does appear to be a large increase in this scenario. Mr. Wallace said that this area is very close to the core of Greensboro. With the widening of Horse Pen Creek Road from two lanes to four and five lanes, the retail uses, and the office complexes nearby makes this area appropriate for more residential units and the road would be able to handle the traffic impact. They are just asking for the Commission's support.

### **In Opposition Rebuttal:**

Jared Pike stated that there has been a lot of questions raised during the hearing. Chair Lester noted that the proposed development will be up to 396 dwelling units. So that means there could be 1,000 to 1,600 more people in that area and that is a substantial increase. He noted that this all feels rushed to the people who live in this area.

Donna Kobadi stated that she did not realize the long-range plan for the neighborhood was 15 years old and is going through a review right now. She thinks this is something a long-range plan committee could look at and give their thoughts about what could go out there.

Mr. Kobadi stated that he does not think it is wise to change the zoning.

Chair Lester asked if there was anyone else wishing to speak. There being no other speakers the public hearing was closed.

### **Staff Recommendation**

Mr. Kirkman stated that this site is designated as Low Residential (3-5 d.u./acre), Moderate Residential (5-12 d.u./acre), and Mixed Use Commercial on the Generalized Future Land Use Map. The applicant has requested a GFLUM amendment to High Residential (over 12 d.u./acre) as part of their request. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types, generally at a density of more than 12 dwelling units per acre. The proposal 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. The request also supports the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-RM-18 district



imposes zoning conditions that will limit negative impacts on the surrounding neighborhood. Staff recommends approval of the request.

**Discussion:**

Mr. Pinto stated that the main issue with this case is the density and can the area handle the RM-18 zoning? He thinks that the area can handle the requested zoning with the updated streets and traffic lights. He said this is a desirable area to live and growth will continue to be a factor. He stated that the apartments fit in with the townhome associations, neighborhoods and office uses and existing apartment uses already on Horse Pen Creek Road and supports the CD-RM-18 request. Mrs. Mazzurco stated that while Keystone Homes is a great asset to Greensboro she has concerns about density issues. She noted that Mr. Davenport, the traffic engineer for applicant, was not available to answer her questions. She feels like she is walking into this blindly and disagrees with Mr. Pinto. She states that it is currently a nightmare on Horse Pen Creek Road, especially at peak hours. She also did not know about the gate and getting in and out and she has questions about that. Mrs. Mazzurco concluded that she is uncomfortable with the proposed density, all the unanswered questions and concerns about with the four-story buildings; therefore she will not be supporting this. Mr. Holston stated that the issue is with density, but for the road improvements and traffic study showing that it can handle it, he will support the request. Mr. Engle stated that he believes Keystone will continue to work with neighbors and thinks this is a good opportunity and will support the request. Mr. Alford stated that he thinks this is a drastic step and will not support the request. Chair Lester said that they should approve this application because the road system is extensive and impressive and will be improved after construction is complete. The airport and downtown being close makes this highly desirable area. The market forces here appear to be supporting higher density, so he will be supporting the request.

Mr. Pinto moved to approve item Z-18-11-003, 2737 and 2745-2767 Horse Pen Creek Road from R-3 (Residential Single Family), CD-RM-12 (Conditional District-Residential Multi-family-12) and CD-O (Conditional District Office) to CD-RM-18 (Conditional District-Residential-Multi-Family-18), and that the Greensboro Zoning Commission feels that it is consistent with the Connections 2025 Comprehensive Plan and is reasonable and in the public interest, because 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 the request includes conditions that limit potential negative impact to the surrounding area, seconded by Mr. Holston. The Commission voted 5-2 in favor of the request. (Ayes: Lester, Holston, Pinto, Dansby-Byrd, Engle. Nays: Mazzurco and Alford.). Chair Lester then noted that because the request did not receive a unanimous approval this item would move on to the City Council level.

**Items from Planning Department:**

None

**Items from the Zoning Commission Members:**

Mrs. Mazzurco said that she received an email about the identification badges wanted to know if they could get those tonight. Mr. Kirkman said they had to go to the security office during normal business hours to get the ID badges. Mrs. Mazzurco said that she is also concerned with the continuing of cases, and she doesn't understand how the Commission can grant a continuance for an applicant that wasn't even there and not grant one for an applicant who has shown up to represent their case and opposition that showed up. She does not understand the continuance rationale. Counsel Jones said there is no requirement that the applicant has to attend the hearing and it is up to the Commission to decide about each continuance. Mrs. Mazzurco then asked about the ability to adjust the required timeframes for notifying the public on rezoning matters. Mr. Kirkman and Counsel Jones noted that the requirements for public advertising are established by State law so the

Commission would have to ask the City Council to then ask the State to amend the law. Counsel Jones noted that the City Council was considering its legislative agenda currently if the Commission wanted to make any requests to them. It was then agreed that Mrs. Mazzurco and any other interested Commission members would set up a meeting with Legal staff to consider this process.

**Acknowledgment of Absences:**

The absence of Mr. Marshall and Mr. Blackstock was acknowledged as excused.

**ADJOURNMENT:**

There being no further business before the Commission, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Sue Schwartz, FAICP, Director  
Planning & Community Development

SS/jd;pr

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
DECEMBER 17, 2018**

The Regular meeting of the Greensboro Zoning Commission was held on Monday, December 17, 2018 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; Donald Blackstock; 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 November 19, 2018 regular meeting**

Mr. Alford asked for clarification of the vote taken concerning Z-18-11-003, 2737 and 1745-1767 Horse Pen Creek Road. After some discussion it was determined that approval of the minutes would be tabled until the January meeting to provide time for the Court Reporter to review the audio and make any necessary changes.

Mr. Lester moved to table the approval of the minutes, seconded by Mr. Pinto. The Commission voted 9-0 in favor of the motion. (Ayes: Lester, Pinto, Mazzurco, Blackstock, Holston, Engle, Alford, Dansby-Byrd, Marshall. Nays: None.)

Ms. Dansby-Byrd arrived at 5:47 p.m. and was there for the remainder of the meeting.

**Withdrawals and Continuances**

Mike Kirkman stated there was a request for Z-18-12-003, 2221-2231-YY Vanstory Street to be moved to the January meeting, as there was some confusion between the applicant and staff regarding required signatures for all affected properties so the application was deemed to be insufficient to proceed. Staff is asking that this item be pulled from the agenda and no action is required by the Commission.

There was also a request by the applicant to continue 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. A representative of NC A&T State University was in attendance to request a continuance.

Mr. Alford was recused from participating in this matter.

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

Bill Barlow, representing NC A&T State University, Director of Planning and Design, stated that this is the second time they are asking for a continuance on this particular project. About a month ago there was a public meeting with the residents located in that area. They are working with a couple of property owners with regard to purchasing their property and they would like to get that worked out before proceeding with the rezoning request.

There was no one present wishing to speak in opposition to the continuance of this case to the January meeting.

Ms. Mazzurco stated that she has some concerns with the continuance process regarding this particular case. She noted that this request was previously on the agenda for the November meeting and it was continued without any representation from the applicant. She voted against that continuance in November because there was no one in attendance asking for a continuance. She would like further explanation on why the case should be continued, yet again. She also wanted to raise the issue of moving an agenda item that is to be continued to the back of the agenda and not at the beginning of the agenda.

Mr. Pinto made a motion to continue this item to the January meeting, seconded by Mr. Blackstock. In response to a question, Mr. Kirkman stated that the January meeting would be held on January 23, 2019.

Mr. Engle stated that he had concerns that there was a person in the audience that showed up for today's meeting, expecting to understand what is going on with this request. Mr. Engle stated that he wants to be a good steward of a person's time and he appreciates everything that A&T State University has done and is doing for this area, but he agrees with Ms. Mazzurco's concerns about allowing people to continue their cases multiple times and continue to be first on the agenda. He stated that people spend their time and money to get to the meeting and then to ask them to do it again next month is inconsiderate. He suggested that Mr. Barlow get in touch with the gentleman that showed up for this meeting and have a discussion with him.

Mr. Holston stated that continuances have become somewhat of a point of issue for the Commission. In this case, it has been continued previously, and he sees that someone came to the meeting to learn more about what is going on in this area. He would be more concerned if there were a lot of people at the meeting and they were opposed to the rezoning. However, in this case, given that there is not a ground-swell of opposition to the continuance and the fact that it appears that A&T is attempting to put together a package deal given that there are multiple properties involved, he would not have a problem with the continuance.

Ms. Mazzurco stated that she is absolutely not against the plans being made by A&T, she appreciates everything they are doing for the community. She is looking at this in a logistical and procedural manner and as a cost standpoint for the citizens of Greensboro. She realizes that it costs money to advertise the cases coming before the Commission and there are several other costs involved. She feels that if the Commission continues a case it has to be advertised again and there are other expenses related to that, incurred by the City.

Chair Lester asked for a vote on Mr. Pinto's motion.

The Commission vote 8-0-1 in favor of the continuance. (Ayes: Lester, Mazzurco, Engle, Pinto, Marshall, Blackstock, Holston, Dansby-Byrd. Nays: None. Abstained: Alford.)

Chair Lester stated that this particular item would be heard at the January 23, 2019 meeting.

Chair Lester asked about the order in which cases are listed on the agenda. Counsel, Teri Jones, stated that she has done some review of the Rules in the Land Development Ordinance and the City's Code of Ordinances with respect to Board and Commissions and the City's Charter, and she did not find anything that talks about the order of the agenda. Historically, it has been Old Business before New Business. Counsel Jones noted that some other Boards and Commissions' Rules prescribe the order of the agenda but the Zoning Commission's rules do not. The order of the agenda has traditionally been a staff practice, but it can be modified by the Chair as the circumstances require. Generally, the agenda is done in the order of when applications are submitted.

Chair Lester asked if the Commission has any preference in the order in which to hear continued cases in the future. Mr. Blackstock moved to leave future Commission agendas in their current order made by staff, seconded by Mr. Marshall. The Commission voted 7-1-1 in favor of the motion. (Ayes: Lester, Engle, Pinto, Marshall, Blackstock, Holston, Dansby-Byrd. Nays: Mazzurco. Abstained: Alford.)

Mr. Pinto stated that it should be at the discretion of the Chair to view the cases as he chooses. He feels that it is appropriate to change the agenda on a case-by-case, meeting-by-meeting basis.

Ms. Mazzurco stated that the sub-committee she was trying to get together was unable to meet because of the snow storm. Several of the Commission members are part of that sub-committee and she feels that immediately following the holidays, the sub-committee needs to meet and look at these continuances because it is becoming a point of contention even for the public. When a case is continued and rolled over to City Council and public advertising is involved, she is concerned about the costs involved. Mr. Kirkman noted just for clarification he thinks that the discussion was about once an item has been advertised it cannot be continued until the meeting itself. If an applicant requests to move an item to another agenda before it has been advertised, staff can do that. Ms. Mazzurco asked if there is an applicant and the opposition is agreeable, do they even need to come to the Commission. Mike Kirkman stated that any requests that have been publicly advertised must be addressed at the meeting date.

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

### **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. **(CONTINUED TO JANUARY 2019 MEETING)**

#### **New Business**

**Z-18-12-001** **830 Glenwood Avenue** (west of Glenwood Avenue and south of West Gate City Boulevard) - A rezoning request from C-M (Commercial Medium) to R- 5 (Residential Single-family - 5). - For the property located at 830 Glenwood Avenue, generally described as west of Glenwood Avenue and south of West Gate City Boulevard (0.18 acres). - Will Shuford. **(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.

Will Shuford, 830 Glenwood Avenue, the applicant, stated that he is asking that this parcel be rezoned to Residential from its current Commercial zoning. His family has lived in the house for eleven years and he is the second owner. The house has always been used as a single-family residence. He is requesting the rezoning, primarily, because as it is currently zoned he is unable to use the home's equity to secure affordable financing for a renovation project. When he first bought the property he was able to get a home loan through Bank of America back when the zoning was called General Business. Since then, however, as the zoning name has been updated to Commercial, he cannot secure a secondary financing from Bank of America or any other bank. Lenders will not make residential loans on homes in Commercial zones. All the other properties south of his block are zoned R-5 and his neighbors support this change because it fits into their neighborhood. Also, the rezoning is in keeping with the zoning desires of the neighborhood at large, as expressed in the Glenwood Neighborhood Plan. The house has never been used for anything other than a single-family residence and it stands to reason that the zoning of the property should reflect its use.

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.

Mr. Kirkman stated that the adopted Glenwood Neighborhood Plan's Future Land Use Map designated this property as Residential – Single-Family to 5-Family. This designation is intended for primarily residential development of single family detached homes and multi-unit single-family partitioned development of 2 to 4 dwelling units per structure, per zoning lot, and not exceeding 2 stories in height. The proposal also 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. The R-5 district is primarily intended to accommodate single-family and similar residential uses at a density of 5 units per acre or less. Therefore, staff recommends approval of the request.

Ms. Mazzurco stated that she is very happy to see this case because it shows that the residents really care about their neighborhood. It also shows that lenders are doing their jobs by catching this issue and the homeowner is being diligent so that they don't continue a legal, non-conforming situation.

Mr. Engle moved that in regard to Z-18-12-001, 830 Glenwood Avenue, 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-18-12-002 1201 Merritt Drive** (east of Merritt Drive and south of Patterson Street) – A Special Use Permit request for a 120 feet tall Wireless Telecommunication Facility (Cell Tower) in the R-5 (Residential Single-family - 5). -1201 Merritt Drive, generally described as east of Merritt Drive and south of Patterson Street (7.37 acres). - Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC (Joel Hargis) on behalf of Altel Communications of North Carolina Limited Partnership d/b/a Verizon Wireless. **(APPROVED)**

Chair Lester swore in staff and potential speakers for this quasi-judicial hearing.

Chair Lester and Ms. Mazzurco both stated that they were at the pre-agenda meeting last Thursday for this case.

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.

Josh Rotenstreich, on behalf of Baker Donelson and Verizon Wireless, 1801 Colonel Avenue, stated that he had the application and binders to pass out to the Commission to reference during his remarks. He stated that this is a request for a Special Use Permit to allow a new 120-foot-tall wireless tower with a four-foot lighting rod. They are here to apply for this special use permit and Verizon Wireless will comply with all other applicable standards. Verizon Wireless was originally encouraged to find a space to do colocation but they did not find anything that would work for the needed coverage. Exhibit A in the binders is a letter from Susan Stancil who is a site acquisition manager from Mountain LTG addressing the inability to collocate. The total height of the tower will be 124 feet from any adjoining property line and located more than 240 feet from the nearest building containing a residential use. Mr. Rotenstreich noted that the tower would be located behind the Hunter Hills Friend Church and on September 19<sup>th</sup> they held a community meeting at that location and had everyone come out and voice their worries or concerns.

Mr. Rotenstreich then stated that the lot is 7.37 acres and the total height permitted by right is 100 feet and they are requesting 120 feet. He noted that the tower is designed to be camouflaged as an evergreen pine tree. It will also be located behind the principal building of the church. Ms. Mazzurco asked if he had a picture of what that cell tower may look like. Mr. Rotenstreich responded that that information was under tab 2. Chair Lester asked if Hunter Hills Church was in Buncombe County, as was noted in the report. Mr. Rotenstreich said that was an error in the report and the property is here in Greensboro. He then noted that on page C4 there is an enclosed drawing that would show the four canopy trees, six understory trees and 33 shrubs that will be placed around the base of the tower. There will also be a six-foot-tall opaque fence, which is required and a brick wall, which will be around the equipment area shown under page C3. The access to the compound must be from the interior of the site and not the separate driveway. The proposed driveway to the site fully complies with those requirements. Ms. Mazzurco asked the City Attorney if they should correct where it says Buncombe County in the report. Counsel Jones stated that Mr. Rotenstreich already made the correction on the record.

Chair Lester asked about the community meeting on September 19<sup>th</sup>. Mr. Rotenstreich stated that there was not a great turnout at that meeting with only three or four people that came out to the meeting. Most concerns related to health concerns with towers that people hear about that are mostly myths. The applicants provided documentation and websites to address those concerns. Chair Lester stated that the report said that

two people came out. Mr. Rotenstreich stated that was correct. Ms. Mazzurco asked if the information that he gave to the board was the same information that he passed out to the community. Mr. Rotenstreich stated that the information that was passed out at the community meeting was not included in the Boards packages. The size and safety parameters were not included, because they were not required. Mr. Holston asked if they were here because the tower will be taller than 100 feet. Mr. Kirkman said that anything over 100 feet in height had to have a Special Use Permit. Mr. Holston then asked why the tower would need to be taller than 100 feet. Mr. Rotenstreich stated that he would have to refer them to Mr. Patel to speak on that.

Sam Patel, engineer for Verizon Wireless, Charlotte N.C., stated that they were going for a higher height to keep the height like the adjacent site. Mr. Holston asked what would happen if this tower was 100 feet and the others around it weren't? Mr. Patel stated that the coverage footprint would not be as big as the other adjacent sites, so they would not get the service needed as compared to the other adjacent sites. There is a school south of this site and I-40 as well so they want to make sure they can meet the coverage. If the tower is higher they will get the coverage they need. Ms. Mazzurco stated that she was clarifying that other sites meant other cell towers within the area, correct. Mr. Patel stated that was correct and they were only referring to Verizon Cell Towers. Mr. Blackstock asked where the closest towers were located. Mr. Patel stated that there were three sites surrounding Siler Street area and one more site north.

Ms. Mazzurco asked again how high the tower would go. Mr. Rotenstreich stated that the tower would be 120 feet and the lightning rod would be four feet, so total would be 124 feet. Mr. Holston asked how health and safety concerns have been regulated. Mr. Rotenstreich stated they are mandated by the FCC to ensure compliance with all health and safety regulations and they are within compliance. Counsel Jones stated that the Zoning Commission is not under purview to regulate or consider the health effects of the transmissions of the tower. They can consider the height of the tower and setbacks those kind of aspects, but they are prevented under Federal Law from considering the health effects of the transmissions. Mr. Holston asked about question number one under the Special Use Permit motion and if Counsel Jones could guide them through that. Counsel Jones stated that the Commission can consider the health and safety of the tower structure itself. This includes where it is placed on the property, the height of it, and any setbacks that are required. This could include things that are in the fall zone of that tower, but not the actual health effects that might result from the antennas that are placed on that tower. Chair Lester stated that it is a preemption issue, the Federal Government has taken a position as to whether this is safe or not and under the Constitution the Commission is preempted from considering some health assertions, but they can address some safety concerns about height. Mr. Holston asked how close would the six-foot opaque fence be to the tower and if they had any photos of it. Mr. Rotenstreich stated that the photographs he has under Tab 5-page C4 show the shrubbery along the outside of the wall that will be established as well as the six-foot opaque fence that will surround the tower itself. The wall itself would be surrounding the tower. Mr. Marshall asked about the general location of the tower on the lot. Mr. Rotenstreich stated that the tower would be located behind the church itself.

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.

Mr. Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. To get approval for a Special Use Permit, this request must conform to the intent and purpose of the Zoning Ordinance and the Comprehensive Plan and meet several key findings based on the hearing this evening. 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. The proposed use at the particular location provides a service or facility that will contribute to the general well-being of adjacent and nearby properties. 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.

Mr. Marshall moved to approve Z-18-12-002, the Special Use Permit for 1201 Merritt Drive, granting a Special Use Permit to allow all uses permitted in the R-5 Zoning District including a wireless communication facilities taller than 100 feet to be approved based on the findings of facts; that the proposed use will not be detrimental to the health and safety of persons residing or working in the vicinity or injurious to property or residents in the vicinity; the tower will be surrounded by locked fencing and brick wall and will be designed to break any potential fall to minimize fall impact; the proposed use at this particular location provides a service or facility that will contribute to the general wellbeing of the neighborhood or the community in that it provides greater cell coverage and relieve the burdens on other towers; 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 Comprehensive Plan; it will be a modified tower designed to look like a tree, located on the northeastern portion of the lot near Patterson Street and away from existing homes and located along the existing tree line, seconded by Mr. Pinto. 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-18-12-003**     **2221-2231-YY Vanstory Street** (southeast of Vanstory Street and southwest of I-40) – A rezoning request from C-H (Commercial High) to CD-C-M (Conditional District – Commercial Medium) with the following zoning condition: 1. All uses permitted in the C-M zoning district except for Sexually Oriented Businesses. - For the properties located at 2221-2231-YY Vanstory Street, generally described as at the northeast corner of the intersection of Vanstory Street and Michelle Lane (10.64 acres). -Koury Corporation on behalf of themselves, Store Master Funding X, LLC, and the Vanstory Crossing Owners Association, Inc. **(CONTINUED TO JANUARY 2019 MEETING)**

**Z-18-12-004**     **518 North Spring Street** (east of Spring Street and northwest of Fisher Avenue) – A rezoning request from LI (Light Industrial) and C-M (Commercial Medium) to CB (Central Business). - For the property located at 518 North Spring Street, generally described as at the northeast corner of the intersection of Spring Street and Fisher Avenue (0.32 acres). -David Sloop for Marketplace Commercial Investments, 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.

David Sloop, 6012 Thistle Trace Greensboro, N.C., stated that he bought the property in September and it needs extensive renovation that is an eyesore in our downtown. He wants to be part of downtowns progress

and he has seen the need for a building that will house businesses that will cater to all these new households around it. The plan is to do a complete renovation and turn the building into four commercial rental units. He has visited, made phone calls, and sent emails to all the directly adjacent property owners. He showed several emails that were in favor of his request to the Commission. The extermination company north of the property and Seth Marshall with Lynbrook Developments and Ms. Graham Hall who owns the building on the corner. He also has verbal support from the man running the business at Windshield Glass Company, Scott Harkey. Mr. Sloop also sent out letters to people further out from the adjacent businesses and got no responses back. He noted that a good portion of this property is Mixed-Use CBD designation and Mixed-Use Residential. He quoted two paragraphs from page 4 of the Staff Report under Impact and Policy Analysis, it says "the proposed CB zoning would allow land uses that are compatible with the general character of the area", it also says "The Generalized Future Land Use map designates this location as Mixed-Use Residential and Mixed-Use CBD, the requested CB zoning district is generally consistent with a Mixed-Use Residential and a Mixed-Use CBD GFLUN designations". Mr. Sloop then noted that on page 8 of the Staff Report under Recommendation and Analysis it said, "This request of rezoning is connected to a property that is not designated Mixed-Use CBD in the Comprehensive Plan." So, he wondered which statement is accurate. He then added that according to communications with City staff the residential Mixed-Use designation is meant to protect and enhance the urban neighborhoods directly west on Cedar Street, however he felt there was a clear buffer created by the Planned Unit Development located directly west of the property and north of the property is a cemetery.

Mr. Sloop then also quoted from the Staff Analysis and Recommendation section of the staff report "This property is not directly connected to any shared public infrastructure such as public parking facilities or open spaces that both visually and physically connect the types of development found in downtown". Mr. Sloop responded that this property is one block north of the downtown Greenway and existing sidewalks give them direct access to public open spaces and multiple modes of transportation. This makes the site extremely walkable to the ball park and other downtown destinations. He also pointed out the property's proximity to the adjacent Greenway at Fisher Park Apartments zoned CB and is right across the intersection of Fisher and Battleground Avenue. He also mentioned that the property at 608 Battleground Avenue, just north of the apartments was just rezoned from C-M to CB. He believes these are similar cases so he does not agree with the Staff Report that said his request is "Inconsistent with the intent and purpose of the zoning code Comprehensive Plan and is generally incompatible with the existing development in the surrounding areas", the Light Industrial zoning is not the highest and best use of the property. Mr. Sloop continued that he would love to help turn a no man's land into something more appealing. According to the Connections 2025 written policies, under Land Use Goal 4.1 Growth Strategy, policy 4A says remove present impediments to infill and investment in urban areas, policy 4B says target capital investments to leverage private investment in urban areas, and policy 4D says identify potential opportunities and selectively; target, plan and promote development/reuse initiatives. He really wants to be a part of downtown's success. Mr. Engle asked how many parking spots would be provided for the new commercial uses. Mr. Sloop responded that there would be approximately 17 parking spots. To aid with the Commission's understanding Mr. Kirkman noted that the requirement under the current zoning is one parking space per every 300 square feet of building. If rezoned to CB zoning there would be no minimum parking requirement.

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.

**Board Discussion:**

Mike Kirkman stated that this site is designated as Mixed Use Residential on the Generalized Future Land Use Map. This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. He noted that the site is not designated Mixed Use Central Business District. The proposal does not support the Comprehensive Plan's Downtown goal to encourage reinvestment, preservation, diversification, and selective intensification of activity in Downtown Greensboro. This property was also not identified as being part of the central business district in the adopted Cedar Street/Bellemeade Area Strategic Plan. The CB zoning district in general allows a wide range of uses including office, retail, service, institutional, and high density residential developments in a pedestrian-oriented mixed-use setting (often, multiple uses may be in the same building) at the highest intensities in the city. Staff is recommending denial of this request.

Chair Lester asked about the Staff Report not being consistent with its recommendation. Mr. Kirkman said that the wording on page four should have stated that the request was not compatible and is not consistent with the downtown pattern, given where it is located, its access to infrastructure that is typically associated with downtown and not being adjacent to the existing Central Business zoning. Ms. Mazzurco asked then if the inconsistencies in the report were just an error on the part of staff and Mr. Kirkman stated that was correct.

Ms. Mazzurco stated she was looking for the Planning Department comments on page 7. Chair Lester stated that Ms. Mazzurco was asking for the Planning Boards recommendation versus the Planning Department. Mr. Kirkman stated that the Planning Board did not have a role in this request because it was less than an acre in size. He added that the Planning Board's role is to provide comments when there is an amendment to the Comprehensive Plan and they do not have a role in the rezoning process otherwise. Ms. Mazzurco asked if Mr. Kirkman would agree that some cases go through Planning Boards review. Mr. Kirkman responded that this zoning request is less than an acre in size and by Council adopted policy it is not required to do a Comprehensive Plan amendment. Absent that amendment there is no reason for the Planning Board to be involved. Mr. Engle stated that he visited this site two or three times and walked around. He thinks that because the Greenway is nearby whatever will be there will benefit. He can't see denying this request.

Mr. Engle moved that in regard to Z-18-12-004, 518 North Spring Street, 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 Economic Development goal to promote a healthy and diverse economy. The request is also consistent with the Reinvestment/Infill goal to promote sound investment for Greensboro's urban areas. The request is also consistent with the Comprehensive Plan's Downtown goal to promote reinvestment, preservation and diversification of activity in Downtown Greensboro, seconded by Ms. Mazzurco. The Commission voted 9-0 in favor of the motion. (Ayes: Lester, Mazzurco, Marshall, Holston, Blackstock, Pinto, Alford, Dansby-Byrd and Engle. Nays: None.)

**Items from Planning Department:**

**Items from the Zoning Commission Members:**

**Acknowledgment of Absences:**

**ADJOURNMENT:**

There being no further business before the Commission, the meeting adjourned at 7:06 p.m.

Respectfully submitted,

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