

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
JANUARY 22, 2020**

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The regular meeting of the Greensboro Zoning Commission was held on January 22, 2020, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Vernal Alford, Zac Engle, and James Rosa. Present for City staff included Luke Carter and Mike Kirkman, (Planning), Noland Tipton (GDOT), and Terri Jones, of the City Attorney's Office.

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

**APPROVAL OF THE DECEMBER 16, 2019 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the December 16, 2019 minutes, seconded by Mr. Holston. The Commission voted 6-0. (Chair Marshall, Holston, O'Connor, Alford, Engle, and Rosa. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised there were no withdrawals or continuances.

**OLD BUSINESS:**

**Z-19-12-006: A rezoning request from R-3 (Residential Single Family-3) to CD-C-L (Conditional District-Commercial-Low) for the properties located at 4100, 4108, and 4110 Lawndale Drive and 4201 Jeanette Road, generally described as east of Lawndale Drive and west of Lake Jeanette Road (2.32 acres). (DENIED)**

Mr. Rosa disclosed that the applicant made a donation to the non-profit he is associated with but stated he was able to make an impartial decision on this case.

Mr. Carter provided the zoning map for Z-19-12-006 and other summary information for the subject property and surrounding properties. Mr. Carter advised of the conditions attached with this request.

Chair Marshall inquired of questions for staff. Mr. Alford advised in the narrative it stated R-5 to CD-C-L and in the map it states R-3 and asked if R-5 was correct. Mr. Carter responded the existing zoning is R-3 in all instances.

Chair Marshall requested the applicant to come forward and state his name and address for the record.

Marsh Prause, 516 Woodlawn Avenue, representing Kotis Properties. Mr. Prause stated Kotis Properties, Inc does not directly own any of these four parcels currently. Three of the properties are owned by Loretta Brown and the other property is owned by WAW Properties, LLC, an affiliate of Kotis Properties. Loretta Brown is not affiliated with Kotis Properties. Kotis Properties did receive permission to pursue the rezoning as there is a contract on all four of the properties. Mr. Prause requested the Board to make an amendment to the application by adding a further condition. They had not included

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convenience stores with fuel pumps among the prohibited uses and their intention was always to exclude convenience stores with fuel pumps from the uses that would be allowed in Commercial Low.

Mr. Engle moved to allow the amendment to exclude convenience stores with fuel pumps to the application, seconded by Mr. Holston. The Commission voted 6-0. (Chair Marshall, Holston, O'Connor, Alford, Engle, and Rosa. Nays: 0). Chair Marshall stated the amendment to the zoning conditions was approved.

Mr. Prause stated three factors for the Commission to focus on to support their position on rezoning the site and showed images illustrating the configuration of the property between two thoroughfares and the size of the streets at that location. Mr. Prause stated the applicants' position is that this property is not functionally part of the neighborhood as it is cut off by the two thoroughfares and the condition of the property. The property has also been passed over for residential redevelopment, which is another indicator people do not want to live in a location where there is a thoroughfare front and back. Mr. Prause indicated corridors on the Greensboro zoning map depicting changes with the opening of the urban loop and the intersection of Lawndale and Pisgah Church Road. Mr. Prause stated the nature of the corridor is unique with the new interchange and the location of Lawndale and Pisgah Road intersections with park land and natural resource areas. He noted that the park land is the largest contiguous piece of property in the City of Greensboro with an abundance of parks, trees, and open spaces and referenced the Natural Science Center as the second most visited site within this area. Mr. Prause stated the proposed site is a prime redevelopment site, not suited for residential development and there is an abundance of existing open space and park land nearby. The corridor has evolved substantially and referenced the living spaces, shopping, professional offices and the Science Center.

Mr. Prause further stated this rezoning is warranted as it would be in the spirit of the incoming Comprehensive Plan and would provide a walkable neighborhood scale amenity. The Planning Board reviewed the rezoning and commented that a limited amount of carefully designed, low intensity commercial development on this site could avoid impacting neighborhood properties. There appears to be almost no Commercial Low zoning on Lawndale Drive, with the zoning map indicating properties zoned Commercial Medium or Office instead. Kotis Properties is willing to use Commercial Low zoning to help ensure this will be a neighborhood scale development. Mr. Prause referenced the ordinance defining the district as being intended primarily to accommodate low intensity, shopping, and services close to residential areas and to provide locations for businesses which serve nearby neighborhoods. Mr. Prause referenced the ordinance statement of "the district is typically near the intersection of collectors or thoroughfares in areas otherwise developed with residences." From the applicants' perspective this would be a perfect match for Commercial Low zoning. Mr. Prause deferred to Mr. Nimmer to speak regarding other factors.

Jeff Nimmer, 4601 Six Forks Road, Raleigh, NC, spoke to the process in coming before the Commission over a year ago. Mr. Nimmer discussed the history of the property, previous zoning attempts and changes to the immediate area such as the Science Center, connection with I-840, and higher density residential development nearby. The applicant initially considered CD-C-M and although initial meetings were favorable, it was clear it would depend on conditions put on the property. Mr.

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Nimmer stated they met with the Neighborhood Association in July of 2019 where there was discussion regarding the C-M zoning. A number of concerns expressed were not allowing drive throughs, gas stations, height of buildings, direction of lighting, and a general concern for intersection traffic. As a result of that meeting, discussions were held with the applicant and a decision was made to alter the zoning designation to a district that addressed many of those concerns and that is why they are requesting the Commercial-Low zoning.

Mr. Engle advised C-L does not restrict banks or dry cleaners with drive throughs and asked is there was a reason why all drive throughs were not conditioned out. Mr. Nimmer responded it was just a question of restricting out the highest intensity and drive throughs that generated the most traffic. Mr. Engle stated his concerns were with nothing conditioned out for the non-walkable businesses. The idea of a drive-through in the neighborhood would be challenging for him.

Mr. Nimmer stated after the decision was made to pursue C-L zoning, they attempted to discuss the changes. The neighborhood indicated they were not interested in additional conversations. Letters were sent to all property owners within 600 feet of the property and they received two responses, one in opposition and one neutral to the idea. Mr. Nimmer stated a new traffic study was implemented for C-L by Davenport Engineering. With the recommended improvements, the proposed site was not expected to have a detrimental effect on transportation capacity, mobility, and should not cause any additional traffic issues.

Chair Marshall inquired if there were any further questions for the applicant.

Mr. Engle stated if there were to be something that happened in the future where there was a change in the terrain, there were three uses that stood out. One was a shooting range, a sexually oriented business, a pawn shop, and a truck stop. Mr. Kirkman responded sexually oriented businesses are definitely not allowed in the C-L designation but only allowed Commercial Medium zoning. Truck stops and shooting ranges are also not allowed in the C-L district. Mr. Engle stated C-L was formerly LB district, which included indoor recreation uses. Mr. Kirkman stated that Indoor Recreation is where shooting ranges are associated, but that use is not allowed to with Commercial Low zoning.

Mr. Holston stated generally the zoning runs with the property and not necessarily with what the owner would want to present. Mr. Holston asked when was the last meeting with the community. Mr. Nimmer responded only in July. They had reached out again but the neighborhood did not want any discussion. Mr. Holston stated for illustrative purposes, they would like to know what they plan to do with the property and asked if the community had any idea of what will be done. Mr. Nimmer responded in general, C-L is pretty restrictive and would be restricting out a lot of things. What they should expect to see would be professional offices, some retail use, restaurants without a drive through. Primarily over time, they could expect to see professional offices, medical uses and things of that sort.

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Mr. Engle asked if that was the case, why didn't they request an office zoning. Mr. Nimmer responded he did not think retail was allowed in Office zoning. They are looking for something that offers a mix of uses such as medical, office, and retail without a drive through.

Mr. Kirkman, responding to an earlier question, advised pawn shops were not allowed in the C-L district.

Chair Marshall inquired if there were any other questions. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition to the application. Chair Marshall requested their name and address be stated for the record.

Aaron Terranova, 106 Tatum Place, President of the Lawndale-Lake Jeanette Neighborhood Association, represented the Neighborhood Association and requested the residents to stand and indicate their presence. Mr. Terranova stated they were not against development and agreed the area is overrun and there are lots that should be developed, but they were rejecting the zoning on two points. First point was what was the best use of the land and the second point was the maps in the Comprehensive Plan. Mr. Terranova stated the application is not consistent with the Comprehensive Plan and the Planning Board has said it is not consistent with R-3. The neighborhood is disappointed that the applicant asked for an amendment to change that so this zoning would fit with the Comprehensive Plan. Mr. Terranova stated the neighborhood does not know about rezoning and the change was never mentioned in any of the correspondence of the request to change GFLUM to satisfy this rezoning. The applicant does not know what they want to put there and only want to rezone it and that was extremely worrisome for their neighborhood.

The second concern addressed if there was a new owner, it would be easy to rezone to from Commercial-Low to Commercial-Medium or higher and that was very worrisome for the neighborhood. Mr. Terranova indicated a photograph depicting the land and referred to a two mile radius where there are restaurants, bars, coffee shops, gas stations, major grocery stores, medical clinics, banks, pharmacy drugstores, health fitness centers, pet stores, variety of specialty shops, Science Center, National park, neighborhood parks, public library, fire houses, ambulances, Walmart, Home Depot, Lowes and major shopping centers. Mr. Terranova asked within that two mile radius what are they not getting that would warrant a rezoning that does not fit the character of the neighborhood. The neighborhood has their amenities and their needs are met within 5 minutes and 2 miles. The request is not consistent with the Comprehensive Plan and not consistent with their neighborhood and he asked the Commission to take both points into consideration when looking at how this application fits into their neighborhood.

Mr. Engle noted that if this site was half an acre, it would not require a GFLUM amendment but because this site is close to 3 or more acres, would require a GFLUM and is part of the normal process. Due to the setbacks, this property will be very difficult to develop. Mr. Engle asked in the conversations with the neighbors, what would the neighborhood be comfortable with on this piece of property. Mr. Terranova stated they should look at Devonshire, a multi-family project currently being built which was previously R-3 zoning. The developer came to the neighborhood and stated his wish to build multi-family. He worked with the neighborhood and those homes fit the character of their neighborhood. They do not know what would fit into this spot and neither does the developer. The fact of not knowing what

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can fit there is not a viable reason to rezone and see what happens. Once it goes commercial, it will stay as commercial. Mr. Terranova stated he could not fully answer that question but no one else can either.

Kim Logue, 103 Country Clark Road, stated she was vehemently opposed to the planned commercial development of the tract of land in question located at Lawndale and Lake Jeanette. The applicants not knowing what will be built is not in the best interest of the city, county, and especially the homeowners. The property in question rests squarely among single family homes. The placement and design of the property is ill equipped to handle anything other than to remain undeveloped or to have a single family home, which already exists there, on the property. There is nothing the neighborhood needs to be built on the property that the neighborhood does not already have within a 1.5 mile radius. The concept of building and seeing if they can rent it out or they will come is not conducive to good planning. Ms. Logue stated she is not against change or development but it should be well planned, well thought, and for the good of the majority. There is a county wide push to bring business to the economic zones which Greensboro is encouraging growth and businesses and questioned why not place businesses in economic zones that are vacant. Ms. Logue expressed her concern of what will fit within the small, misshaped piece of land and impact to the roadway would need to be redesigned and changed. The existing utilities would need to be moved and at whose cost and inconvenience. Placing a business on the properties in question will adversely impact the homeowners and property values will decrease. As the property values decrease, the tax revenue based on the current property value will decrease. No one wants the value of their property to decrease. Ms. Logue stated the additional condition in listening, a convenience store with gas pumps was ruled out but did not rule out any type of convenience store. A 7-Eleven could be placed there.

Mr. Engle advised some of the things that some things, such as utilities and those types of things, the Commission has no say over. There is a process to go through whether it is a single-family home, multi-family home, or a commercial building called TRC. TRC will determine what can go where and whether it is permissible within that density. He also noted the Commission cannot impose restrictions. The conditions were offered by the applicant and the Commission cannot say you have to add convenience stores to that. When the Commission makes a decision, it will be made based upon what is presented and it was the applicant's job to present restrictions, the Commission cannot impose them.

Ms. Logue advised when maps were depicted, counsel for the applicant gave the impression that the property in question would be very close to a variety of things, including the new highway. The new thoroughfare is at least a couple of miles away and not right there. It is every citizen's constitutional right to have the pursuit of happiness and if the entity of government and developers take away any hope of that and they can't reside quietly in their homes, then there is a bigger problem.

Barbara Hayes, 106 Beckham Drive, stated she was against the rezoning regarding property value. Not knowing what the developer will place on the property was unsettling. The bypass has added a lot of traffic on Lawndale and commercial on the corner will add more traffic. Devonshire is a private property

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and the streets are privately owned. Ms. Hayes expressed concern regarding cars coming through and not paying attention to pedestrians.

Frank Hall, 202 Howe Place, reiterated the neighborhood is not clamoring for walkable amenities. Lawndale has been the place for businesses. Half of the property is Lake Jeanette where there are no businesses. In reading what the Planning Board wrote “difficult to envision how new residential development could be viable here considering the high traffic volumes and the awkward configuration with the intersection.” Mr. Hall was curious on how putting four houses on that space is more difficult than putting a medical office and a convenience store without gas pumps and an office building in that spot. There would be more traffic with those and the Planning Board has said a couple of houses in there makes the traffic unbearable and did not understand.

Mr. Engle referred back to the TRC process and what is allowed to be built and how to build with the property being the awkward shape at its widest point, R-3 allows to build 3 houses per acre and 3 acres should be 9 houses. It could not be done there and was not sure from an investment standpoint if tearing everything down would be a viable return on investment. The Zoning Commission is talking about what can the land be used for and was listening with an open mind as there are pros and cons.

Mr. Hall referred to an article in News and Record regarding traffic and asked how would the development of 3 or 4 businesses not have the same issue of traffic. Mr. Engle created a scenario for reference to explain the difference between commercial use or residential use. Mr. Hall responded he read it as the difficulties in the traffic patterns would decrease if there was a two story medical office and convenient store and it doesn't make sense to him. Mr. Engle stated the way he read it is it would not be attractive for someone to build a home on.

Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

Mr. Marsh Prause, 516 Woodlawn Avenue, stated the neighbors knew they were going to apply for new zoning and would have been glad to discuss it with the neighborhood if they had been willing to meet with them. They asked to meet more after the July meeting and were told no and the application was filed in November. Most of the neighbors agreed this is not good for housing and the best option would be Commercial-Low. If it is not allowed at this location, where would it be allowed in the city of Greensboro. Mr. Prause understands the deeply held concerns of the neighborhood but they don't speak for everyone. Mr. Prause felt strongly there were people wanting a walkable alternative and in particular for those in denser neighborhoods. Small one single family homes, are not the current product being brought to the market in this area. Mr. Prause asked for sincere consideration voting in favor of the amendment proposed.

Ms. O'Connor asked if there was any effort to speak with individual neighbors. Mr. Prause stated letters were mailed to every neighbor within 600 feet, one person called and one person emailed him. They

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have worked through the Neighborhood Association, Mr. Terranova, who was emailed repeatedly, particularly after changing the request from Commercial-Medium to Commercial-Low. They felt there was something to talk about but the Association did not want to talk.

Chair Marshall inquired if the opposition would like five additional minutes.

Robin Stiles, 5 Indigo Lake Terrace, stated her concern regarding building on Lawndale and particularly the intersection which is extremely difficult to maneuver as the streets are not wide enough. There are no sidewalks and people would be walking in the street to reach any of the buildings. There is a half million visitors to the Science Building and this would only increase the traffic. The 840 Loop opened in December and has not been open long enough to know what that traffic will look like and did feel any changes should be made at this point in time. Ms. Stiles stated this site is a park district and would not need another commercial development right there. The park district needs to be protected, noting the placement of the Food Lion years ago started the change in Lawndale. Ms. Stiles stated this could be the beginning of a domino effect. It is bigger than this one neighborhood and is about what the citizens want their city to be.

Aaron Terranova, 106 Tatum Place, stated there are over 300 signatures on the petition. Mr. Terranova stated the applicant did reach out to them. The meeting was had, the Association listened and asked questions, some were answered and some were not. The Association said they did not want it. Mr. Terranova disagreed with the assessment that the applicant made multiple attempts to reach out. The neighborhood did, they listened, they said no.

Barbara Hayes, 106 Beckham Drive, stated a letter was received from the attorney stating they didn't know what they were doing and just wanted a rezoning, if there are questions to call. When someone says they don't know what they're doing, why would anyone call to ask what they're doing. Ms. Hayes stated there must be more than one piece of property that Kotis owns that is not being used as he had many properties and can build there.

Kim Logue, 103 Country Park Road, stated the question keeps being asked what will be built on this property and asked does it have to be anything, as sometimes nothing has to be built. If the property owners intend on selling it, to contact her, she would write a check, and nothing would be built.

Chair Marshall stated the public portion of the hearing was closed and requested to hear staff's recommendation.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map designates this site as Low Residential. The applicant has requested a Generalized Future Land Use Map (GFLUM) Amendment (CP-19-08) to Commercial in association with the rezoning request. The Commercial designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and big box retail. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to

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promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. The CD-C-L allows limited commercial, office, and service uses at the intersection of two significant roadways, while including provisions to limit impacts on existing residential areas. Staff recommended approval of the request.

Chair Marshall asked if there were any questions for staff. Seeing none, Chair Marshall asked for discussion among the Commission.

Ms. O'Connell asked if they have heard specifically from anyone west of the property across Lawndale. It appeared to her that zoning would come into question at some point. Mr. Kirkman responded staff had not received comments in regard to that.

Mr. Engle stated he has empathy for both sides. The impact of traffic should be specifically considered outside of what is in the traffic study. This request appears to be close enough to spot zoning and without the right conditions he would not be able to support it. Mr. Engle listed the conditions that were stated and is most concerned with the possibility of drive throughs being allowed on the property and stated this will probably be before City Council. Based on the information he had, would not support it.

Mr. Holston stated the conditions, the impact to the entire community, being in the middle of R-3 left him not to be able to support the request.

Mr. Alford stated all he saw was R-3 residence and would not be able to support the request.

Ms. O'Connor stated she could see on the Lawndale corridor the possibility for some commercial but the fact that this site also fronts Lake Jeanette is a different matter and agreed with the other statements.

Mr. Engle stated in regards to agenda item Z-19-12-006, the Greensboro Zoning Commission believes that its action to deny the zoning amendment for the properties located at 4100, 4108, and 4110 Lawndale Drive and 4201 Lake Jeanette Road from R-3 (Residential-Single-family-3) to CD-C-L (Conditional District-Commercial-Low) 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 Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. If approved, the requested CD-C-L would allow limited commercial, office, and service uses at the intersection of two significant roadways. However, the rezoning, as proposed would not limit negative impacts on existing residential uses.



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Motion by Mr. Engle, seconded by Mr. Holston. The Commission voted 6-0 to deny the request. (Ayes: Chair Marshall, Holston, Engle, Alford, Rosa, and O'Connor. Nays: 0). Chair Marshall stated this denial constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All appeals will be subject to a public hearing at the February 18, 2020 City Council meeting. All adjoining property owners will be notified of such appeal.

**NEW BUSINESS:**

**Z-20-01-001: A Special Use Permit to allow a facility for the storage of Chemicals, Petroleum, Hazardous Materials and Related Products in Heavy Industrial (HI) zoning for the property located at 2 HCI Boulevard (2-3 Segal Boulevard), generally described as northeast of Edwardia Drive and north of Bartlett Street (15.405 acres). (Approved)**

Mr. Holston disclosed he met with staff during the pre-agenda meeting and discussed the logistics of the case. His discussion with staff did not result in a predetermined decision as to the desired outcome of this case. Mr. Holston stated any other zoning commissioner who had any ex parte communications regarding the case should also disclose those at this time.

Mr. Carter stated this case is a Special Use Permit and the only thing the Board can consider with this case are findings of fact. Any statements or claims made would need to be supported by evidence presented at the hearing. Mr. Carter provided the zoning map for Z-20-01-001 and other summary information for the subject property and surrounding properties and advised there are no proposed conditions.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Marsh Prause, 516 Woodlawn Avenue, stated he was counsel to the applicant for the Special Use Permit and stated there are four gentlemen present to testify as needed. The primary witness would be Dale Henshaw, Operations Engineers Manager for the applicant. Other speakers were Mike Rourke, Mr. Best, and Eric Babcock, an outside engineer with Carolina Specialty Engineering.

Michael Rourke, stated they had applied for the Special Use Permit for their location on 2 HCI Boulevard to potentially grow this business to service the neighbors and businesses in the Greensboro area. Brenntag Global purchased Holland Chemical International in 2000 and significant upgrades were made to this property regarding safety with full protection, grounding and bonding, along with updating the processes and procedures to protect the employees and the environment. Brenntag is a safety first organization and empowers their employees to stop any process that would be deemed potentially unsafe.

Mr. Rourke stated an open house was scheduled on January 21, 2020 and over 170 invitations were sent to business partners and neighbors to provide an opportunity for everyone to visit the location and review what Brenntag South is about. Mr. Rourke advised of businesses within the area that they

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supported with chemicals, including the City of Greensboro. With the approval of the Special Use Permit, they would be hiring more people to assist with the future growth of their business. All of the paperwork has been completed for the Special Use Permit and has been submitted and filed with the City of Greensboro. Upgrades have been made to the fencing of 8 feet around the property and no residents are present within 500 feet. An additional LED line was added in the warehouses and yard supplying adequate lighting for the additional security cameras that are in place. Safety is the number one priority.

Dale Henshaw, Operations Engineering Manager, 2 HCI Boulevard, addressed other review factors on the application. Traffic would remain the same basically. All of their traffic is in the form of tractor trailers. There is adequate space for parking and loading, employees, customers, vendors, and tractor trailers used in the daily business. The service entrance areas will remain the same and 2 HCI Boulevard serves as their access road and is adequate for tractor trailers, fire trucks, any large commercial vehicle. They are partnered with Duke Energy, with the internal maintenance team to maintain the lighting for an adequate work space. The signage will not be changed. The utilities are more than adequate for their needs. They do have adequate space and the chemicals are contained in their proper containers at all times. Everything has been permitted. Environmental and adequate protective equipment and standards are very important.

Mr. Holston stated the assumption is currently the facility does not have the storage capability on the site. Mr. Kirkman responded this was a case where the existing operation has been there for some time. The Land Development Ordinance when it was adopted in 2010, added the additional requirement for Special Use Permits. In order to do expansions, make adjustments and other things like that it is now required. The applicant has been doing chemical distribution and storage activities on site but are looking to expand those operations.

Mr. Henshaw stated it has been 40 plus years doing this type of activity on the site. The Special Use Permit became a requirement but they were grandfathered in. They learned of the need for the Special Use Permit when the site was being considered for a new project and they came to zoning to ask what type of things were needed in preparation for a future expansion and the first step was addressing the grandfather clause.

Mr. Holston asked the applicant to state what things were done in the past to help with the safety issues. Mr. Henshaw responded some examples would be storing the containers in the ways designed for that purpose and provided types of chemicals that would require a secondary containment.

Mr. Holston inquired of fencing around the property. Mr. Henshaw responded the fencing is around the entire perimeter of the property at 8 feet high to satisfy the Special Use Permit requirement. The land survey demonstrates the 50 foot setback is in compliance for all storage tanks. There were other small requirements that fell under things already addressed.

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Mr. Holston inquired of the impact to the neighborhood around the property. Mr. Henshaw stated there are many heavy industrial users and they blend in well. Traffic is not high due to the nature of their business. There was a meeting. One of the neighbors was present and the others expressed there were no issues. There were some questions regarding the future for the business and what it would look like from their property. They want to upgrade their facility and handle the same chemicals used currently but in different volumes long term facilities.

Mr. Holston inquired if the property is sited with a like area. Mr. Kirkman responded it is Heavy-Industrial. Mr. Henshaw stated there is one light-industrial neighbor on the east parcel.

Ms. O'Connor asked how much is the volume being increased to. Mr. Henshaw responded it is hard to address long term. Currently products are brought in via tanker trucks. Long term, the goal is rail cars which they believe would positively impact from a traffic position and a safety position. Mr. Henshaw stated he was not sure if the volume would increase, but transportation will change.

Chair Marshall inquired if there were any further questions.

Mr. Alford inquired if the facility is for storage and distribution only, no mixing or manufacturing. Mr. Henshaw responded it is strictly distribution and storage. They do not mix but they cut. It is taken from a high concentration to a lower concentration precision to the customer needs. There is a natural fence around the majority of the property and with the buildings and neighbors there, it is almost a natural screening. Mr. Henshaw addressed noise and odor concerns which are relatively low and will not increase. Six calls were received regarding how the future uses would affect properties both in value or view from their property and have been addressed.

James Bess, stated staff and Hazmat, Fire Department and Police personnel have done training on the site and are very familiar with the operations, products and chemicals handled.

Chair Marshall inquired if there were any other speakers for the applicant.

Howard Comstock, 505 Edwardia, owns the property adjacent to this site and has been a neighbor for 13 years. Mr. Comstock attended the open house and learned of the operations. There are 20,000 gallon upright storage tanks on the property in the back. Chemicals are currently brought in via tanker trucks and he did not object to shifting to rail cars. Mr. Comstock stated they have been a good neighbor. After touring the site, he did not see a big shift in operation and was very impressed with their operation.

Chair Marshall inquired if anyone was wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition. Seeing none, advised Mr. Prause to speak.

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Marsh Prause, 516 Woodlawn Avenue, requested the Commission find that the use is not detrimental to health or safety of any persons residing or working in the area. Mr. Prause stated the evidence heard adequately establishes there are no health or safety threats. It is clear from the testimony that the proposed use will contribute to the general well-being of the community and conforms with the Comprehensive Plan. The site is zoned Heavy Industrial and is in conformity with commercial use. The neighbor found it to be harmonious. There has been no evidence to suggest any compatibility issues with neighboring uses. Mr. Prause stated Brenntag South is requesting approval of the Special Use Permit.

Chair Marshalls inquired of any questions. Hearing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map designates this site as Commercial. This designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and big box retail. To obtain approval for a Special Use Permit, this request must conform to the intent and purpose of the Zoning Ordinance and the Comprehensive Plan in that the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood and larger community. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan. Staff recommended approval of the Special Use Permit.

Chair Marshall stated the burden has been met as this is an existing use and matches currently what is being done on the property. Safety is in place and has been improved. There is a need for this type of service in the area and is a Heavy Industrial area and did not see any detriment to the neighborhood.

Mr. Engle stated in regard to agenda item Z-20-01-001, moved that the ordinance granting a Special Use Permit to allow all uses permitted in the HI zoning district including a facility for the storage of Chemicals, Petroleum, Hazardous Materials and Related Products be approved based on the following findings of fact (Section 30-4-10.5): (1) That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. There are no residences within 500 feet. The applicant has installed additional security cameras, has been required to put up an 8 foot tall fence, and has added additional lighting. They also provided a 50 foot setback for the storage tanks. The facility has primary and secondary containment plans for the chemicals. The tanks are specifically designed for chemical storage. The company will follow the rules for storage and for safety purposes. They have demonstrated this by working with local authorities, including the Fire Department, on containment of these chemicals and any sort of issue that might arise from that. (2) That the proposed use at this particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community and the applicant has demonstrated that they will generate very little additional traffic as the chemicals are brought in by tractor

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trailer. They have plans to do this by rail in the future. The facility has screening, including fencing and trees. In addition, the facility is located in an area that is zoned Heavy Industrial. (3) That the location and character of the proposed use will be in harmony with the area in which it is to be located and are in general conformity with the Comprehensive Plan. The applicant's customers are located in the area, including Sherwin Williams, Kay Chemicals, and the City of Greensboro. The facility is located in an area that is zoned by Heavy Industrial. The facility is served by adequate utilities. The applicant indicated that they will generate no additional noise or odor. The use is in conformity with the Comprehensive Plan in that the Commercial Land Class permits Heavy Industrial uses. The applicant reached out to the community to make sure that people are aware of the use and the methods in which they are conducting the use in conformity with the Special Use Permit standards.

Motion to approve by Mr. Engle, seconded by Mr. Holston. The Commission voted 6-0. (Ayes: Chair Marshall, Holston, Alford, Engle, Rosa, and O'Connor. Nays: 0). Chair Marshall stated all Special Use Permit decisions are considered final action unless the written decision signed by the Chair is appealed within 30 days to the Guilford County Superior Court. All adjoining property owners will be notified of any such appeal.

**Z-20-01-002: An original zoning request from County RS-40 (Single Family Residential) to City R-3 (Single-family Residential-3) and a rezoning request from City CD-RM-5 (Conditional District - Residential Multi-family – 5) to City R-3 (Single-family Residential-3), for the properties located at 2117 and 2119 Sprucewood Drive, generally described as west of Sprucewood Drive and south of Scotland Road (0.6 acres original zoning and 0.55 acres rezoning).**

**(Recommended Approval)**

Mr. Carter stated these are two properties and both have a portion in the County and a portion in the City and the Commission was being asked to consider the original zoning on the portion that is currently in the county and the rezoning on the portion that is currently in the City. The applicant was requesting the same zoning district for both properties. Mr. Carter provided the zoning map for Z-20-01-002 and other summary information for the subject property and surrounding properties. Mr. Carter advised there were no conditions.

Chair Marshall asked if there could be a final action by the Commission because part was original and part rezoning. Mr. Kirkman stated that because the two are linked together, the Commission will only be doing a recommendation and this request will automatically go to City Council for final action.

Chair Marshall requested the applicants to come forward and state their name and address.

Aden Stolfuz, 1009 Lucerne Drive, Kernersville, Civil Engineer, present on behalf of Sedgfield Investment Partners stated that Jamie Wilcox, the owner could not make the meeting. Mr. Stolfuz stated the subject properties were originally linked to the Villas at Sedgfield, off of Gate City Boulevard. The prior developer had plans to connect Sprucewood Drive and that was the reason it was rezoned together. In a subsequent TRC plan the configuration was changed and no access was provided to Sprucewood Drive. The current developer was left with the lot on Sprucewood Drive when

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he bought the subdivision and is trying to make it useable on one lot. The closest equivalent zoning to RS-40 is R-3 and that is the reason they were before the Commission.

Chair Marshall inquired if there were any questions for the applicant. Hearing none, Chair Marshall inquired if there was anyone opposed to the applicant's request. Seeing none, the public portion of the hearing was closed and staff presented its recommendation.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Low Residential. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that be accommodated within the density range of 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, and provides for efficient provision of public services and facilities as the City expands. The proposed R-3 zoning request is consistent with the surrounding patterns of development. Staff recommended approval of the request.

Ms. O'Connor inquired on one of the drawings it appeared the property being discussed appears as if it straddling two lots and asked if this was deeded as a separate lot. Mr. Carter responded there are two separate lots with jurisdiction in both county and in the city. Only two lots are being considered but associated with the two lots are both an original zoning and a rezoning. There is a lot line down the center for the separate properties.

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

Mr. Engle stated in regard to agenda item Z-20-01-002, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located at 2117 and 2119 Sprucewood Drive from County RS-30 (Single-family-Residential) to City R-3 (Single-family-Residential-3) and from City CD-RM-5 (Conditional District-Residential Multi-family-5) to City R-3 (Single-family Residential-3) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use, and provides for efficient provision of public services and facilities as the City expands. The request is also consistent with the surrounding pattern of residential development.

Motion to recommend approval by Mr. Engle, seconded by Mr. Holston. The Commission voted 6-0. (Ayes: Chair Marshall, Holston, Alford, Engle, Rosa, and O'Connor. Nays: 0). Chair Marshall stated this

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constitutes a favorable recommendation and is subject to a public hearing at the February 18, 2020 City Council meeting.

**Z-20-01-003: An original rezoning request from County RS-30 (Residential Single-family) to City R-5 (Residential Single-Family-5) for the property of 389 Fairystone Drive, generally described as west of Fairystone Drive and south of Bethany Trace (18.69 acres). (Recommended Approval)**

Mr. Carter provided the zoning map for Z-20-01-003 and other summary information for the subject property and surrounding properties and advised there are no proposed conditions.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Demetrios D. Dascalakis, 28 Kemp Road, East, stated this property adjoins the City of Greensboro corporate limits and is zoned County RS-30 for detached single-family homes. The long range future land use plan designated this property to become industrial. Currently adjacent property uses are industrial, multi-family, and single-family. They are requesting a zoning classification of R-5 allowing only detached single-family structures built to the City's standard to include curbs, gutters, street standards, water and sewer, lighting, sidewalks, etc. County standards are much less stringent. He noted that currently real estate agents have to disclose the future land use plan for industrial zoning if the land remains undeveloped and annexed and that would keep property values depressed. R-5 zoning would ensure those purchasing an existing home in the Bethany Woods subdivision would be protected from whomever developed the property in the future. An R-5 zoning would increase property values and significant property taxes would be generated by the development of single-family homes with the revenue benefiting all of the citizens of Greensboro. If the property is rezoned and not developed, the property would be reappraised and begin paying City of Greensboro taxes instead of only paying county taxes.

Mr. Dascalakis stated they requested a multi-family rezoning and received a favorable vote of 7-2 from the zoning Commission previously. City Council decided to delay the decision of a multi-family rezoning from the Zoning Commission. Residents of the Bethany Woods Neighborhood expressed their opposition to the multi-family zoning. The concerns were heard and resulted in him not pursuing multi-family zoning. The R-5 zoning is equitable to what is there currently. Mr. Dascalakis stated presently the property can be accessed via Bethany Trace and Humble Road. Bethany Trace road traffic would be able to exit Vandalia Road and Mount Olive Road exiting to Riverdale Road. The neighborhood does not want access due to traffic concerns. The extension of any one of these roads will occur regardless of any decision as these two roads are the only access to the property. They listened to the neighborhood and proposed only to extend Bethany Trace as it would limit traffic to the lowest amount possible. Mr. Dascalakis stated every effort has been made to appease the Bethany Trace neighborhood. They have received vitriol, mistrust and threats from the neighborhood which was unfortunate and not acceptable. Many have stated they wanted this property to remain undeveloped

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forever. The property will be developed either to City or County standards. Mr. Dascalakis stated it may be decided to donate the property to a non-profit if they cannot obtain a reasonable rezoning who may develop it for housing. The city needs housing. As the only land available in the city becomes Infill, the Commission will be continuously challenged to approve zoning changes. Their goal is to sell the property to a residential developer and believe this to be a reasonable, benign request to create a development benefitting the citizens of Greensboro, increase property values, protect the Bethany Trace neighborhood from unforeseen future development and provide much needed housing.

Mr. Engle noted there are no conditions associated with the request and is a challenge. Mr. Engle asked if there was something that would prevent them or a future developer from accessing through Humble Road.

Mr. Dascalakis responded no, but it would be very expensive to access through Humble Road and economically did not make sense. There is a creek on Humble Road which could make it not accessible. The easiest access is Bethany Trace Road and any reasonable developer making a business decision would not access Humble Road. Mr. Dascalakis stated he could only see Humble Road being used as an entrance if the property went Industrial, which is what the Future Land Use Map has. There would be easy access to 85. For residential development, it would not make sense. Mr. Dascalakis stated in terms of what can go there, the standards in the R-5 zoning are very strict and would be close to what is allowed now and next to it.

Mr. Holston asked if the applicant was saying the ingress/egress through Humble Road did not make sense. Mr. Dascalakis responded he did not condition it because they do not know. He did not want to and did not want to be forced to have a condition. If the property is not rezoned, eventually when it is annexed it will become Industrial and make the land more valuable to access the highway. As a residential development it would not and did not want to handcuff the property with that restriction.

Mr. Holston asked if with this request from County RS-30 to City R-5, did he speak with the Association. Mr. Dascalakis responded they did with the other rezoning request. Mr. Holston inquired how did that go. Mr. Dascalakis responded terrible. Representatives talk to them and the take away was the Association did not want anything there. A buyer wanted apartments there, some duplex and triplex units. The association vehemently opposed and he backed out. Mr. Dascalakis stated he has addressed almost everything he could address with regards to the neighborhood. He cannot change how the property is entered. There are two ways to go in, easy or difficult. The property will be developed. It will be either city standards or county standards. If the city benefits from taxes or not. Mr. Dascalakis reiterated the benefits of city standards. The homes placed there will be more valuable and increase the property values. If left as is, it will not and may depress the value as everyone will know no one knows what is going to go there. This request ensures what will go there.

Mr. Holston asked if there were any conversations or concerns regarding density with R-5 versus R-3. Mr. Dascalakis stated they attempted to use a density that was roughly equivalent to what is there. It appears it would be a phase 2 of what the existing neighborhood is.



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Mr. Holston inquired if there were illustrative drawings for the neighbors to review and have an opportunity to buy into the plan. Mr. Dascalakis responded no; they have not gotten that far. No engineering or topography work was done and he did not want to spend money if he cannot do the project.

Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition and to come to the podium to state their name and address for the record.

Aisa Turman, 20 Palm Street Court, stated ultimately Mr. Dascalakis was correct in that they prefer nothing be developed on the property and were requesting the Commission to reject the R-5 zoning and accept an R-3. Bethany Woods is R-3 and the R-3 designation would be more consistent with the neighborhood currently there. The R-5 designation would allow up to 100 homes or more on the land. Within the topography land is broken up and choppy with water and power lines. Development on that property would not make sense and be inconsistent with what is there.

Lisa Cary, 306 Triumphant Road, stated this community knows the neighbors, walk in the neighborhood and they know the people. Ms. Cary stated Mr. Dascalakis was correct in that they did not want the other situation as it would have been apartments and would not have known who was there. Bethany Trace Road goes straight through the neighborhood and is the only way in. There is only one other way out of the neighborhood and is the reason they are complaining about having so many houses on the property as it would restrict the neighborhood ability to move around. They do want their neighborhood to grow and have houses and development but to be consistent with what is there. They are asking the Commission to be considerate of the fact this has been a great Greensboro neighborhood and want it to stay that way.

Denise Washington, 3507 Bethany Trace Road, stated they are against the R-5 zoning for this property because of the number of potential homes for the development. The community currently has 190 homes in this area and is compacted. R-5 zoning will allow for this developer to put more homes on the property which would significantly increase traffic. The entrance to the new division of that area is only accessible through Bethany Trace and already overcrowded. Currently the neighborhood is zoned R-3 and they desire a comparable zoning for new development which would limit the number of houses that can be constructed on the land based on the topography of the land.

Sharon Hightower, 6 Belle Court, stated she is supporting the neighborhood. Ms. Hightower stated this item was continued previously to allow conversations with the applicant which never worked out because the neighborhood concerns were not addressed. There has been no conversation with the new application regarding R-5 or R-3. There have been no talks since approximately October. Ms. Hightower understands development but it should be done with respect and consideration to the neighborhood. Bethany Trace currently has one street going down with tentacles to cul-de-sacs. Traffic

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would only be one way. Ms. Hightower stated she did not see a good faith effort on behalf of the applicant and asked the Commission to be respectful of what the community is saying and for the applicant to work with the neighborhood

Chair Marshal inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

Demetrios D. Dascalakis, 28 Kemp Road, East, stated approximately 40% of the 18.69 acres are not useable due to water, power lines, and easement issues resulting in the area becoming less dense than what is next door. Bethany Trace Road is the road that leads into the development and can exit through Mount Olive to Riverdale Road. All of the traffic would not be on Bethany Trace Road as there are two ways to exit.

Chair Marshall inquired if there was anyone else in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition in rebuttal and to come forward.

Aisa Turman, 20 Palm Tree Court, noted that this portion of the request was not known to the neighborhood. There has been a lack of communication throughout the process. This is a developer who has not reached out or tried to be a good neighbor and has not been considerate to the neighborhood.

Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Industrial/Corporate Park and Moderate Residential, with the Industrial/Corporate Park covering almost all of the site. The applicant has requested a Map Amendment (CP 19-05) to Low Residential. The Low Residential designation includes the City's predominantly single-family neighborhood as well as other compatible housing types that can be accommodated within the density range of 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to support development at the fringe that follows a sound, sustainable pattern of land use and provides for efficient provision of public services and facilities as the City expands 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 neighborhoods that offers the necessary array of services and facilities. Staff recommended approval of the request.

Chair Marshall inquired if the R-5 request is most similar to the current use of County RS-30. Mr. Kirkman responded RS-30 would be a minimum 30,000 square foot lot and R-5 would be a minimum of 7,000 square foot lot. Mr. Engle stated what was talked about previously was the Residential-Medium-5. Previously the applicant had conditioned the number of units to be built there. There were no conditions with this application restricting the number of dwellings and egress and ingress. Mr. Kirkman stated because this is a proposed single-family zoning district, the individual single-family lots

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would have direct frontage and would change the configuration of how much could be done as part of the development.

Chair Marshall addressed the neighborhood and advised it was not their last stop. Depending on the recommendation, it would move on to City Council. The Commission only looks at what was applied for is appropriate. City Council will make a decision regarding annexation and if that designation would fit.

Mr. Engle stated this is an extremely difficult piece of land to develop and was comfortable with the designation of R-5. Mr. Engle was in support and advised the applicant of 30 days before City Council and strongly suggested to work with the neighborhood and the concerns. Mr. Engle noted the differences between County and City land.

Mr. Holston stated he would not be in support and preferred a more compatible configuration as he was concerned with higher density in the neighborhood. If it was R-3, he would be in support.

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

Chair Marshall stated in regard to agenda item Z-20-01-003, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning amendment for the property located at 389 Fairystone Drive from County RS-30 (Residential Single-family) to City R-5 (Residential Single-family-5) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to support development at the fringe that follows a sound, sustainable pattern of land use, and provides for efficient provision of public services and facilities as the City expands. The request is also 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 proposed R-5 rezoning will allow residential uses at a density compatible with adjacent residential developments.

Motion to recommend approval by Chair Marshall, seconded by Ms. O'Connor. The Commission voted 4-2. (Ayes: Chair Marshall, Alford, Engle, and O'Connor. Nays: Holston and Rosa). Chair Marshall stated this passed 4-2 and constituted a favorable recommendation and subject to a public hearing at the February 18, 2020 City Council meeting.

Chair Marshall stated he would recluse himself from Z-20-01-004 and Mr. Holston would preside. Chair Marshall stepped from the dais.

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**Z-20-01-004: A rezoning request from R-3 (Residential Single-family -3) to R-5 (Residential Single-family-5) for the property of 1610 Dodson Street, generally described as west of Dodson Street and north of Savannas Run Drive (1.07 acres). (Recommended Approval)**

Mr. Carter provided the zoning map for Z-20-01-004 and other summary information for the subject property and surrounding properties and advised there are no proposed conditions.

Vice Chair Holston inquired if there were any questions for staff. Hearing none, Vice Chair Holston requested the applicant to come forward and state their name and address.

Sonny Vestal, 501 Chancery Place, provided illustrative drawings of the homes built by his company to the Commission. The homes he would be building on this property would be in keeping with the neighborhood and add value to the property. Water and sewer would be placed in some of the lots. The land owner went through the neighborhood and spoke to home owners. There is no opposition to this request.

Tom Monahan, 2902 Turner Grove, stated he will be closing on the land February 7. Mr. Monahan provided the background of acquiring the property. Mr. Monahan stated he went to six homes and had no opposition. Everyone was in favor, including the descendants of the person who previously owned the property. Mr. Monahan emphasized the land is R-5. Most of the homes are approximately 15 years old or newer and he plans on extending that type of neighborhood. The smallest home being built would be 1650 feet and the largest possibly 2100 feet but likely to be 1800 square feet.

Vice Chair Holston inquired if there were any questions. Seeing none, Vice Chair Holston inquired if there was anyone else to speak in favor of the application. Seeing none, Vice Chair Holston inquired if there was anyone to speak in opposition. Seeing none, Vice Chair Holston closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Low Residential. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that be accommodated within the density range of 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request was consistent with the pattern of development in the area that includes both R-3 and R-5 zoned residential lots. Staff recommended approval of the request.

Vice Chair Holston inquired if there were any questions for staff. Seeing none, Vice Chair Holston requested a motion to be made.

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Mr. Engle stated in regard to agenda item Z-20-01-004, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located 1610 Dodson Street from R-3 (Residential Single-family-3) to R-5 (Residential Single-family-5) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 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 also consistent with the pattern of development in the area that includes R-3 and R-5 zoned residential lots.

Motion to recommend approval by Mr. Engle, seconded by Ms. O'Connor. The Commission voted 5-0-1. (Vice Chair Holston, Alford, Engle, Rosa, and O'Connor. Nays: 0). Vice Chair Holston stated this constituted a favorable recommendation and subject to a public hearing at the February 18, 2020 City Council meeting.

Chair Marshall resumed his chair at the dais.

**Z-20-01-005: A rezoning request from RM-18 (Residential Multi-family-18) to PUD (Planned Unit Development) for 1714, 1716, 1716YY, 1718, and 1718YY Sherwood Street, generally described as north of Sherwood Street and west of Poe Street (0.892 acres). (Approved)**

Mr. Carter provided the zoning map for Z-20-01-005 and other summary information for the subject property and surrounding properties. Mr. Carter noted the concept plan and the proposed condition.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Nathan Duggins, Attorney, stated this is unusual as the City of Greensboro owns 1716YY and 1718YY and they had already been in front of City Council who approved the purchase by Mr. Ammons of the YY parcels. Mr. Duggan stated this is .892 lot which is slightly smaller than one acre and would not have enough density as Mr. Ammons would like to build on this site. That is the reason for the request. They are requesting a rezoning from RM-18 to PUD. Mr. Duggins referred to a map indicating a PUD completed in 2009 and the surrounding neighborhood. The neighborhood is converting a student housing community. Mr. Ammons has built the Chapman Place facility and has been involved in the community for a long time building quality products. Mr. Duggan stated this use would be compliant with the Comprehensive Plan and the Development Ordinance.

Chair Marshall inquired if there were questions for the applicant. There were none. Mr. Duggins requested Ms. Tillery to speak on behalf of the City Parks Department.

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Shawna Tillery, Planning Project Development Manager, Greensboro Parks and Recreation, stated in December of 2019 this item was presented to City Council regarding the potential sale of the property contingent upon a rezoning from this board. Ms. Tillery stated the parcel is adjacent to Mayer Park. The two parcels were incorporated as park land but when acquired were not truly used by the park. Ms. Tillery stated Mayer Park has a distinction called LWCF, a land and water conservation trust fund. The property can never be anything but park land. Greensboro Parks and Recreation proposed to use the money from the sale of this project to enhance Mayer Park. They would like to have the City's young adult park because of the users around the facility.

Mr. Engle inquired about the young adult park. Ms. Tillery responded there are new and exciting things such as outdoor beat boxes for music that could be used by I-phones and do innovative things. They would like to create something is fun, exciting, and a resource for students around there. They would do a robust public engagement process with the university and the students to hear what they would like to see in the park.

Chair Marshall inquired if there were any further questions. Hearing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition. Seeing none, Chair Marshall close the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property 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, non-residential uses may be introduced. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro 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 requested PUD district does restrict uses to ensure compatibility with surrounding residential development. Staff recommended approval of the request.

Chair Marshall inquired if there were questions. Seeing none, Chair Marshall requested a motion.

Mr. Engle stated in regard to agenda item Z-20-01-005, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the properties located 1714, 1716, 1716YY, 1718, and 1718YY Sherwood Street from RM-18 (Residential Multi-family-18) to PUD (Planned Unit Development) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is also consistent with the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of

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decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The requested PUD (Planned Unit Development) zoning district restricts uses to ensure compatibility with surrounding residential properties.

Motion to recommend approval by Mr. Engle, seconded by Mr. Holston. The Commission voted 6-0. (Chair Marshall, Holston, Alford, Engle, Rosa, and O'Connor. Nays: 0). Chair Marshall stated this constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal, all such appeals will be subject to a public hearing at the February 18, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**ITEMS FROM THE PLANNING DEPARTMENT:**

There were no items from the Planning Department.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

There were no items from the Commission members.

**ABSENCES:**

The absences of Ms. Dansby-Byrd, Mr. Trapp, and Mr. Blackstock was acknowledged.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs

**MEETING OF THE  
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The regular meeting of the Greensboro Zoning Commission was held on February 17, 2020, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Marion Dansby-Byrd, Ray Trapp, Donald Blackstock, Zac Engle, and Vernal Alford. Present for City staff were Luke Carter and Mike Kirkman (Planning), Noland Tipton (GDOT), and Terri Jones, of the City Attorney's Office.

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

**APPROVAL OF THE JANUARY 22, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the January 22, 2020 minutes as amended, seconded by Mr. Holston. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised in case Z-20-02-005, 3701 and 3709ZZ Groometown Road, there was a request to continue.

Chair Marshall requested the party requesting the continuance to come forward. Chair Marshall advised that the Commission would not be hearing the merits of the case, it will only be to determine if the case will be heard this evening. Mr. Trapp requested to be recused from this discussion due to his role as a Board member for the organization requesting the zoning change. He then left the dais.

Raigen Stiefel, 3801 Rappahannock Court, stated the North Carolina Department of Cultural Resources made sure this property was reserved as potentially historic during the planning of the urban loop projects. Ms. Stiefel requested to have more time to study the traffic impact study and other transportation issues, meet with a land use specialist to addresses density issues, and review the updated Comprehensive Plan. Ms. Stiefel expressed concern regarding impacts on the schools as they are completely full and they had not had an opportunity to speak with school officials. Ms. Stiefel requested more time to investigate the Guilford County Master Plan as they did not know about the zoning meeting until approximately 10 days prior. There is concern regarding the decline of the community and change from low-density residential to higher density, multi-family.

Mr. Holston asked when did Ms. Stiefel first learn of the request. Ms. Stiefel responded it was the day before the Neighborhood Meeting approximately a week ago. It was Ms. Stiefel's understanding the notice went out 600 feet from the property with limited reach to adjacent housing. As it spread through the neighborhood, more people found out about it. Ms. Stiefel stated she never saw the original letter sent out. Mr. Holston asked if her home was within the 600 feet and Ms. Stiefel responded it was not. David Levy, Executive Director of Affordable Housing Management, 330 N. South Green Street, Suite B11, respectfully requested the Zoning Commission to deny the request for a continuance. A letter was sent January 24, 2020 to all property owners within 600 feet of the property, as per the list provided by the City. The letter provided information regarding the rezoning request, property location, how many



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units were proposed and information regarding where and when the neighborhood meeting would be held. Mr. Levy stated the zoning sign was put out between February 4 and 6 and the meeting was held on February 6, 2020 with approximately 38 people present. The letter stated if there was anyone wishing to discuss the proposed development prior to the meeting, to mail, call, or email Mr. Levy and he did not receive any communication from anyone. Following the meeting, emails of the conceptual rendering and survey were sent to those who requested it at the meeting. Someone spoke to his assistant who advised they were not affiliated with the Greensboro Housing Authority or the City of Greensboro. Mr. Levy stated if this hearing is continued, it will compromise their ability to properly prepare and meet the various funding deadlines coming up, including City funding application requirements due March 9. All of the City requirements have been followed for notifications. No matter what the outcome, this case will automatically go before City Council on March 17.

Chair Marshall inquired if there were any questions for the applicant. Mr. Holston asked if the funding deadline was March 9 and what were the consequences if that deadline was missed. Mr. Levy responded that was correct and if the deadline is missed, they would not be eligible for City funding for 2020 and therefore it would not be feasible to submit their tax credit application to the North Carolina Housing Finance Agency. The end result would be a delay of another year.

Chair Marshall inquired of any other comments by the Commission. Mr. Engle stated in general he was not in favor of continuances, especially when it would be moving on to City Council. Mr. Engle was opposed to the continuance as the Commission was making a recommendation to ultimately be decided by City Council. Chair Marshall agreed with Mr. Engle. The applicants are present, ready to go, and have met the requirements for submitting their application and are on a deadline. Chair Marshall stated he was opposed to the continuance.

Mr. Engle moved to deny the continuance, seconded by Mr. Holston. The Commission voted 8-0 to deny the continuance request. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall stated the continuance is denied unanimously

Chair Marshall inquired if there were any other continuances or withdrawals. Mr. Kirkman responded there were none.

Mr. Trapp resumed his position at the dais.

**PUBLIC HEARINGS:**

**Z-20-02-001: An original zoning request from County RS-30 (Single-Family-Residential, to City R-3 (Single-Family-Residential-3) for properties located at 1308 and 1310 Ranhurst Road, generally described as east of Ranhurst Road and north of Easthurst Road (1.5982 acres). (Recommended Approval)**

Mr. Carter provided the zoning map for Z-19-02-001 and other summary information for the subject property and surrounding properties. Mr. Carter advised there were no conditions related to the request.

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Chair Marshall inquired of questions for staff. Seeing none, Chair Marshall requested the applicant to come forward and state their name and address for the record.

Josue Cisneros, 4449 Burlington Road, Lot 17A, stated he is requesting to be annexed to the city for water and sewer line access to build two new homes.

Chair Marshall asked Mr. Kirkman if those services were available. Mr. Kirkman responded they are available to the lot and the applicant can connect to it. Chair Marshall inquired if there were further questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Marshall inquired if there was anyone in opposition to the request.

Beth Harrell, 1206 Ranhurst Road, stated she is representing neighborhood concerns regarding the two larger plats of land owned by David Moorefield who has been trying to build on the land since 2007. A road has been cut through from Ranhurst Road to Harvest Road. The road is very small and not wide enough for two cars at the same time. Construction equipment would tear up yards in the neighborhood. The neighbors do not want their subdivision annexed. The neighborhood was notified this past Monday regarding this. Mr. Cisneros went around the neighborhood knocking on doors. A letter was sent to one person in the neighborhood and no one else was informed of the meeting. Information was received over the past weekend and everyone came together today to be present at the meeting.

Mr. Engle stated all the Commission is doing at this meeting is deciding whether it would be feasible for this property to be brought into the city and to make a recommendation to City Council for that, and to provide a zoning designation for this property. R-3 is the lowest zoning designation that the City has and is 3 units per acre. The City cannot force anyone to be annexed but requires them to be annexed if they want to tie into city services going forward. The concerns were understood but it is the lowest density and does not force anyone else to come in. Ms. Harrell appreciated his outlook but stated this was about the neighborhood's future and are against things being there. Mr. Holston asked if future meant future growth, future homes. Ms. Harrell responded future homes, future building.

Chair Marshall inquired if there was anyone else to speak in opposition.

Bethany Capasinzky, 1305 Ranhurst Road, referred to the photograph of the utility area and indicated the large area of land that Mr. Moorefield has been trying to build on. To the right of that area is land that Mr. Moorefield wants to develop and the neighborhood is against. Ms. Capasinzky inquired if bringing water to these lots allows Mr. Moorefield to have a footing to say it has been done there and we need to go ahead and pull the utilities through in order for him to build his subdivisions. Mr. Engle that was not before the Commission and they can only deal with what is in front of the Commission. Mr. Kirkman stated while there is an existing line to the subject lots, the City's Water-Sewer policy would not allow for extension of that line further north and the subject lots are also at the very end of

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fire protection at this point in time. Growth Tier 3 speaks to development in 2025 and beyond in terms of being able to provide those other city services. This particular service is available for these single-family homes but there is not the capacity to extend beyond these lots at this point in time.

Ms. Capasinzky stated for the record, Mr. Cisneros was very nice and the neighborhood does not have a problem with two homes. The concern is protecting the community and keeping children safe. The concern is beyond those two locations.

Chair Marshall inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall inquired if the applicant would like five minutes to address the concerns of the opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated this site is currently designated as Low Residential on the Comprehensive Plan's Generalized Future Land Use Map. That designation includes the city's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of 3-5 dwelling units per acre. Staff concluded this request was consistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in a stable, livable neighborhoods as well as the Growth at the Fringe goal to provide a development framework for the fringe to provide sound and sustainable land use as the City expands. The proposed R-3 zoning district is primarily intended to accommodate low density residential development with a maximum density of 3 dwelling units per acre and is generally consistent with the pattern of residential development in the area. Staff recommended approval of the request.

Chair Marshall inquired if there were any questions of staff. Mr. Holston asked if the water line is already there. Mr. Kirkman responded it was and the line does not have to be extended in order to connect the two lots. That is the distinction between these properties and the property further to the north.

Mr. Engle stated in regard to agenda item Z-20-02-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties located at 1308 and 1310 Rahnurst Road from County RS-30 (Residential Single Family) to City R-3, (Residential Single-family -3) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in stable, livable neighborhoods. The request is consistent with the Comprehensive's Plans Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as the city expands. The proposed R-3 zoning district is primarily intended to accommodate low

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density single-family, detached residential development with a maximum density of 3 dwelling units per acre and is consistent with the surrounding pattern of residential development.

Seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised this request will be heard at the March 17, 2020 City Council meeting due to the tie to annexation.

**Z-20-02-002: A rezoning request from BP (Business Park) to LI (Light Industrial) for the property located at 2345 (2351) Campground Road, generally described as south and east of Campground Road (18.14 acres) (Approved)**

Mr. Carter provided the zoning map for Z-19-02-002 and other summary information for the subject property and surrounding properties. Mr. Carter advised there were no conditions related to the request. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward.

Brian Hall, 309 Gallimore Dairy Road, representing Samet Development, referred to a photograph indicating their recently constructed industrial building. There is a group that has expressed interest and their desire is to use the bulk of the building for warehousing. The Business Parking zoning district has a maximum capacity on warehousing of 60,000 square feet. Their building is 120,000 square feet and this group would like to occupy the entire building and wants around 100,000 square feet of warehouse space in the building. That is the reason for their request. The property was zoned County Light Industrial and they originally decided to bring the property into the city under Business Park zoning as that designation provides a wider range of potential users. Based on the current user, they are asking to go to Light Industrial in order to accommodate the end user.

Chair Marshall inquired if there were any questions for the applicant. Hearing none, Chair Marshall inquired if there was anyone else to speak either in favor or opposition to the applicant's request. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this area as Industrial/Corporate Park. That designation generally applies to areas where present or anticipated uses include both light and heavy industrial uses, such as manufacturing assembly and fabrication; wholesaling and distribution; as well as corporate office and technology parks, that may be introduced to replace older heavy industrial uses. The proposed request is consistent with the Comprehensive Plan's Economic Development goal to encourage a healthy and diversified economy with a strong tax base and opportunities for employment, entrepreneurship, and for-profit and non-profit economic development for all segments of the community. As well as the Growth at the Fringe Goal to provide a development framework for the fringe guiding sound and sustainable patterns of land use as the City expands. The

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proposed LI district is 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 and is generally consistent here with the pattern of development. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion. Mr. Holston stated in regard to agenda item Z-20-02-002, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property located at 2345 (2351) Campground Road, from BP (Business-Park) to LI (Light Industrial) to be consistent with the Comprehensive Plan's Economic Development goal to encourage a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. The request is consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as the City expands and the proposed LI district 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 and is consistent with the surrounding pattern of residential development.

Seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the March 17, 2020 City Council meeting. All adjoining property owners will be notified of such appeal.

**Z-20-02-003: A rezoning request from RM-18 (Residential Multi-Family-18) to CD-C-M (Conditional District Commercial-Medium) for the property located at 2806 East Wendover Avenue, generally described as south of East Wendover Avenue and east of Holt Avenue (0.33 acres). (Denied)**

Mr. Carter provided the zoning map for Z-20-02-003 and other summary information for the subject property and surrounding properties and advised of the proposed conditions related to the request. Mr. Carter advised the applicant wished to amend the previously advertised conditions, specifically condition number 1.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Kris Colbertson, on behalf of the applicant, requested to have condition 1 amended to restrict uses solely to auto sales. No major or minor automotive repairs would be conducted on the premises. All other conditions are either in compliance or ready to be in compliance. Mr. Kirkman stated Condition 1

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would be changed to say “uses limited to auto sales”. Mr. Engle moved to accept condition 1 as amended. Seconded by Chair Marshall. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O’Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0).

Mr. Colbertson stated east of the property is an auto sales use which was grandfathered in and did not have to be rezoned. Most of the conditions have been complied with. The privacy fence has been assembled. Mr. Engle asked Mr. Colbertson about their outreach to the neighbors. Mr. Colbertson stated he understood all the outreach requirements had been complied with. No negative feedback was received from any of the neighbors. Mr. Colbertson stated to the east there is an auto business use, north is bare land, and housing is west and south.

Mr. Holston inquired in the statement “all outreach has been complied with”, was that the letter from the city within 600 feet or was there any other outreach on the applicant’s part. Mr. Colbertson stated he was primarily referring to the letter from the city.

Mr. Ismael Mahamadou, 415 East Montcaster Drive, Apt F, advised he did speak to the neighbors to his right and behind him about his project and was told they were not against it. Mr. Holston asked what was the feedback. Mr. Mahamadou stated the neighbor on the right was for it as they already own a business. The neighbor in the back was for it but he only saw him the one time. Mr. Colbertson pointed out Nice Cars, Incorporated, has been incorporated for 10 years. It is not a fly by night establishment. They have operated at two other addresses since formation and they had been at each address for a substantial period of time.

Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear a recommendation from staff.

Mr. Kirkman stated this site is currently designated Low Residential on the Comprehensive Plan’s Generalized Future Land Use Map. The designation includes the City’s predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3-5 dwelling units per acre. Staff has concluded that the request does not support the Comprehensive Plan’s Reinvestment/Infill goal to promote sound investment in Greensboro’s urban areas or 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 includes protections against incompatible commercial encroachments. The proposed CD-C-M request, as conditioned, does introduce a use that is not compatible with the surrounding land uses, nor does it protect the existing adjacent single-family residences from negative impacts of that use. Staff recommended denial of the request.

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Chair Marshall inquired if there were any questions for staff. Ms. O'Connor stated it appeared cars were currently on the lot at the location and asked depending on the outcome of the hearing would they have to be removed. Mr. Kirkman responded the cars were placed there without permission. A zoning enforcement investigation was initiated and as a result, the applicant came to request a rezoning to resolve that issue. If the request is approved, they could be considered compliant and zoning would still address the conditions as proposed and make sure they meet all other city requirements. If the request is denied and is not appealed, zoning would look to move the vehicles because it would have gone from a vacant use of land to auto service use which would not be allowed with the existing zoning.

Ms. O'Connor asked if the landscaping requirements could be explained if the request was approved. Mr. Kirkman responded the landscaping requirements were on page 3 of the staff report. He noted there is basic landscaping that would go with any new development, requiring a minimum 10 foot street yard and buffer yards between different types of uses. There would be no specific buffer on the east side between the new auto sales use and the existing auto repair use. On the west side there would need to be a 25 foot wide buffer between the residential use and the commercial use. Mr. Kirkman also noted there are requirements that speak to screening from residential uses when new auto sales uses are established. Not from the road but from adjacent residential.

Mr. Engle asked if the area was always RM-18. Mr. Kirkman responded from the zoning perspective it is probably a carry-over from the old Unified Development Ordinance which was a translation from zoning districts in place prior to 1992. The Comprehensive Plan was adopted in 2003 and is the guide for future development in areas. The general pattern of development in the area was intended to move towards lower density residential.

Mr. Trapp asked for the definition of auto sales. Was there a minimum number of sales that had to be there and would the cars have to be sold or just offered for sale at this property. Mr. Kirkman responded it would mean selling more than 4 vehicles in a calendar year, since that is what makes you a auto dealer under NCDMV regulations. Zoning generally does not track much on the sales side unless there is a concern of storing vehicles.

The overall consensus of the Commissioners concerned the vagueness of what auto sales were exactly for this site and that the proposed use was not a good fit for the neighborhood.

Mr. Trapp stated regarding agenda item Z-20-02-003, The Greensboro Zoning Commission believes that its action to deny the zoning amendment for the property located at 2806 East Wendover Avenue from RM-18 to CD-C-M, to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be unreasonable and in the public interest for the following reasons. The request is inconsistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound

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investment in Greensboro's urban areas. The request is inconsistent 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, including protections against incompatible commercial encroachment. The proposed CD-C-M request, as conditioned, introduces a use that is not compatible with the surrounding land uses. The request does not protect existing adjacent single-family residents from negative impacts of the requested use.

Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Board within 10 days. All zoning appeals will be subject to a public hearing at the March 17, 2020 City Council meeting

**Z-20-02-004: A rezoning request from R-3 (Residential Single-family -3) to CD-RM-12 (Conditional District – Residential Multi-Family -12) for the property located at 2005 Mitchell Avenue, generally described as east of Yanceyville Street and south of Mitchell Avenue (11.65 acres). (Approved)**

Mr. Carter provided the zoning map for Z-20-02-004 and other summary information for the subject property and surrounding properties. Mr. Carter advised the applicant wished to amend the condition previously advertised with this request. Chair Marshall inquired of questions for staff. Seeing none, Chair Marshall requested the applicant to come forward.

Marc Isaacson, 804 Green Valley Road, on behalf of Mills Construction, distributed materials related to the presentation to the Commissioners. Mr. Isaacson requested to amend the current condition on this request from 140 units to no more than 120 units. Mr. Engle made a motion to approve the condition as amended. Seconded by Chair Marshall. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0).

Mr. Isaacson identified Mr. Fred Mills to the Commissioners and provided background information regarding Mills Construction throughout the state. He noted that if the request is approved the company intends to apply for financing with the North Carolina Housing Finance Agency in Raleigh resulting in the project being carefully monitored and inspected. Mr. Isaacson advised if the request was approved, primary access would be off of Yanceyville Street. Access would be determined by both a site plan review and from the Department of Transportation. Each tab within the materials was introduced and discussed. Mr. Isaacson noted that the applicant was not required to conduct a traffic impact study due to the limited number of units allowed on the property. A site plan was referenced that would go through the TRC process. A list of other communities owned and managed by Mills Construction was provided. A copy of a letter sent out to all of the property owners within the radius per the city's notification list was provided. An open house was held on February 5, 2020 and there was no opposition to the project.



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Mr. Isaacson referred to photographs indicating residences along Mitchell Avenue and the multi-family property to the north. This area has been in transition over the last several years. Approving this rezoning application would be very similar to other properties in the immediate area. The outer loop will aid the access to the area. The intent for the request is to provide reasonably priced housing to an area that needs it and would be a high quality project beneficial to the area.

Chair Marshall inquired if there were any questions for the applicant. Hearing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone in opposition to the application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Low Residential. As part of the request, the applicant has requested a change to the Moderate Residential classification. That category generally accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings, such as townhomes, to moderate density, low-rise apartment dwellings at a density of 5-12 dwelling units per acre. The proposed request 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 proposed CD-RM-12 request, as conditioned, is in line with increasing residential densities along Yanceyville Street in previous years. Staff recommended approval of the request.

Chair Marshall inquired if there were any questions for staff. Mr. Engle stated he was willing to make a motion. Mr. Engle stated in regard to agenda item Z-20-02-004, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property located at 2005 Mitchell Avenue to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 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 also consistent with the pattern of development in the area that includes R-3 and R-5 zoned residential lots. Seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised the approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the March 17, 2020 City Council meeting. All adjoining property owners would be notified of any such appeal.

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Mr. Trapp requested to be recused from case Z-20-02-005. He then left the dais.

**Z-20-02-005: An original zoning request from County RS-40 (Residential Single-Family) to City CD-RM-18 (Conditional District Residential Multi-Family-18) and a rezoning request from City R-3 (Residential Single-Family-3) to CD-RM-18 (Conditional District-Residential Multi-Family-18) for 3701 and 3709ZZ Groometown Road, generally described as east of Groometown Road and south of Vandalia Road. (13.98 acres original zoning and 3.171 acres rezoning). (Recommended Approval)**

Mr. Carter provided the zoning map for Z-20-01-005 and other summary information for the subject property and surrounding properties. Mr. Carter advised the applicant requested to amend conditions related to this request. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

David Levy, Executive Directive of Affordable Housing Management, 330 S. Green Street, presented the Commissioners materials related to the request. Mr. Levy requested to add two conditions to the request. First a minimum six foot tall (where permitted) opaque fence shall be installed along all interior (side and rear) property lines during construction of any principal structure. Second, maximum building height shall not exceed 50 feet. Mr. Engle clarified if the fence would be permanent. Mr. Levy responded it would be constructed when construction begins.

Chair Marshall moved to accept the conditions as read by the applicant. Seconded by Mr. Blackstock. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Blackstock, Engle, and Alford. Nays: 0).

Mr. Levy stated also in attendance was the AHM Board President, Chester Brown, Chase Smith of Ramey Kemp Transportation Engineers, and Matt Williamson, Borum Wade Civil Engineers to answer any questions the Commission may have. The rezoning request is to allow AHM to develop up to 220 apartments, requiring a change in the current city and county zoning to Conditional-District RM-18. As conditioned the use will be limited to a maximum of 220 dwelling units with a density of 12.83 units per acre. The property is in the Randleman Dam Watershed which restricts the built upon area to a maximum 50% of the lot. Development of the units will assist with housing prices and the severe shortage of quality and affordable rental housing. Mr. Levy referred to a list of properties AHM had previously acquired and provided background information on AHM development and management of those properties within Greensboro. Mr. Levy also noted a request has been submitted to amend the GFLUM designation from Low Residential to Mixed Use Commercial. There are two proposed entrances into the property off of West Vandalia which line up with the existing shopping center entrances. A traffic study was completed indicating the proposed 220 units would have minimal impact. Concerns were discussed at the neighborhood meeting and as a result, a minimum 6 foot opaque fence will be installed along the side and rear property lines looking south from West Vandalia Road.

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Funding proposals have been and are in process of being submitted, including applying for an allocation of 2020 housing tax credits. If funding is unsuccessful this year, other phasing options may be explored to include developing all 220 units at one time. A conceptual rendering of the proposed apartments was shown and he advised there would be a community building with management offices, a maintenance room, fitness center, laundry center, and a community meeting room. A full time site manager and maintenance person would be on the property 24-7. Mr. Levy also stated the buildings will be built to Energy Star Version 3.1 and meet the National Association of Home Builders Green Building Program. Mr. Levy presented letters sent to property owners on January 24, 2020 and sign in sheets from the meeting. A full size conceptual rendering and survey was depicted at the meeting, along with the commitment of adding a 6 foot opaque fence. Emails of the survey and renderings were sent to those who requested them.

Mr. Levy stated this request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of quality affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The demand is critical for quality affordable housing. The proposed CD RM-18 as conditioned will allow uses complimentary to the existing uses of commercial, multi-family and single-family in the surrounding are. There will be retail, commercial and multi-family north and west of the property. The development will have a positive economic impact for the nearby retail and commercial business. AHM always attempts and intends to use a Greensboro general contractor for the development. The location will provide people with great housing choices in an area considered to be high opportunity and meets HUD's site and neighborhood standards of promoting a greater choice of housing opportunities. The proposed rezoning request is the highest and best use for this property and is consistent with the intent and purpose of the zoning code, the Comprehensive plan as amended, and generally compatible with the existing development trend in the surrounding area. AHD respectfully requested support and vote to approve the rezoning request.

Chair Marshall inquired if there were questions for the applicant. Mr. Holston asked if the mature trees on the eastern border will remain. Mr. Levy responded those trees are mostly on the adjoining properties. They will keep as many trees as possible on the proposed property.

Chair Marshall inquired if there were any further questions for Mr. Levy. Mr. Engle asked if some of the HUD requirements could be named. Mr. Engle knew it was a grocery store, pharmacy and more. Mr. Levy stated it is the North Carolina Housing Finance Agency requirements. They score all the tax credit application sites on a point system. This site will score the full 60 points which is the maximum and is for mainly for pharmacy, grocery store, general shopping, and other retail and services such as medical, and a park and recreation center. Chair Marshal inquired if there was anyone else to speak in favor of the application.

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Clifford Hern, 514 East Montcastle Drive, a member of the Celia Phelps Memorial United Methodist Church. Mr. Hern stated his church, counsel, and Pastor all met and are 100% in agreement of the upcoming project. The church property line adjoins the property. Two church members are on the east side of the property who also approve the request. Everyone felt the apartment dwellers will be good neighbors and look forward to having them as neighbors.

Reverence Ellis Carson, Pastor, Celia Phelps Memorial United Methodist Church, 5608 Buckhaven Court, working address is 3709 Groometown Road adjacent to the property. Reverend Carson stated approximately 10-12 members of his church have lived next to the property for many years. He referenced a story regarding his ancestry that had resulted in Darlington, SC losing a huge tax revenue because they did not provide for their citizens. Rev. Carson Stated people are the most valuable resource a community can have and requested the Commission think about the tax base.

Chair Marshall inquired is there was anyone else to speak in favor of the request. Seeing none, Chair Marshall asked if there was anyone wishing to speak in opposition to the request. Chair Marshall advised all those wishing to speak in opposition there will be 15 minutes total; however the group wished to use it.

James Patterson, 4252 Wayne Road, stated Vandalia changes the name into Wayne Road when it crosses Groometown. Wayne Road has become a thoroughfare as it became a cut through when construction was being done on Greensboro/High Point Road. The speed limit is 35 and every day people are coming at 55-60 miles an hour. It is exactly one mile from Groometown Road to Alamance Road. Cars run into flower arrangements and mail boxes. A brick fence at Wayne and Alamance has been knocked down numerous times with vehicles losing control as they are speeding down the street. It will only become worse if there are many more vehicles on the road. His neighborhood was more than 600 feet from the site but they are highly affected by the traffic and requested the Commission to take that into consideration.

Kelly Wyrick, 4006 Sedgegrove Road, stated Sedgefield Stables was created with the original development of Sedgefield and promoted along with the golf course for its country and supported living. Ms. Wyrick provided background and history information regarding the stables, barn, showroom, hunting, and winners of hunts. Sedgefield was home to the Social Collegiate Cup and colleges such as UNCG, High Point, Elon, Wake Forest United and NCANT Equestrian units show currently. The next closest showgrounds are about 60 miles away. Sedgefield Stable and Showgrounds have survived 92 years of every kind of weather that North Carolina has thrown at it. If as many nature disasters and dangerous weather incurred have not managed to destroy such a significant part of Sedgefield's history, then the community should not either. It needs to be allowed to remain home to the many people that travel from near and far to take advantage of the showgrounds that has been in use for so many years and continues to this day.

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Raigen Stiefel, 3801 Rappahannock Court, stated the community concerns were the influx of homes and the impact on school capacities. Ms. Stiefel produced images of the Guilford County Master plan indicating the student to teacher ratios currently. The community was concerned about the showgrounds and the areas surrounding the showgrounds. The neighborhood is not opposed to apartment housing, but not in this area with the historical significance and school districts that are already overloaded.

Julie Bullard, 3801 Gilmore Drive, stated as a single mother she understands the importance of affordable housing but education is also important. Her son will be entering the school district which is already overcrowded and there will be zoning requests for another development affecting the school district in Jamestown. The school district cannot take on more children.

Samantha Cherry, 4500 West Friendly, stated many of the arguments are people wanting to build something there for housing and that it will build the community. This is a community where people have been riding since they were children and grew up there. Sedgefield has housed many horses. Her family is a part of this community and wants children to be able to experience the history. Building on the property would take away a big part of the community.

Carla Swink, 3906 Sedgemoor Road, stated she grew up in the neighborhood and spent time at the stables. The family in partnership with the show ground currently have done more for the community that can be expressed. The concerns regarding schools are astronomical. Dockets will be presented at future City Council meetings regarding the Millis Road School District. West Vandalia Road is two lanes with a turn lane. The ingress and egress to the Food Lion and retail shopping center with the customer/consumer exit to the shopping center is a significant issue. The community is very concerned with approximately 200 more vehicles in the area.

J.D. York, 3602 Groometown Road, stated the community has a track record of raising funding and raised \$2.3 million for Millis Road Elementary. If the community had time they would be able to raise money to purchase this property from the current ownership group and put it in a historical preservation trust. They would like more time to become organized and meet with corporate benefactors.

Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

David Levy stated on November 5, 2019, the current owner posted a letter on Facebook with the bottom line being "Johnny and I are just at the point in life where we want to transition to other things." The owners are not interested in continuing to have the property as a horse showplace. The owners have indicated they have reached out to other people who may have an interest in continuing to operate as showgrounds and received no responses or interest. Mr. Levy advised whether Affordable Housing Management purchases and develops the property or not, the owners are going to sell the property.

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Brett Byerly, Executive Director of Greensboro Housing Coalition, 1031 Summit Avenue, stated in 2016 the citizens of Greensboro passed a \$24 million dollar housing bond to specifically support projects and development of projects like this. Most of the properties built by Affordable Housing are high quality and managed on-site. There are 26,000 people in the city who are cost burdened and this proposal would help 220 of them. This issue is very important to those who will live in the apartments if the project is approved. Mr. Byerly requested the Commissioners to approve the request.

Chair Marshall inquired if there was anyone else to speak in favor. Chair Marshall inquired if the opposition would like an additional 5 minutes.

J.D. York, 3602 Groometown Road, stated the regional impact of the property that is not being considered are smaller farms, smaller horse owners, that do not have an opportunity to pay for overnight travel to other showgrounds outside the geographical area. People come to the showgrounds because of travel costs. When that option is gone, they would not have that opportunity. There would be a major impact on the horse community. There is a major concern that people within this area will not have a local area to participate in the equestrian community. There are things not being considered that go beyond affordable housing impacting the community.

Kelly Wyrick, 4006 Sedgegrove Road, stated there was not a sign placed on the property, it was on Facebook. She spoke with one of the owners who does not want to sell but his partners want to sell and this owner cannot manage it on his own. The community does not want a rezoning and want the property to continue as a historical landmark. Given time, the community can achieve the resources to purchase the property and maintain it as a horse stable. It was designated as eligible as a national historical landmark in 1991 and the Urban Loop could not come through because of that. It is possible for the property to be designated as historic landmark.

Susan Myers, 314 Pierce Drive, Jamestown, stated she is a horse person for over 40 years and supports the Sedgefield programs. Ms. Myers stated her children attend Millis Road Elementary which is at 147% capacity. Ms. Myers does agree with housing and trying to accommodate needs at different financial levels. Ms. Myers concern was how will the children be successful if there are no schools that could educate the children properly. The Guilford County School Board is not advised of any of the projects or intentions until after zoning and breaking ground is completed. Ms. Myers is very concerned in looking at this from an educational standpoint.

Raigen Stiefel, 3801 Rappahannock Court, stated there was a petition with 385 signatures of people opposed to the taking away of the horse facilities which has been presented to staff.

Chair Marshall inquired if there was anyone else in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated the Comprehensive Plan currently designates this property as both Mixed Use Commercial and Low Residential, with Mixed Use Commercial being the majority of the property. As part of this request, the applicant has requested to change the remaining portion from Low Residential 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 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 the City expands 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 proposed CD-RM-18, as conditioned, will allow uses complimentary to the existing uses commercial, multifamily and single family uses in the surrounding area. Staff recommended approval of the request.

Ms. O'Connor requested guidance regarding how school saturation enters into consideration by the Zoning Commission. Mr. Kirkman responded he thought the Zoning Commission had the purview to give some consideration to that issue but there is not a direct decision point from the City relative to the school capacity issue.

Mr. Engle stated in 2008-2009 there were 72,000 students in Guilford County and it was ranked the 47<sup>th</sup> largest school district in the country. Today the stats indicate 73,000 students but now he heard schools are at a 122% capacity. The city is growing and at some point there has to be the capacity for students, districts drawn correctly and put students in schools where they can be. If this property was designated truly historic the community may have a legal challenge. Suggestion was made if that is the route they wish to pursue; the community has the opportunity to seek counsel before ground breaking is completed. A suggestion was made to obtain a letter from the school prior to the City Council meeting stating they oppose it. The community was encouraged to contact GDOT for assistance as traffic calming is part of the service. Mr. Engle stated he was in support of the request.

In response to another question, Mr. Kirkman advised that Wayne Road is not actually in the city's jurisdiction at this point in time. Portions of Groometown Road are and portions are not. The same is true for Vandalia Road.

Mr. Holston stated he cannot say it better than Mr. Engle and will be in support of the request. Chair Marshall stated he was also in support of the request. This request must be annexed in by City Council and the community will have an opportunity to state their case to them. There is a need for this type of housing and there are the supporting facilities in the area and felt this was a good plot of land for this type of use and will be in support.

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Mr. Engle stated in regard to agenda item Z-20-02-005, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment, for the property located at 3701 and 3709-ZZ Groometown Road from County RS-40 (Residential Single-family) to City CD-RM-18 (Conditional District-Residential Multi-family-18) and a rezoning request from City R-3 (Residential Single-family – 3) to CD-RM-18 (Conditional District-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 Comprehensive Plan’s Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan’s Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as the City expands. The proposed CD-RM-18, as conditioned, will allow uses complimentary to the existing uses commercial, multi-family and single-family uses in the surrounding area.

Seconded by Mr. Blackstock. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O’Connor, Dansby-Byrd, Engle, Blackstock, and Alford. Nays: 0.) Chair Marshall advised the approval constitutes final action unless appealed in writing to the Planning Department with 10 days. Anyone make file such appeal, all such appeals will be subject to a public hearing at the March 17, 2020 City Council meeting. All adjoining property owners will be notified of such appeal.

Mr. Trapp resumed his position at the dais.

**Z-20-02-006: A rezoning request from CD-O (Conditional District – Office) to CD-O (Conditional District- Office for 1319 and 1319YY New Garden Road, generally described as west of New Garden Road and southwest of Pinehaven Drive (3.04 acres). (Approved)**

Mr. Carter provided the zoning map for Z-20-01-006 and other summary information for the subject property and surrounding properties. Mr. Carter advised the applicant wished to amend the previously advertised conditions. Chair Marshall inquired of any questions for staff. Seeing none, Chair Marshall requested the applicant to come forward.

Marc Isaacson, 804 Green Valley Road, on behalf of Fidelium, LLC, distributed materials to the Commissioners. The conditions were presented to staff. Mr. Isaacson read into the record new and revised conditions for conditions 1 and 2. Conditions 3, 4, 5, and 6 remained the same.

Chair Marshall moved to accept the revised conditions as read by the applicant. Seconded by Mr. Holston. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O’Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0).



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Mr. Isaacson presented an illustrative site plan depicting two existing buildings and the remaining four future building pads. Green areas depicted landscaping buffers and a biocell storm water control device. The project was developed in May of 2018. Drs. Thurman and Handy are the medical care providers with professional offices and own two buildings they built and the remaining property. Mr. Isaacson noted that all parking lots and parking spaces have been completed and the biocell retention area has been completed. Landscaping and fencing are completed. Mr. Isaacson described Tabs 1 through 4 to the Commissioners to provide examples of the development patterns throughout the area. Mr. Isaacson presented a letter sent out to all of the neighbor on the City's mailing list, an open house meeting was held at Dr. Thurman's Eye Center on February 3. At that meeting several neighbors attended and expressed concerns and questions which many, if not all, have been addressed. Mr. Isaacson introduced Mr. Blackman, who lives in the adjoining home to the subject property, and noted they had reached a reasonable arrangement with the immediate joining neighbor to everyone's satisfaction. Mr. Isaacson stated this rezoning is supported by the planning staff, by the City's Comprehensive Plan, and by the specific New Garden Road Strategic Plan. The rezoning will allow two local medical professionals to complete the project they began in 2018 as the need for more professional office space continues along the major thoroughfare. Mr. Isaacson believed everything will be maintained at the current standard or higher as the applicants would want to surround themselves with high standard professional office.

Chair Marshall inquired if there were any questions for Mr. Isaacson. Seeing none, Chair Marshal inquired if there was anyone else to speak in favor of the application.

Diane Guinan, 5607 Robin Ridge Road, stated assurances were made by the doctors who plan to develop this area. The doctors are striving to be good neighbors while creating a quality professional park. The doctors have done something no developers have done since Eagle Family Medicine in 2001. An opportunity to meet and discuss the rezoning unlike other developers who called the meeting, announced the plans and then claimed to have worked with the neighborhoods. The doctors listened and made significant adjustments to the rezoning proposal. The conditions were tightened to reflect the professional businesses suitable to the area. Adjustments were made to the building size and location, along with lighting adjustments and assurances provided to find lighting that would provide security without blinding the neighbors. The neighborhood is not 100% satisfied, and neither are the doctors. The proposal is palatable for the investment goals of the doctors and the livability of the residents and was a successful compromise.

Ms. Guinan stated for city benefit, residents want to compel staff to address the traffic flow of this area before tragedy strikes. It is not whether the road can handle the traffic, it can, but does it promote a configuration from maneuvering safely when large numbers negotiate multiple businesses, approximately 200 apartments within an area of residential and an elementary school. The area continues to experience more and more development. It is not on the doctors; it is on the City. The neighborhood is asking the City to explore options measured in future development while addressing

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transportation goal 8 and the New Garden Strategic Plan, goal 2 on pages 6 and 7 of the staff reports. Ms. Guinan addressed city staff and zoning personnel to state the rezoning process works against the stated goals. Developers are suggested to work with the community while allowing zoning notices placed as close as 10 days to the rezoning commission meeting and that is not enough time. The doctors notified the neighborhood of a meeting before the signs went up and were amicable. The New Garden Road Strategic Plan suggests a better process and should not need a GFLUM change on this road or city in general. The rezoning process can be better and be able to achieve the New Garden Road Strategic Plan, goal 5, page 7 of the staff report to build stronger community relations among the neighborhoods and within community leadership. Ms. Guinan thanked the doctors for working with the neighborhood and making changes.

Richard Jordan, 5503 Belvedere Place, a member of the Advisory Board for the New Garden Strategic Plan was also in support of the rezoning. Mr. Jordan thanked the doctors and Mr. Isaacson for reaching out and working on how to resolve issues before the zoning notice went out at the usual 10 days' notice. Mr. Jordan stated they are involved citizens, not only with the neighborhood but the Strategic Plan and understand how planning, zoning, and City Council work. The average citizen struggles to prepare with a 10 day notice and should be addressed.

Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone opposed to the application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this property 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 subject property also falls within the boundaries of the New Garden Road Strategic Plan. Office uses and medium to high density residential uses are encouraged in this section of the New Garden Road corridor. The Plan further notes the need to ensure that any new development is of an appropriate size and scale to the corridor, and incorporates features that are respectful to the character of the surrounding area; particularly in relationship to existing residential uses near the corridor. Staff concluded the proposed requested did meet 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, diversified economy within all segments of the community. The CD-O zoning district, as proposed, includes zoning conditions that limit uses, building heights, building materials and vegetative buffers. This request is consistent with the goals of the New Garden Road Strategic Plan. Staff is in support of the request.

Chair Marshall inquired if there were any discussion. Mr. Engle stated this was exciting for him, given other things discussed on New Garden Road and is a great example of working together and coming to a

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compromise acceptable to both parties and he applauded both parties. Mr. Engle stated in regard to agenda item Z-20-02-006, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request, for the property located at 1319 and 1319-YY New Garden Road from CD-O (Conditional District-Office) 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 Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is also consistent with the Economic Development Goal to promote a healthy, diversified economy for all segments of the community. The CD-O zoning district, as proposed, includes zoning conditions that limit uses, building heights, building materials and vegetative buffers. This request is also consistent with the goals of the New Garden Road Strategic Plan.

Seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised the approval constitutes final action unless appealed in writing to the Planning Department with 10 days. Anyone make file such appeal, all such appeals will be subject to a public hearing at the March 17, 2020 City Council meeting. All adjoining property owners will be notified of such appeal.

**Z-20-02-007: A Special Use Permit to allow a temporary wireless facility for a period of six months, in A-O (Auto-Oriented) zoning for the property located at 1921 West Gate City Boulevard, described as south of West Gate City Boulevard and west of Coliseum Boulevard (44.01 acres). (Approved)**

Applicants and staff were sworn. Chair Marshall disclosed before the Special Use Permit proceedings took place he met with staff during a pre-agenda meeting February 13, 2020 and discussed the logistics of the case. Discussion with staff did not result in a predetermined decision as to the desired outcome of the case. Chair Marshall stated if there were any other Zoning Commissioners who had Ex Parte communications regarding this case should disclose those communications at this time. No other disclosures were made.

Mr. Carter provided the zoning map for Z-20-01-007 and other summary information for the subject property and surrounding properties. Mr. Carter advised of the proposed condition related to this request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to come forward.

Mike Perdue, 1921 West Gate Boulevard, represented the Greensboro Coliseum. The request is to allow Verizon to place a tower on the parking lot which would be there for the month of March, during the 3 basketball tournaments that will be hosted at the coliseum. Those would be the ACC Women's

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tournament, ACC Men's Tournament, and the NCAA tournament. Verizon wants to ensure all of their customers who are at the coliseum for the games have cell service available to them.

John Yeagley, 10612 Dee Providence Road, Charlotte, NC, stated he has been working with Verizon Wireless and the Greensboro Coliseum with what is referred to as "COW request". Mr. Yeagley was present in support and to answer any questions the Commissioners may have.

Mr. Engle asked what type of safety procedures would be in place to protect the area with this use. Mr. Yeagley responded the site will be surrounded by a chain link fence with green fencing and is secured. Mr. Perdue stated there will be a 6 foot portable fence and screening around for visual purposes. It will be located in a small area of the coliseum parking lot, next to Coliseum Boulevard.

Mr. Engle clarified if the use would be specifically for the month of March visitors to the ACC tournaments. Mr. Perdue responded that was correct.

Mr. Engle asked how would this be in harmony with the surrounding facilities, would it be near a building or street. Mr. Purdue responded the temporary antenna system will be located next to the road. It will be much smaller than the two towers that are there now, one on the property and one right across the street. The antenna is much shorter and would be on the Coliseum property and would have very minimal impact, if any, regarding the community. Mr. Yeagley stated Verizon is concerned about capacity because of how many people will be at the location. The Coliseum has coverage currently but due to the high volume of people that will be there, they are making sure public safety is covered.

Mr. Holston asked if the tower would be decorative or blend into the community. Mr. Yeagley stated it is a truck with two masts. It will be concealed behind a screened area in the corner of the parking lot, out of the way. Mr. Purdue stated media trucks will be there that do not require the Special Use Permits, and they will be noticed more so than the temporary antenna.

Chair Marshall inquired if there were any further questions for the applicants. Seeing none, Chair Marshall requested Mr. Engle to make a motion.

Mr. Engle stated in regard to agenda item Z-20-02-007, a Special Use Permit, moved that the Ordinance granting a Special User Permit to allow all uses in the A-O District, including a temporary wireless communication facility be approved based on the following findings of fact. (1) That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to the property or improvements in the vicinity. This is evidenced by the fact that the temporary unit will be surrounded with a 6 foot fence with opaque fence and covering (2) That the proposed use at this particular location provides a service to the facility that will contribute to the general well being of the neighborhood and community. This is evidenced because it will be used for the ACC tournament and the visitors for the month of March to add capacity for customers and provide for public safety. (3) That the location of the

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proposed use will be in harmony with the area which is located in general conformity with the Comprehensive Plan. It will be next to the road and will be shorter than the other towers that are located around it that will provide an esthetic that is normal to the area.

Seconded by Mr. Holston. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Engle, Blackstock, Trapp, and Alford. Nays: 0). Chair Marshall advised all Special Use Permit decision are considered final action unless a written decision signed by the Chair is appealed within 30 days to Guilford County Superior Court.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised the full draft of the new Comprehensive Plan is out for public review and comment. Mr. Kirkman encouraged all Commissioners to look through it and read some information about it. Links were provided to the Commissioners. Staff would like to have a separate session with the Commission to talk through the new plan. If it adopted, there will be changes in the relationship between the Zoning decisions and the Comprehensive Plan and adjustments will need to be discussed both procedurally and generally how the new plan would be used in evaluating zoning cases. It is an important topic. Staff requested feedback on when the best time to meet would be from the Commissioners.

Chair Marshall asked how many cases for the next month. Mr. Kirkman responded possibly 6.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Mr. Engle advised he will not be present at the meeting in March.

**ABSENCES:**

The absence of Mr. Rosa was acknowledged.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Adam Marshall, Chairperson  
AM/cgs

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The regular meeting of the Greensboro Zoning Commission was held on March 16, 2020, beginning at 5:30 p.m. in the Council Chamber of the Melvin Municipal Office Building. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Marion Dansby-Byrd, Ray Trapp, Donald Blackstock, James Rosa, and Vernal Alford. Present for City staff included Luke Carter, Mike Kirkman and Sue Schwartz, (Planning), Noland Tipton (GDOT) and Terri Jones (City Attorney's Office).

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

**APPROVAL OF THE FEBRUARY 17, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Trapp moved to approve the February 17, 2020 minutes as amended, seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Alford, and Rosa. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised that item Z-20-03-005, involving several properties at the corner of West Friendly Avenue and Muirs Chapel Road, was withdrawn by the applicant and no further action was needed by the Commission. Chair Marshall advised that the withdrawn case would not be heard in case anyone in the audience was present for that item.

**PUBLIC HEARINGS:**

**Z-20-03-001: A rezoning request from LI (Light Industrial) and HI (Heavy Industrial) to CB (Central Business) for the property located at 610 South Eugene Street, generally described as west of South Eugene Street and north of West Gate City Boulevard (2 acres). (Approval)**

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties. Mr. Carter advised there were no conditions related to the request.

Chair Marshall inquired if there were questions for staff. Mr. Trapp asked Attorney Jones if he should recuse himself from the case as the applicant is a member of a Board for his employer. It was determined that since this was not a quasi-judicial case where due process implications would be high on a conflict of interest, Mr. Trapp's disclosure was enough and he did not need to recuse.

Chair Marshall inquired if there were any other questions of staff. Hearing none. Chair Marshall requested the applicant to come forward and state their name and address for the record.

Chuck Winfrey, 100 South Elm Street, Suite 430, Greensboro, stated he was representing William Marshall Kotis and Green Valley Property Investors. The subject tract is a 2.4 acre island surrounded by

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other Central Business zoned properties. Green Valley Investors would like to eliminate this anomaly and become part of the potential investments in an effort to refurbish the area and perhaps be used as restaurant or entertainment venue.

Chair Marshall inquired if there were any questions for the applicant. Hearing none, Chair Marshall inquired if there was anyone else to speak in favor of the application or in opposition to the request. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map, as well as the adopted High Point Road/West Lee Street Corridor Plan Future Land Use Map designated this as Mixed-Use Central Business. This designation is intended to permit a true mixture of uses, except for heavy industrial, at the highest levels of scale and density within the city with unique development standards that are tailored to the urban character of downtown. The request is consistent with 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 Central Business zoning district generally is intended to accommodate a wide range of uses, to include office, retail, service, institutional, and high density residential development in a pedestrian oriented mixed-use setting. This request does continue the trend of development in this area away from older industrial uses and towards mixed-use downtown oriented development. Staff recommended approval of the request.

Chair Marshall asked for discussion among the Commission. Seeing none, Chair Marshall requested a motion. Mr. Holston stated in regard to agenda item Z-20-03-001, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request from LI (Light-Industrial) and HI (Heavy-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: The request is consistent with the Comprehensive Plan's Reinvestment goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy. The request is consistent with the Comprehensive Plan's goal to promote reinvestment, preservation, diversification, and selective intensification of activity in downtown Greensboro to reinforce its importance as the economic, cultural, and civic center of the city while protecting its heritage and historic resources and enhancing its urban character. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Alford, and Rosa. Nays: 0). Chair Marshall advised this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a

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public hearing at the April 21, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-03-002: An original zoning and rezoning request from County RS-40 (Residential Single-family) and City CD-RM-18 (Conditional District-Residential Multi-Family-18) to City CD-RM-26 (Conditional District-Residential-Multi-Family 26) for the properties located at 1702-1709 Verdun Drive (AKA 5412-5414 Freedom Lane and 5420-5424 Freedom Lane) 5710 Ruffin Road 5711 Ruffin Road, generally described north and south of Ruffin Road (3.094-original zoning and 20.77 acres – rezoning). (Recommended Approval)**

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties. Mr. Carter advised of the conditions related to the request. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state her name and address for the record.

Judy Stalder, 115 S Westgate Drive, Greensboro, introduced Scott Wallace of the Keystone Group who was present with her to answer any of the Commission's questions. Ms. Stalder stated their request was to rezone the property along Ruffin Road to allow the Keystone Group to develop a resort style community in an area already characterized by multi-family development. The request was technically inconsistent with the GFLUM, but there is already high density development established in this area. She noted the GFLUM will be upgraded shortly to the new Comp Plan Greensboro 2040. That plan would not differentiate on densities of residential but will be look more at how the development fits into the area. Ms. Stalder stated this development would fit into the area mostly due to the transportation network. Changes have been made with the construction of Interstate 73 and the existing thoroughfares of West Wendover Avenue, Guilford College Road, and Bridford Parkway, making the site ideal for higher intensity development because lower densities are not compatible with those types of roadways. The transportation system supports the higher density and would be able to accommodate the movement of residents within that area.

Ms. Stalder advised a transportation impact study was completed and reviewed by NCDOT and the Greensboro DOT recommended that Bridford Parkway and Guilford College Road be connected for ingress and egress. The study did support the multi-family development in this area resulting in housing for employment centers nearby such as the airport, Piedmont Center, and two shopping areas on Bridford Parkway and Piedmont Parkway. Conditions are being offered on the zoning to limit the number of units that are slightly more than RM-18 currently in the area and offering an esthetic condition on the exterior siding that will reflect the aesthetic values of Greensboro. For this particular site, the LDO require C type buffers resulting in a planted buffer of 10 canopy trees, 15 understory trees, and 85 shrubs as a buffer. Buildings will be sited close to Ruffin Road and away from single-family houses. Between the building and the planted buffer will be the parking area landscaped according to the



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LDO. Ms. Stalder advised there was a neighborhood meeting with one household who attended the meeting. Ms. Stalder met with one other person and believed all the concerns were addressed and no other conditions were warranted. Because the transportation network supports the rezoning, the development is sensitive to the adjacent single-family and the development will be in character with the area they were requesting approval.

Chair Marshall inquired if there were any questions for the applicant. Hearing none, Chair Marshall inquired if there was anyone else to speak in favor or in opposition to the applicant's request. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this location as Moderate Residential. As part of the application, the applicant requested a change to the High Residential classification. The High Residential designation provides for higher density apartment dwellings, condominiums, and similar housing types with a general density of 12 units per acre and greater. Staff concluded the request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of future Greensboro citizens for a choice of decent and affordable housing in stable livable neighborhoods offering security, quality of life, and the necessary array of services and facilities, as well as the Growth at the Fringe Goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use as the City expands. The proposed CD-RM-26 request as conditioned does allow uses complimentary to the existing residential uses in the surrounding area. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commission. Hearing none, Chair Marshall inquired for a motion. Ms. O'Connor stated in regard to agenda item Z-20-03-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning and rezoning request for the property located at 1702- 709 Verdun Drive, AKA 5412-5414 Freedom Lane and 5420-5424 Freedom Lane, 5710 Ruffin Road, 5711 Ruffin Road, and north and south of Ruffin Road, from County RS-40 (Residential Single-family) and City CD-RM-18 (Conditional District-Residential Multi-family-18) to City CD-RM-26 (Conditional District-Residential Multi-family-26) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in stable livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use as the City expands. The proposed CD-RM-26 request as conditioned will allow uses complimentary to the existing single and multi-family

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residential uses in the surrounding areas. Seconded by Mr. Blackstock. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Alford, and Rosa. Nays: 0). Chair Marshall advised this constitutes a favorable recommendation and is subject to a public hearing at the April 21, 2020 City Council meeting.

**Z-20-03-003: A rezoning request from R-3 (Single-Family Residential-3) to CD-RM-18 (Conditional District – Residential – Multi-Family-18) for the property located at 4209 Cox Place, generally described as south of Cox Place and west of Meadowood Street (0.462 acres). (Denied)**

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties and advised of the proposed conditions related to the request. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Tim Kennerly, Engineer, 12133 North NC 150, Winston-Salem, on behalf of Guillermo Toledo, provided a preliminary illustrative site plan created to determine if the zoning requirements could be met on this location. Mr. Kennerly stated they believe they can meet those requirements. The buffer placed in the yards were indicated on the side with the single family units.

Chair Marshall inquired if there were any questions for the applicant.

Mr. Alford clarified the drawing was for 6 units and asked about the height of the building. Mr. Kennerly responded it approximately 38 feet tall.

Mr. Trapp also clarified the proposal was for 6 residential dwelling units on less than half an acre. Mr. Kennerly responded it was for six apartments and yes, it is less than an acre.

Mr. Holston inquired if there was a neighborhood meeting. Mr. Kennerly responded letters were sent out to the neighborhood as far as he knew. Mr. Holston inquired if there was any other outreach to the community given the difference this property would bring to the neighborhood. Mr. Kennerly responded he was not aware of any additional outreach. Mr. Holston asked if Mr. Kennerly was the owner. Mr. Kennerly responded he was the engineer, not the owner.

Mr. Carter stated staff had received the applicant's summary of neighborhood communications which was provided in the Commissioner's file and spoke to the letter mailed to the neighbors owning property within 600 feet. The address list was the same that staff used and no one contacted them.

Chair Marshall inquired if there any further questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition and asked the speaker to state their name and address for the record.

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Barry Newman, 4212 Cox Place, Greensboro, expressed his concern of space within the neighborhood and the traffic impact that would occur. There is currently a traffic issue and this would greatly impact the neighborhood.

Susie Newman, 4212 Cox Place, Greensboro, stated her husband's family had owned their property for over 60 years. Ms. Newman believed there was a business nearby involving tractor trailers which affects traffic. Ms. Newman provided background information regarding the amount of traffic and the impact to the neighborhood. Both Mr. and Mrs. Newman expressed their concerns regarding how the 3 story apartments would work in such a small area, to include additional parking of 12 vehicles.

Chair Marshall inquired if there was anyone else to speak in opposition to come forward and state their name and address for the record.

Darryl Freeman, 911 Pilgrims Church Road, stated he is located at the end of this proposed project. Mr. Freeman stated his concern is with the neighborhood and what the future is for the neighborhood. It is a dead end street. There are properties that could be developed as a lot of it is woods and one day there may be something placed there that would be very exciting. Something like this should not be placed in front that could potentially deter something really good for the city and future population. This is a quiet, single family neighborhood that feels country. This is not the right direction. Development along Wendover at Meadowood brought the area up even though it is high impact. Mr. Freeman stated the neighborhood would like to see something on the vacant land, but this proposed land use does not fit within their neighborhood.

Chair Marshall inquired if there anyone else to speak in opposition. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes to address the opposition's points. Seeing none, Chair Marshall closed the public hearing and requested to hear a recommendation from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this property as Moderate Residential. That designation generally accommodates housing types ranging from small lot single-family detached and attached single-family dwelling units such as townhomes to moderate-density low rise apartment dwellings at a general density of 5 to 12 units per acre. Per Council adopted policy, a Comprehensive Plan amendment is not required when a rezoning request is less than 1 acre in size. Staff has concluded the request does support 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 and affordable housing in stable livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-18, as conditioned, does include conditions to protect the surrounding neighborhood from negative impacts of the development. Staff recommended approval of the request.

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Chair Marshall inquired if there was any discussion from the Commissioners.

Mr. Trapp stated he did not normally go against staff recommendations, as staff are professionals working hard at what they do. However, in this particular case he was unable to support the request and had questions about the number of units. The area is very small piece of property for 6 units. Mr. Trapp stated he was concerned with the ingress and egress of EMS vehicles coming from back there with all of the units on top of each other. The height of the building in relation to the single-family housing surrounding the lot was a concern to him as well. Mr. Trapp stated for those reasons, he would not be supporting the request.

Chair Marshall inquired if there was anyone else to speak. Mr. Alford and Mr. Rosa agreed with Mr. Trapp. Mr. Rosa additionally stated this is a small area and right behind the property is Metro 911 and a hotel to the left. Other apartments are located in this area. This proposal would not fit and would not support the request.

Chair Marshall inquired if there was a motion to be made.

Mr. Trapp stated regarding agenda item Z-20-03-003, The Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for 4209 Cox Place, from R-3, (Residential single-family-3) to CD-RM-18 (Conditional District-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 inconsistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent 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 proposed CD-RM-18 request, as conditioned, would not protect the surrounding neighborhood from negative impacts of the development. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, and Alford. Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the April 21, 2020 City Council meeting.

**Z-20-03-004: An original zoning request from County RS-30 (Residential Single-Family) to City CD-RM-12 (Conditional District – Residential Multi-Family -12) for the properties located at 506 Kallamdale Road and 511 Kallamdale Road, generally described as at the end of Kallamdale Road (11.9 acres). (Recommended Approval)**

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties. Mr. Carter advised the applicant has requested to reduce the size of the request

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to 9.951 acres. The applicant will speak more to that. Mr. Carter also advised of the condition related to the request.

Chair Marshall inquired of questions for staff.

Mr. Blackstock asked which one of these was properties were being removed, south or north. Mr. Carter responded the south lot.

Ms. O'Connor asked if that was still a portion of the land on that side that is included. Mr. Carter responded the property line, if extended along that area, would run north to south from Kallamdale down to the I-85 Right of Way.

Chair Marshall inquired if there any other questions for staff. Seeing none, Chair Marshall requested the applicant to come forward and state their name and address for the record.

Thomas Terrell, Fox Rothschild, 300 North Greene Street, Greensboro, representing Trinity Housing Development for a project to be called The Lofts at Elmsley. Mr. Terrell described the area using a photograph depicted on the screen for the Commissioners. The zoning designations for the properties in the area include Commercial-High, Commercial-Medium, and Moderate-Density Residential. Mr. Terrell stated the survey was completed which indicates a small area to be removed and an amended application will be submitted to incorporate that removal. This annexation request is in Growth Tier 1. In accordance with the Comprehensive Plan this property will have an activity center designated as Mixed-Use-Commercial and multi-family is consistent with that designation. Due to the location there is not good access for commercial. Single-family residential would also not be easy to develop with the property located between Walmart and the Interstate. This application is for Conditional Use-Multi-family-12. This is a limitation of 84 units with a community building. As applied, it would be essentially RM-7, with 12 acres divided by 84 resulting in 7 units per acre. When the small triangle is removed, it will then be a density of RM-9. It would still be lower density than the surrounding units north and west of the property and consistent with the GFLUM. A letter was sent to all of the neighbors within 600 feet, a person phone number and email was provided. No one called, nobody wrote. The first neighborhood meeting with no one attending.

Chair Marshall inquired if there were questions for the applicant.

Mr. Holston stated, understanding the 600 foot radius, asked if there was any outreach to the other major neighborhoods on either side. Ms. Terrell responded every single family within that radius received the same letter. Mr. Terrell provided background information on that particular area. Mr. Terrell indicated a place on the photograph depicted for the Commissioners and stated he not believe from that location this property could be seen from the location of the single-family homes.

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Mr. Rosa asked where the exit from this property would be. Mr. Terrell responded there are two locations. Kallamdale Road dead ends into the property and the other one would be onto Elmsley Street. Mr. Rosa stated he was asking because he travels down that particular road and it can sometimes have a lot of traffic there, especially around holidays. When going around the curve, you cannot see cars coming out from the roadway if there was a driveway there. Mr. Terrell responded the site has not been designed as to where that point would be at this point. Upon receiving the permit, the site distances will be decided by GDOT and determined to be safe.

Chair Marshall inquired if there were further questions for the applicant.

Mr. Trapp asked Mr. Tipton if that area was close to adding a lane or looking at other traffic measures. Mr. Terrell responded when he has driven down Kallamdale, there is no traffic currently and Elmsley has never been that heavily traveled. He had not been there in the morning peak. Mr. Trapp responded during typical shopping hours and Friday nights, it is congested. The retail services are used both for City and County.

Mr. Holston stated he also could attest at the Walmart property trying to get out onto Elmsley and turning left, you have to sometimes just pull out. There has been an increasing number of vehicles and traffic. Mr. Terrell asked if the Board was suggesting single-family development. Mr. Trapp responded, his concern was for the general growth and traffic in that area.

Mr. Tipton advised GDOT does not have counts for Elmsley and there were no plans on the books to widen it for any reason. Without a count, Mr. Tipton advised he was not able to state to capacity. Mr. Trapp responded he would be reaching out to the District Representative for that area.

Chair Marshall stated as no one else was present to speak, closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this property as Mixed Use Commercial.. That designation is intended to promote a mixture of uses of which various commercial uses remain predominant for residential services and other uses are considered complimentary. The proposed supports the Comprehensive Growth at the Fringe Goal to provide a development framework for the Fringe, guiding sound and sustainable patterns on land use and provided for efficient provision of public services and facilities as the City expands, 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 offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-12 request, as conditioned, is consistent with the surrounding pattern of residential and commercial development. Staff recommended approval of the request.

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Chair Marshall inquired of discussion from the Commission.

Mr. Holston inquired if this was a tax credit facility. Mr. Kirkman responded this is a request for 84-multi-family dwelling units by condition and is where the Commission should focus its evaluation.

Chair Marshall inquired of any other questions or discussion. Hearing none, Chair Marshall requested a motion by made.

Ms. O'Connor stated in regard to agenda item Z-20-03-004, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment for the property located at 506 Kallamdale Road and a portion of 511 Kallamdale Road from County RS-30 (Residential-Single-family) to City CD-RM-12 (Conditional District -Residential-Multi-family-12) 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 Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is also consistent with the Comprehensive Plan's Growth at the Fringe Goal to provide a development framework for the fringe that guides, sound and sustainable patterns on land use as the City expands. The proposed CD-RM-12 request, as conditioned, is consistent with the surrounding pattern of residential development.

Seconded by Mr. Rosa. The Commission voted 7-1. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Rosa, and Alford. Nays: Blackstock). Chair Marshall advised the approval a favorable recommendation and is subject to a public hearing at the April 21, 2020 City Council Meeting.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Ms. Schwartz, Director of Planning, thanked all of the Commission Members for attending and executing the business of the City of Greensboro. Ms. Schwartz stated she deeply appreciated on behalf of the city, all of the efforts by the Commissioners to attend the meeting and make it happen.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Chair Marshall advised everyone to be safe during this time and deeply appreciated everyone attending this meeting.

**ABSENCES:**

Mr. Engle was acknowledged as an approved absence.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 6:35 p.m.

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Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs



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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneous on the City of Greensboro website on April 20, 2020, beginning at 5:30 p.m. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Ray Trapp, Zac Engle, James Rosa, and Vernal Alford. Present for City staff were Luke Carter and Mike Kirkman, (Planning), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Marshall welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Marshall advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format.

**APPROVAL OF THE MARCH 16, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Holston moved to approve the March 16, 2020 minutes as submitted. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, and Alford. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised there were two continuances requested on agenda items.

First was case Z-20-04-005, 2222 Wilcox Drive. (Denied)

Chair Marshall requested the person requesting the continuance to state their name, address, and why the case should be continued and advised that the Commission would not be hearing the merits of the case, it would only be to determine if the case would be heard at this point.

Dustin Brande, 2221-C Wilcox Drive, stated he lives directly across from 2222 Wilcox and is representing himself and other neighbors to address concerns regarding traffic impact and other things such as property values. Mr. Brande advised there were many senior citizens living within the neighborhood without the means to join the online platform to voice opinions or concerns. They requested a continuance to the June 15 meeting to allow residents to attend the meeting if the stay at home order is lifted by that time and to have more time to get more information from the developer.

Chair Marshall inquired if there were questions from the Commissioners to Mr. Brande. Hearing none, Chair Marshall inquired if there was anyone else who wished to speak in favor of the continuance.

Bob Thurston, 3519 Associate Drive, stated he was in favor of the continuance request. Mr. Thurston felt it would be advantageous to hear from people face to face and was good either way, but if given the choice favored the continuance request.

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Chair Marshall inquired if there were any questions for Mr. Thurston. Seeing none, he inquired if there was anyone else wishing to speak in favor of the continuance. Seeing none, he inquired if there was anyone opposed to the continuance request.

Judy Stalder, speaking on behalf of Keystone Properties, 115. S. Westgate Drive, introduced Scott Wallace who was also available to answer any questions from the Commissioners. Ms. Stalder stated they would like to move forward with the case as it a very simple case. She stated they would just be increasing the density by one unit per acre and that would result in a better development. She stated the first reason not to delay was given the current constraints every effort was made to contact neighbors, return emails, and return calls was made. The details are in the neighborhood communications report. A letter was sent with the site plan to all of the addresses provided by zoning staff. All calls and emails were returned immediately. No one was skipped, even if it appeared confrontational. The details are in the report sent to staff the past week. She added that since the report was filed she had talked to two additional neighbors, Mr. Brande who owns the property across Wilcox and Mr. Thurston who owns property on Associate Drive. Mr. Brande's primary request was for a continuance. The continuance was discussed and she followed up to let Mr. Brande know Keystone's thoughts regarding a continuance. Mr. Thurston called this afternoon. Ms. Stalder obtained as much information as possible to address his request by the time of the meeting. Keystone feels they moved adequately to communicate with all the area residents to the extent that it was possible. Ms. Stalder did not feel anything would change before June 15 to allow a face to face meeting with the residents or change their objections to the plan.

Ms. Stalder advised that Keystone's contract on the property had a deadline date which would be difficult to meet if there was a continuance. Keystone is sympathetic due to the technology but if the meeting continued as a virtual hearing, there may be requests made later in the meeting. Regardless of the outcome of this meeting, the zoning could be appealed to City Council, adding further delay. Given the impact of the last session and the recent shutdown of businesses, everyone needs to move forward. She stated that historically construction leads out of a recession and Keystone wants to do their part to keep the economy going. For all of those reasons, Keystone preferred to move forward with the hearing now.

Chair Marshall inquired if there were any further questions for Ms. Stalder.

Mr. Engle stated in the communications sent, he did not see much regarding buffers or buffering the property in some way and asked if Keystone was prepared to address those concerns at this meeting. Ms. Stalder responded Keystone was prepared to address those concerns.

Chair Marshall inquired if there were any further questions for Ms. Stalder. Hearing none, Mr. Wallace requested to speak.

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Scott Wallace, President of the Keystone Group, 3708 Alliance Drive, added it was very important for Keystone to continue to move forward and continue with the opportunity to provide great projects like this. The recovery would be much sooner to help mitigate any issues and in moving out of the current situation everyone is in due to Covid19.

Chair Marshall inquired if there were any questions for Mr. Wallace. Seeing none, Chair Marshall inquired if there was any discussion among the Commissioners or a motion allow or deny the continuance. Mr. Trapp made a motion to deny the continuance request and proceed forward with the case, seconded by Mr. Engle. The Commission voted 6-1. (Chair Marshall, Holston, Trapp, Engle, Rosa and Alford. Nays: O'Connor)

Chair Marshall inquired if there were any other continuances. Mr. Kirkman responded there were two other continuance requests. Case Z-20-04-006, 1209 and 1217 Rotherwood Road. The attorney for the applicant, Mr. Pearce, would speak on the continuance request. (Approved)

Brian Pearce, Nexson Pruet, 701 Green Valley Road, stated they were prepared to go forward at this meeting but some of the neighbors had asked for a continuance to have more time to ask questions. They are willing to do that at the May meeting per the neighborhood's request.

Chair Marshall inquired if there were any questions for Mr. Pearce. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in favor of the continuance request.

Fred Wood, 4 Acorn Court, stated the community had conversations with Mr. Pearce and supported a continuance to allow the neighbors to have an opportunity for a meeting to discuss the matter. Mr. Pearce has offered to open up his conference line so there can be a conversation prior to the May 18 hearing.

Chair Marshall inquired if there was anyone wishing to speak in favor of the continuance request. Seeing none, inquired if there was anyone to speak in opposition to the continuance request. Seeing none, Chair Marshall requested a motion. Mr. Engle made a motion to grant the continuance request, seconded by Mr. Rosa. The Commission voted 7-0 in favor of the continuance. (Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, and Alford. Nays: 0).

Mr. Kirkman advised there was also a request from Caitlyn Hall regarding an original zoning request for agenda item Z-20-04-001, for a portion of 3617 Of Link Road. (Withdrawn)

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Caitlyn Hall, 1953 Ruby Wood St., stated no information had been provided to the community regarding what the plans are for development on this property and potential traffic impact. Ms. Hall stated she would like more time to gather more information about the plans and speak with the neighbors regarding how they feel. It was less than 48 hours when the letter was received and she would like the opportunity to be able to gather more information and be better prepared.

Chair Marshall inquired if there were any questions for Ms. Hall. Mr. Holston asked Ms. Hall when the notice of the application was received. Ms. Hall responded the letter was received April 14 via mail and April 17 was the last date for pictures to be submitted for the hearing. There was no other information other than the property is proposed to be rezoned to residential single family. Further down the street is another community currently being built on Link Road. Ms. Hall would like to know what exactly the applicant is planning to build. Mr. Holston asked if the communication received on April 14 was from the City of Greensboro or from the developer. Ms. Hall responded it came from the City of Greensboro. There had been no communication from the developer. Mr. Holston asked if the communication received was through the US Postal service mailbox and if there had been any issues with mail within the communities. Ms. Hall responded there has not been any issues with mail in their community.

Chair Marshall inquired if there were any further questions for Ms. Hall. Seeing none, Chair Marshall inquired if there was anyone else who wished to speak in favor of the continuance request. Seeing none, Chair Marshall inquired if there was anyone opposed to the continuance request.

Maria Lara, 3617 Link Road, stated she just wanted to build a one family home and spoke to an HOA representative to let them know the purpose was to build a home. Some signatures were obtained from the HOA and neighbors stated there was no problem with her request.

Chair Marshall inquired if there were any questions for Ms. Lara. Chair Marshall asked Ms. Lara if when she spoke with the Association, had she spoke to individual home owners or with the Board who stated a position on the matter. Ms. Lara responded she spoke with the neighbors personally and spoke with an HOA representative. Chair Marshall inquired if there were any further questions for Ms. Lara. Mr. Rosa inquired how many homes would be on the property. Ms. Lara responded one. Currently there is a small home there they would like to make as a small guest house and build their home next to it.

Mr. Carter advised that Ms. Hall, who had requested a continuance, would like to provide information to the Commission. Chair Marshall requested to hear from Ms. Hall.

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Caitlyn Hall, 1953 Ruby Wood St., stated she no longer wished to ask for a continuance. The letter had stated it to be a 3-dwelling unit per acre and she did not know it was just for one home. It appears that is not the case and no reason to ask for a continuance.

Chair Marshall stated the continuance request has been withdrawn.

**PUBLIC HEARINGS:**

**Z-20-04-001: An original zoning request from County AG (Agricultural) to City R-3 (Residential - Single - family - 3) for a portion of the property located at 3617 Link Road, generally described as north of Link Road and east of McKnight Mill Road (4.33 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map for Z-19-04-001 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Marshall requested the applicant to state their name and address and present their case.

Maria Lara, 3617 Link Road, stated the rezoning was to allow for her home to be annexed into the City. Chair Marshall inquired what was the specific reason for the rezoning. Ms. Lara responded they felt it was the best option to be annexed into the city for her family.

Mr. Kirkman added this is part of the City's water and sewer extension policy. If accessing city water or sewer you must be annexed in to the city to provide the services. In this case, this property can be served by City services and that is what triggered this conversation.

Chair Marshall inquired if Ms. Lara had anything else. Ms. Lara did not. Chair Marshall inquired if there were any questions from the Commissioners to Ms. Lara. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the zoning request. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition to the request. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated this property is designated as Low Residential on the City's Generalized Future Land Use Map in the Comprehensive Plan. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3-5 dwelling units per acre. Staff did conclude this request was consistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods. It is also consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use while providing for efficient provision of public services and facilities as the city expands. The proposed R-3 zoning district is primarily intended to accommodate low density single-family, detached residential development with

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a maximum density of 3 dwelling units per acre and is consistent with the pattern of residential development in the area. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion among the Commissioners or a motion. Mr. Engle stated in regard to agenda item Z-20-04-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located on a portion of 3617 Link Road, from County AG (Agricultural) to City R-3, (Single-family Residential-3) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in stable, livable neighborhoods. The request is consistent with the Comprehensive's Plans Growth at the Fringe goal to provide a development framework for the fringe that guides sound and sustainable patterns of land use as the city expands. The proposed R-3 zoning district is consistent with the surrounding pattern of residential development. Seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, and Alford. Nays: 0). Chair Marshall advised the approval constituted a favorable recommendation and is subject to a public hearing at the May 19, 2020 City Council meeting.

**Z-20-04-003: A rezoning request from R-3 (Residential Single Family - 3) to CD-LI (Conditional District – Light Industrial, for the property located at 9032 West Market Street, generally described as north of West Market Street and west of Sandy Ridge Road (6.066 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map for Z-19-04-003 and other summary information for the subject property and surrounding properties. Mr. Kirkman also advised of the one condition related to the request. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to state their name and address and state their case.

Brian Pearce, of Nexson Pruet, 701 Green Valley Road, representing the property owner. Mr. Pearce stated as indicated on the information provided by Mr. Kirkman, this area has become an industrial area. His client owns the property and would like to build several small light industrial buildings. One building will be used for himself and the others will be leased out. The uses will be compatible with all those in the area and he requested the rezoning be approved for the reasons stated.

Chair Marshall inquired if there were any questions for Mr. Pearce. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone in opposition to the zoning application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated this area is within the adopted Western Area Plan, a separate small area plan for this area. The Future Land Use Map of the Western Area Plan designates this property as an Employment Area. That designation is generally believed to be where the majority of the demand for future industrial and office space projected in the plan's market analysis would be located. Staff concluded that this request is consistent with 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 proposed CD-LI, as conditioned, is consistent with this Future Land Use designation and also the general pattern of development in this area. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion among the Commissioners. Mr. Engle advised he had a motion. Mr. Engle stated in regard to agenda item Z-20-003, the Greensboro Zoning Commission believes that is action to recommend approval of the rezoning request, for the property located at 9032 West Market Street from R-3 (Residential Single-Family-3) to CD-LI (Conditional District Light Industrial) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship, and for-profit and non-profit economic development for all segments of the community. The request, as conditioned, limits negative impacts to the surrounding neighborhood. Seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, and Alford. Nays: 0). Chair Marshall advised this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the May 19, 2020 City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-04-005: A rezoning request from R-3 (Residential Single-Family-3) to CD-R-7 (Conditional District – Residential Single-family -7) for the property located at 2222 Wilcox Drive, generally described as south of Wilcox Drive and east of County Ridge Road. (12.63 acres).**

Mr. Kirkman reviewed the zoning map for Z-20-04-005 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the proposed condition related to the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to come forward and state their name and address and state their case.

Judy Stalder speaking on behalf of Keystone Properties, 115 S. Westgate Drive. Ms. Stalder advised that Scott Wallace of Keystone homes was also on to answer any questions from the Commissioners. Ms.

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Stalder stated the current zoning on the property is Residential Single-family-3. Keystone was requesting Single-family- Residential-7 to construct a maximum of 52 entry level homes with a density limited to 4.11 units per acre, slightly more than one unit per acre above the current zoning. The Generalized Future Land Use Map designates the area for light density and the Comp plan encourages up to 5 units an acre. The development will provide a transition between a similar development to the west and industrial developments along Highway 29. The density and home size are typical of new development currently in use. Prices would range from the upper 100,000s to lower 200,000s and is the best that can be done due to the cost of regulations within the state. Ms. Stalder stated the request is conditioned to allow a maximum of 52 homes and on Keystone's site plan there are only 50 homes. She stated that neighbors were sent a copy of the site plan for review which is not typically done but because a meeting could not be done due to safety concerns, Keystone thought it was important to have the neighbors see what Keystone had in mind. The most prevalent and first concern is traffic. This small of a development does not trigger a need for a traffic impact study. The proposed change in density is minimal and the difference in traffic with the 52 homes proposed as Keystone's maximum would be very small. Most of the traffic comments were with regard to Highway 29. The last section of the Greensboro Urban Loop will be opened by late 2021, early 2022 and has the potential to alleviate any perceived traffic on Highway 29. Greensboro's Department of Transportation reviewed Keystone's proposal and had no objections and referred to Mr. Tipton for details.

Ms. Stalder stated that additional concerns regarded storm water, particularly from 2224 Wilcox Drive. She stated the plan for storm water control must be reviewed by the Technical Review Committee for compliance regarding state and federal storm water control requirements. The storm water runoff is controlled on site and does not increase the amount onto adjacent development properties. Keystone felt that particular concern would be addressed by the Technical Review Committee. An additional concern regarded fencing from Mr. Thurston who requested a 6 foot opaque fence along the entire eastern property line to discourage foot traffic. Ms. Stalder stated she thought immediately of 3 reasons why to not do that. Ms. Stalder was unsure why there would be foot traffic from Keystone's development through an industrial development and Mr. Thurston had confirmed that there is none currently. The Development Ordinance does not require residential development to protect industrial property or provide for their security. The cost of that much fencing would add \$1200 to \$1500 to the cost of the homes. Ms. Stalder referenced a statistic from the National Home Builder's "that every time the cost of the house goes up \$1000, nationwide 152,103 families are eliminated for the cost of home ownership." Aside from those reasons, Ms. Stalder believed Keystone can address Mr. Thurston's concerns. Ms. Stalder referred to Keystone's typical development profile which requires fencing in the back corner to the back corner between the homes because the front yards would be maintained by the HOA and would preserve the value of the homes. The backyard fencing provides a barrier from the beginning of the development all the way through and will keep any foot traffic from the street going east or west from Keystone's development. Keystone felt it is important to preserve the value of the homes. Keystone is a



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very good neighbor and takes pride in their homes and works in conjunction with the Home Owners Association. With this development Keystone is not only providing housing, but are providing jobs that are very much needed. Land development is key to building the tax base and growing the economy. The last recession prepared Keystone for this storm and are keenly aware for the need of more development and affordable housing. Opposition to rezoning is expected, in particular from areas previously rural and are now part of the urban environment. The alternative to more density is increased cost of housing and increased sprawl to accommodate larger lots and higher taxes to accommodate extended infrastructure. Keystone's proposed zoning on Wilcox Drive is supported by the Comp Plan. In allowing this slight increase in density, it is a step towards solving housing issues and requested the support of the Zoning Commission.

Chair Marshall inquired if there were any questions for the applicant. Mr. Engle asked why the condition was not for 50 homes as it was 52 homes mentioned in her statement. Ms. Stalder responded Keystone would like to have 52 if possible. Currently it appears it would be 50. TRC staff is sometimes helpful in creating more room. Mr. Engle asked if the assumption is there will be 52 homes built on this property. Ms. Stalder responded that was correct. Mr. Engle stated the existing density at 2224 Wilcox Drive, the buffering and the lack of conditions was a huge concern for him and requested Ms. Stalder to address those concerns. Ms. Stalder responded Keystone has a piece of property already zoned R-3. There could be 5 or 6 new neighbors adjacent to 2224 Wilcox with no rezoning. With single-family adjacent to single-family, there is a development ordinance addressing that as single family. With the new Comp Plan or Greensboro 2040, the actual density is not addressed. Mr. Engle interjected he can only talk to what is here now. Ms. Stalder responded the trend is to get density where you can and to build those houses because there are people who need housing. To be able to build affordable housing is not usual in Greensboro. Land prices are high. These houses will stand out in that neighborhood and be slightly more valuable than what is currently there. Ms. Stalder stated she was unsure of how else to defend density. It is needed and until it is done away with, it was increasing the burden on everyone who is here.

Mr. Kirkman asked if Ms. Stalder would like to refer to the illustrative site plans that were sent out for reference. Chair Marshall responded he felt it would be helpful. Mr. Engle stated he still had some concerns with the increased density and the lack of conditions with buffering and did not feel confident. Ms. Stalder stated there is opaque fencing at the 2224 property. The homes have to be set back 25 feet from the property line. They cannot be right on the property.

An illustrative drawing was displayed for everyone depicting the potential Wilcox Drive development. Mr. Holston asked relative to the neighborhood that is comprised of the Country Ridge Road, it appeared they are R-5 and asked if Keystone considered R-5 zoning for this tract of land. Ms. Stalder responded Keystone always tries to go with the lowest zoning that they can. Keystone was looking at the

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stream that had to be protected and to preserve some open space for water quality protection. The smaller lots are within the development and backing up to industrial property. They are narrower but not necessarily less deep. Along R-3 and R-5, the lots are larger. Mr. Holston asked for the R-5 zoning, how many properties was anticipated to be able to fit on the lot. Ms. Stalder advised Scott Wallace wanted to speak to Mr. Holston's question regarding R-5 zoning versus R-7 and the lots adjacent to 2224 Wilcox.

Scott Wallace, President of the Keystone Homes, 3708 Alliance Drive, stated this project is a very difficult piece of property to develop as it is narrow in nature and has an environmental stream running through the property with restrictive water shed requirements. With this property and its obstacles, it is very difficult to develop the property with affordable homes for Greensboro. Regarding R-7 versus R-5, it had to do with the lot size. To develop smaller lots in order to preserve enough density for this project to be viable, considering the stream constraints, the storm water area, and an easement on the property leading over to the apartments south. Mr. Wallace stated in addition, the road coming off of Wilcox has homes only on the inside lots making that road very expensive. Mr. Wallace stated all along the rear property line and side property line of 2224 Wilcox is an existing 6' opaque fence that provides a buffer.

Mr. Holston asked regarding egress and ingress to the properties if it would also access Country Ridge in addition to Wilcox Drive. Mr. Wallace responded that was correct. It was specified as a separate ingress and egress road for the community. Mr. Holston stated he appreciated that but he also has some hesitation regarding the density.

Chair Marshall inquired if there were any further questions for Mr. Wallace or the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition.

Dustin Brande, 2221-C Wilcox Drive, referred to Mr. Wallace and Ms. Stalder's comments that there was information provided. Other than the site map depicted and the claim for the houses selling in the upper \$100,000 to the \$200,000 range, there has not been time to research anything. This was provided within the 10-day period, but the neighbors have not had the opportunity to see and talk about anything. The neighborhood reached out to Mr. Wallace via phone and was told that Mr. Wallace would have no problem talking with them, but then he backtracked on that and did not want to address any concerns or questions the neighborhood had. Mr. Brande stated he felt the reason Keystone cannot provide the Commissioners with the number of houses that can be fit on R-5 zoned property is because they have not looked into because it is not profitable enough for Keystone. The 2224 Wilcox property with fencing around it started because of this project. The person who lives there is elderly and is the son of the people who previously owned the 2222 Wilcox property and he is terrified of what may happen there.

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Mr. Brande addressed the statement made going from R-3 to R-7 will only be the difference in one unit per acre as the math did not work out for that.

Mr. Brande read from his statement addressing the concerns of the neighborhood. The concerns expressed were impact of traffic as it becomes congested and backed up. No traffic impact studies have been done and this property does not require one but the existing traffic already present is a concern and would like to have addressed. The neighborhood is concerned regarding property values for the proposed homes as they will not fit with what is currently there. The plan proposed by Keystone appears to be much smaller than what is currently there and the neighborhood is concerned the homes will not meet the standards of the homes currently there. There is no home on this street that is valued at \$100,000 up to \$200,000 and larger homes on larger lots built to a higher standard. The neighborhood understands the need for the City's affordable housing but there is other vacant land not located in the middle of an existing and established older neighborhood. This neighborhood is largely comprised of senior citizens who have made their entire lives there and are trying to maintain what they have. The neighborhood was not opposed to development but does not want growth to get out of hand and are concerned.

Chair Marshall inquired if there were any questions for Mr. Brande. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Mr. Carter advised two people had indicated they would like to speak but have not raised their hand. Chair Marshall requested to have them unmuted so the question could be asked. Chair Marshall asked Mr. Thurston if he was opposed to the application or if he wished to speak in opposition.

Bob Thurston, 3519 Associate Drive, stated he was not opposed to the project. He hoped to achieve separation with a fence that he had suggested and was the only concern. Mr. Thurston stated Ms. Stalder provided some statistics on the cost of a fence on the east side of the property but he felt it would enhance the property and provide some separation to the business properties on Associate Drive.

Chair Marshall inquired if there was anyone else to speak in opposition to the application.

Mr. Zimmerman, 3505 Associate Drive, stated he did not oppose the project but would like to see some type of fencing. There is a wooded area behind the fences that would be behind the homes and he is concerned about potential pedestrian traffic or gatherings.

Chair Marshall inquired if there was anyone else wishing to speak in opposition or anyone wishing to speak. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal to address the application.

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Judy Stalder, Keystone Properties, 115 S. Westgate Drive, stated all of the homes on Wilcox are very nice and set back in larger lots because they were built when that area was not incorporated into Greensboro. The homes on Country Ridge are not as nice, probably on smaller lots, and most likely a lower value than the new homes being built currently because new home construction has more requirements and regulations to make homes nicer. Keystone adds the additional HOA overview and lawn care, keeping the value of the homes. Ms. Stalder stated regarding other vacant land to build on, there was probably a lot of vacant land in the county which would require extending utilities and annexations. The focus now has to be infill development and building houses already in the city where utilities are available.

Chair Marshall inquired if there was anyone else wishing to speak in favor.

Scott Wallace, 3708 Alliance Drive, stated no one had reached out to him regarding this case. If they had, he would have talked to them and will talk with them. Regarding the density, it is just one lot plus or minus more than the R-3 and the condition of uses limits the homes as to what that provides. Mr. Wallace stated he appreciated the opportunity to create a very nice community for the City of Greensboro and as Ms. Stalder stated they will be talking more regarding fencing and limiting traffic flow. In addition to the HOA overview, the HOA also provides a beautiful community maintained on a consistent basis and is a good strategy protecting home values and provide safe and attractive homes.

Chair Marshall inquired if there were any questions for Mr. Wallace. Mr. Brande stated he would like to ask questions. Chair Marshall stated he would not be able to ask questions of the applicant. He could address the Commission but not the applicant.

Mr. Engle asked if the fencing behind the homes from corner to corner is going to be there because that was not a condition. He understood what Keystone was trying to achieve but was not comfortable with what was being said versus what needs to be done and was not quite there. Chair Marshall inquired if there was anyone else wishing to speak in favor in the rebuttal period.

Mr. Wallace, 3708 Alliance Drive, stated they are fully prepared to do the fencing as was suggested and can offer it as a condition.

Mr. Kirkman advised he was unsure exactly what was being proposed and was hesitant to phrase any type of condition. Discussion was held between Mr. Kirkman, Mr. Wallace and Ms. Stalder in relation to the wording of a condition to be added. Mr. Kirkman advised the Commission to continue forward and if the case continues further along they will properly address that condition as he was not sure it could be addressed easily at this point. Chair Marshall agreed.

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Chair Marshall inquired if there were any other questions. Chair Marshall inquired if there was anyone else to speak in favorable during rebuttal time. Seeing none, Chair Marshall inquired of Mr. Brande if he had anything else to say in opposition.

Dustin Brande reiterated there was no communication. Mr. Brande stated they reached out the previous Thursday and spoke to Judy Stalder who assured them that Mr. Wallace would talk with them, but then contacted them later to advise that Mr. Wallace did not want to talk as they were under contract. There were time constraints and he did not have time for discussion and was advised they would take nothing less than R-7 because of the contract with the sellers. The neighborhood was looking for a happy medium, but felt they were not being met at the middle. Mr. Brande stated much of the neighborhood was opposed but could not attend the meetings via Zoom and that was why he had requested a continuance.

Chair Marshall inquired if there were any other questions for Mr. Brande. Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map currently designates this property as Low Residential. 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 of generally 3 to 5 dwelling units per acre. The request 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 and affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary of services and facilities. The proposed CD-R-7 request, as conditioned, limits uses to those that are consistent with the pattern of development in this area. Staff supported the request.

Chair Marshall inquired of any questions for staff. Seeing none, Chair Marshall inquired of any discussion among the Commission members. Seeing none, Chair Marshall inquired if there was a motion. Mr. Holston stated if there is no motion and understanding all the information presented, he is concerned regarding the density issue and in speaking to density only, would not be supportive of the request. Mr. Engle stated he agreed was with Mr. Holston. If it was R-5, it would be a slam dunk. There are pieces that did not fit within this puzzle and he was also opposed. Mr. Engle stated he was willing to make a motion if no one else wished to speak. Chair Marshall inquired if there was anyone else wishing to be heard. Seeing none, Chair Marshall advised Mr. Engle to go ahead. Mr. Engle stated regarding agenda item Z-20-04-005, The Greensboro Zoning Commission believes that its action to recommend denial of the zoning request for the property located at 2222 Wilcox Drive, from R-3 (Residential-Single family – 3) to CD-R-7 (Conditional District – Residential Single -family -7) to be inconsistent with the

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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 Comprehensive Plan's Reinvestment/Infill goal to provide sound investment in Greensboro's urban areas. The request is inconsistent with the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in a stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is inconsistent with a pattern of residential development in the area. Seconded by Mr. Holston. The Commission voted 3-4. (Ayes: Engle, Holston and O'Connor Nays: Chair Marshall, Alford, Trapp, and Rosa.). Chair Marshall advised the motion to deny failed.

Chair Marshall inquired what the next step would be. Mr. Kirkman responded a motion would need to be done in the affirmative to get the vote correct. To be clear, there were 3 people in favor of the motion to deny and 4 opposed to the denial. Mr. Marshall responded that was the count he had. Ms. Jones advised it would be preferable to have an affirmation motion so that it is clear to City Council that there is a recommended approval of this. Chair Marshall stated he would make the motion as he voted in favor.

Chair Marshall stated regarding agenda item Z-20-04-005, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning for the property at 2222 Wilcox Drive from R-3 (Residential Single-family-3) to CD-R-7 (Conditional District Residential- Single-family-7) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is also consistent with the pattern of residential development in the area. Seconded by Mr. Trapp, The Commission voted 4-3. (Ayes: Chair Marshall, Alford, Rosa, and Trapp. Nays: Holston, O'Connor and Engle.) Chair Marshall stated this constituted a favorable recommendation and is subject to a public at the May 19, 2020 City Council meeting.

**Z-20-04-007: An original zoning request from County AG (Agricultural) to City CD-HI (Conditional District – Heavy Industrial) for the properties located at 1812, 1814, and 1818 Youngs Mill Road and 3921 Presbyterian Road, generally described as south of I-85 and west of Youngs Mill Road, (193 acres original zoning and 3.171 acres rezoning). (Recommended Approval)**

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Mr. Kirkman reviewed the zoning map for Z-20-04-007 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request and noted the applicant will be requesting to have the condition amended to all uses permitted in the Light Industrial zoning (instead of the Heavy Industrial district) and excluding those uses that were previously noted. The meets the original intent of the applicant but was the case advertised as HI uses and they will need the Commission to make that change as part of the presentation. Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested to hear from Mr. Terrell. Mr. Terrell, representing Williams Development group, confirmed the application was intended to be limited to LI uses. Mr. Engle moved to accept the amendment as stated, seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Alford, Trapp, Rosa, and Engle.) Chair Marshall stated the amended change was accepted.

**Tom Terrell, Williams Development Group**, stated this is 193 acres of prime industrial land great for a tax base enhancement and job creation, but also could allow up to 2 million square feet for industrial and distribution use. He noted there was no end user or tenant currently. The property does have access to Interstate 85. A first letter was sent to all the neighbors which contained a conceptual layout emphasizing there was not an end user but wanted the neighbors to see that there would be several large buildings. Mr. Terrell depicted an aerial view indicating the southwest corner of the property that appeared to be a very dense sub-division to the south but that was incorrect. A subdivision was laid out in the 1950s but never constructed and no roads were cut in. A western view of the property depicted where the property abuts the interchange. Both of the truck access points are approximate to the interstate on Young Mills Road. Traffic would be kept internal to the site and there would be left and right turn lanes constructed to mitigate the traffic. There has to be an access for safety purposes somewhere other than Youngs Mill Road. The most important item in the traffic study is there are 9 different intersections and of the 9, 7 remain at the exact same level of service. All are level of service A and B. Of the two that had a small drop, one was actually at the interchange itself.

Mr. Terrell further advised two letters were sent to the neighbors. The first letter was sent on March 13, before the "world closed down". It was anticipated in the letter that there may not be an in person meeting and set up within the letter instructions for a conference call. On the day of the meeting it was posted at the church where the meeting was to be held and they had two conference calls that day that were very productive. A conference call with church leadership was had the next day and very positive. There were individual communications with approximately 17-18 neighbors. Some communications were on multiple occasions and everyone continued to be updated. The second letter requested the neighbors to provide an email if they could not attend the meeting and would send all of the updated information with only one response. Everyone was emailed notifying them of the current meeting. There was concern the property would be residential and concluded any large structures would be a buffer for noise from the interstate. Mr. Terrell stated Taylor Williams is from Forsyth County who works hard

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and is very knowledgeable Taylor Williams has completed substantial developments in Guilford and there are industrial developments in the Rock Creek Dairy Park currently. Mr. Terrell requested for Mr. Williams to speak regarding his vision for the project.

Taylor Williams, 2990 Bethesda Place, Suite 604-C, Winston-Salem, stated he was very excited about the project not only regarding the possibility of outside investment within the local community but also adding jobs to the local economy. Williams Development would be designing up to 2 million square feet of industrial space with this project. It is conceptual in nature currently but having it rezoned would be another step in getting closer to success in building and recruiting outside investment. The Williams Group has several industrial projects within the Triad area and knows what it takes to get the site shovel ready and what it takes to win a project. This is a local and family owned business based out of Winston-Salem and looking forward to working with the local community and are excited about the project. The Williams Group is very excited for a multitude of reasons but one of the largest is the minimum traffic impact study in the proximity to other major interstate industrial projects.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application.

Shane McGee, 1819-A Youngs Mill Road, provided his background living in the area. Mr. McGee referred to the aerial map and stated there is no other industrial in this area. Mr. McGee stated this would be large warehouses approximately 500 feet from his front door. His home is located in the county and if he wanted to look out his window and see a big warehouse, he would live in the City. Mr. McGee advised that his neighbor, Judy Britt, is not tech savvy enough to be able to speak via Zoom but shares his sentiment. The pictures shown of the houses on Youngs Mill Road showed the first two houses coming up from the interstate but did not depict his or Ms. Britt's. Mr. McGee stated he was disgusted by that as they have very nice homes and does not want his property value destroyed by the presence of a large warehouse and all the noise that comes with it across from his home. Mr. McGee expressed his concern regarding not having buffers and asked the Commissioners to consider how the landscape will be changed, change in property values, and would they want to look at a big warehouse from their front window. They are in the county because they want to be in the county.

Chair Marshall inquired if there were any questions for Mr. McGee. Mr. Holston requested to have Mr. McGee restate his address. Chair Marshall inquired if there were any other questions for Mr. McGee. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if Mr. Terrell would like 5 minutes of rebuttal. Mr. Carter stated there are some people that are signed in to speak against.



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Alice McCall, stated the neighborhood has reservations about the industrial site being added and what it will do to property values. They live in the county and do not want an industrial site in their neighborhood.

Chair Marshall inquired if there were any questions for Ms. McCall. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall asked Mr. Terrell if would like 5 minutes to address the opposition.

Tom Terrell, stated they reached out twice to neighbors. A letter was sent to everyone within 600 feet. Emails were sent to those who provided an email address. Ms. McCall did not appear until this date and had submitted some questions and Mr. Williams sent Ms. McCall a long email addressing several of her concerns. Mr. Terrell felt a good job had been done explaining the regulations imposed for any development when near streams and in a water supply watershed. Mr. Terrell stated the City of Greensboro has regulations that deal with the lighting. Mr. Terrell expressed his appreciation in working with Mr. McGee. There have been very productive conversations and they understand that his neighborhood is not going to have trees and fields. It is important to note that the City of Greensboro Land Use plan is calling for mixed-commercial use there which could be anything from a convenience store, apartments, to all kinds of development that will also change where he lives and could bring more traffic. Mr. McGee provided Ms. Britt's number and Mr. Williams and himself reached out to her. Ms. Britt's son called and there have been conversations with her and mailed her additional information. Mr. Terrell stated Mr. Williams is reluctant to design the site now without knowing who the end user will be. A handshake promise was made that if the end user has no issue with it, Mr. Williams will make sure that an ample number of evergreen trees will be planted across the street and down the site. Mr. Williams does not want to make design changes until it is known who will be there.

Mr. Holston requested clarification on where the evergreens would be planted. Mr. Terrell stated they would be placed across the street on the property that is being developed. Mr. Williams has to meet every requirement that is in the City of Greensboro Ordinance for how to plant vegetation when there is an industrial project adjacent to resident. There would be no choice but to meet those requirements. They were offering to go above and beyond that to provide additional screening when the time comes that the site will be designed.

Chair Marshall inquired if there were any further questions to Mr. Terrell. Chair Marshall inquired if there was anyone else wishing to speak in favor of the application.

Jeff Swanson, 3933 Presbyterian Road, stated looking at the map he is located near the southwest part of the property and asked what the zoning meant for him. Mr. Kirkman responded the request is only for the subject property shown on the map to be annexed into the city and assigned city zoning if the

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Commission votes to recommend approval and City Council would also need to approve. It would not change any status on Mr. Swanson's property in terms of being inside or outside the city or changing his existing zoning on his property. Mr. Kirkman advised if Mr. Swanson wished to pursue that, staff would require a separate petition process for that.

Mr. Holston asked about the properties sandwiched between I-85 and the subject property designated as 3820 and 5006 and if there are residences there or only lots. Mr. Kirkman responded he did not believe residences were there and probably some were right of way related to the highway. Staff is now aware of any housing between Interstate 85 and the subject property to the north. Mr. Holston requested to review the illustrative drawing. Mr. Holston asked if Mr. Swanson had buffering around his property in the illustrative drawing. Mr. Kirkman responded the drawing was completely illustrative. The site has not been designed and would have to meet minimum landscaping requirements. Mr. Kirkman could not speak to what the final buffering might be. Mr. Terrell stated he drove past the site recently and thought Mr. Swanson had some good buffering on his lot. Mr. Swanson indicated some of the trees were taken down recently to have room for his dogs to run. In looking at it from Presbyterian, it appears there are quite a few trees remaining.

Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Chair Marshall requested if anyone wished to speak in opposition in the remaining minutes.

Shane McGee, stated it was discussed with Mr. Williams that off the Presbyterian side road, there is Little Alamance Creek running through there. Under heavy rain, it tends to flood currently. Adding so much concrete and parking lots would increase more runoff and he asked if enough study had been done to address increased flooding. There is an area when it rains hard the land almost goes under water and needs to be addressed.

Chair Marshall reiterated the photograph was illustrative only and his questions would need to be ironed out at the Technical Review Committee site planning stage and those issues will be looked at.

Mr. McGee advised his understanding was not all of the land had been purchased and is in different plots. Williams Group has purchased some and has an option to purchase other plots. Mr. McGee stated speaking on the phone it appeared it was to be heavy industrial and now it is light industrial. Mr. McGee asked what were the biggest differences between heavy industrial and light industrial. Mr. Kirkman responded the biggest distinctions would be the intensity of manufacturing uses. Heavy Industrial often has outdoor activities associated with it. Light Industrial is generally inside buildings. Light Industrial uses generally would be assembly and limited manufacturing that are not involving chemicals, petroleum products and those types of things, whereas as Heavy Industrial uses would potentially include those as options and then would also open the opportunity for larger outdoor activities like

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concrete plants and those types of uses. By restricting this request to uses in the Light Industrial district, some of those heavy intensity uses would not be allowed.

Chair Marshall inquired if there were any further questions from Mr. McGee. Mr. McGee responded no further questions and was still opposed to the request because there is nothing like this in the area and would drastically change the landscape and potentially damage property values.

Chair Marshall inquired if there were questions for Mr. McGee. Hearing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition during the 5-minute rebuttal. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map currently designates this property as Mixed Use Commercial, Moderate Residential, and Interim Residential. The applicant has submitted a Comprehensive Plan amendment to the Industrial/Corporate Park designation. That 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 proposed request supports the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community and the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use and provides for efficient provision of public services and facilities as the City expands. The site's immediate proximity to the Interstate and large contiguous areas of land support industrial development, with the proposed CD-HI zoning district limiting uses that may be most impactful to the surrounding area. Staff recommended approval of the request.

Chair Marshall inquired if there were any questions for staff. Mr. Alford stated in looking at the tract size which is stated as 193 acres, asked what was the actual size of the land. Mr. Kirkman responded it is the total amount of acreage amongst the different properties. Mr. Alford responded he sees 188 acres and asked where was the balance. Mr. Kirkman responded he believed it be an error on the map. The 193 acres should be the correct number.

Chair Marshall inquired if there was any discussion among the Commissioners. Seeing none, Chair Marshall requested a motion be made. Mr. Holston stated in regards to agenda item Z-20-04-007, the Greensboro Zoning Commission believes that is action to recommend approval of the zoning amendment, for the properties located at 1812, 1814 and 1818 Youngs Mill Road and 3921 Presbyterian Road from County AG (Agricultural) to City CD-HI (Conditional District Heavy - Industrial) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be

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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 and diversified economy. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to provide a developmental framework for the fringe that guides sound, sustainable patterns of land use as the City expands. The proposed CD-HI request, as conditioned, limits potential negative impacts on surrounding properties. Mr. Kirkman advised for clarification the request is for City CD-HI. The condition limits it to LI uses but the district requested is CD-HI. Seconded by O'Connor. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Rosa, Engle, Trapp, and Alford. Nays: 0). Chair Marshall advised the approval was a favorable recommendation and subject to a public hearing at the May 19, 2020 City Council meeting.

Ms. O'Connor requested to be recused from the next item. Chair Marshall advised her recusal was noted.

**Z-20-04-009: A rezoning request LI (Light Industrial) to CB (Central Business) for the property located at 322 East Lindsay Street, generally described as south of East Lindsay Street and west of Isley Street (0.1 acre). (Approved)**

Mr. Kirkman reviewed the zoning map for Z-20-04-009 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions attached to this request. Chair Marshall inquired of any questions for staff. Seeing none, Chair Marshall requested the applicant to state their name and address and present their case.

Dawn Chaney, 408 Blandwood Avenue, asked for consideration to rezone the property from Light Industrial to Central Business District. There were numerous reasons but she felt it would open a lot of opportunities for additional businesses that would contribute to the downtown central business district. This is a 2 story building approximately 1,470 square feet and was built in 1925. It is called the Isley Building because it was originally built where they sharpened the blades and railers for manufacturing done in the geographical area. Ms. Chaney purchased the building in 2004 and was used continuously for that purpose until 2016. Ms. Chaney would like to have the building used more appropriately for a multitude of reasons that would meet the central business district and contribute to the downtown development. A letter was sent to everyone in the surrounding areas that provided a brief history on the background and she attempted to call neighbors. Ms. Chaney has spoken to some but did not speak to everyone. A meeting could not be held under the present circumstances. Ms. Chaney did attempt to talk with people within the surrounding areas to address any objections or considerations to be shared.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition to the application. Mr. Carter advised Ms.

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Haywood was in touch with him but her microphone was not working. Ms. Haywood wanted to state she was in favor of the rezoning change. As no one was in opposition, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map currently designates this property as Mixed Use Central Business. The Mixed Use Central Business designation applies only in and around downtown Greensboro. It emphasizes the urban character and mix and intensity of activities uniquely suited to the central city. The designation is intended to permit a true mix of all uses, except heavy industrial, at the highest level of scale and density within the City with unique development standards tailored to the urban character of Downtown. The proposed request supports the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy and the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CB (Central Business) zoning district is intended to accommodate a wide range of uses, including office, retail, service, institutional, and high-density residential development in pedestrian-oriented mixed-use setting, (often multiple uses may be located in the same building). Staff recommended approval of the request.

Chair Marshall inquired of any questions for staff. Chair Marshall inquired if there was any discussion among the Commissioners or a motion. Mr. Engle stated in regards to agenda item Z-20-04-009 , the Greensboro Zoning Commission believes that is action to recommend approval of the rezoning request, for the property located at 322 East Lindsay 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: The request is consistent with the Comprehensive Plan's Downtown goal to promote reinvestment, preservation, diversification, and selective intensification of activity in Downtown Greensboro. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for profit and non-profit economic development for all segments of the community. Seconded by Holston. The Commission voted 6-0-1. (Ayes: Chair Marshall, Holston, Rosa, Engle, Trapp, and Alford. Nays: 0). Chair Marshall advised the request was approved and constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the May 19, 2020 City Council meeting. All adjoining property owners would be notified of such appeal.

Chair Marshall advised he needed to recuse himself from the last item and Mr. Holston will be in his place. Ms. O'Connor resumed the meeting in progress.

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**Z-20-04-011: A rezoning request from CD-RM-18 (Conditional District -Residential – Multi-family – 18) to CD-RM-18 (Conditional District – Residential Multi-family- 18), for the property located at 1202 West Meadowview Road, generally described as north of West Meadowview Road and east of Coliseum Boulevard, (0.17 acres). (Approved)**

Mr. Kirkman reviewed the zoning map for Z-20-04-009 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the proposed condition related to this request. Vice Chair Holston inquired if there were any questions for staff. Hearing none, Vice Chair Holston requested the applicant to provide their name and address and state their case.

Wiley A. Sykes, 110 Elgin Place, Greensboro, stated he would like to rezone the property from CD-RM-18 to CD-RM-18 with the condition to allow a single duplex on the property. Mr. Sykes advised he owns the property of 1321 Kirkman Street behind this property which he plans to take a portion of that backyard and put it with the 1202 West Meadowview property to create a building lot large enough for a duplex. Mr. Sykes is attempting to regrade the lot as currently it is steep in the back and needs to be leveled in keeping with the house that is beside it at 1200 West Meadowview. Mr. Sykes advised letters were sent per the list provided by city staff and he had spoken with several of the neighbors, especially the neighbor at 1200 West Meadowview and believed they worked out how to make it work. He will help out to clean up some of the overgrowth on her lot between his two lots to smooth out the transition.

Vice Chair Holston inquired if there were any questions for Mr. Sykes. Vice Chair Holston then inquired if there was anyone else wishing to speak in favor of this request. Mr. Rosa stated he had a question and asked if the lot on the back should be a part of this or was that okay being not a part of this even though he owns the lot behind. Mr. Carter responded there is a zoning condition on this specific lot that limited the uses to single-family dwellings and zoning conditions do not exist on the parcels to the north and the applicant only needs to include this lot for the rezoning. Vice Chair Holston inquired if there was anyone who wished to speak in opposition to the application. There was no opposition, Vice Chair Holston closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Low Residential. 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 of 3-5 dwelling units per acre. Per City Council adopted policy, a Comprehensive Plan amendment is not required for zoning changes of less than 1 acre in size. The proposed request supports the Comprehensive Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for the choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary arrangement of services and facilities. The proposed CD-

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RM-18 zoning district contains a condition that limits uses to a duplex use and is consistent with the current pattern of residential land uses in the area. Staff recommended approval of the request.

Vice Chair Holston inquired if there were any further questions for Mr. Kirkman or have a discussion or a have a motion. Mr. Engle stated in regard to agenda item Z-20-04-011, the Greensboro Zoning Commission believes that is action to recommend approval of the rezoning request, for the property located at 1202 West Meadowview Road from CD-RM-18 (Conditional District – Residential Multi-family -18 ) to CD-RM-18 (Conditional District – 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 Comprehensive Plan’s Reinvestment/Infill goal to promote sound investment in Greensboro’s urban areas. 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 of services and facilities. The request is also consistent with the pattern of residential development in the area. Seconded by Mr. Trapp. The Commission voted 6-0-1. (Ayes: Vice Chair Holston, Rosa, Engle, O’Connor, Trapp, and Alford. Nays: 0). Vice Chair Holston advised the request was approved and constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the May 19, 2020 City Council meeting. All adjoining property owners would be notified of any such appeal.

Chair Marshall returned to the meeting in progress.

**ITEMS FROM STAFF AND ZONING COMMISSION MEMBERS:**

Mr. Kirkman advised there were no specific items from staff. Mr. Kirkman thanked all of the Zoning Commission members and appreciated everyone working with staff to have the meeting. He noted any input would be appreciated and could be sent in by email, Mr. Kirkman advised there are four cases on the agenda currently for the May meeting. Mr. Engle asked if that was four plus what was continued from this meeting. Mr. Kirkman was unsure and would need to check on that.

Mr. Marshall added to what Mr. Kirkman said and thanked everyone for the additional pre-planning and in particular staff working on the front end to ensure the meeting would work. Mr. Marshall stated it went well, given the circumstances and thanked everyone for participating and watching on the television.

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**ABSENCES:**

The absences of Ms. Dansby-Byrd and Mr. Blackstock were acknowledged.

**ADJOURNMENT:**

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

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs



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The regular meeting of the Greensboro Zoning Commission was held as a virtual meeting on May 18, 2020, beginning at 5:30 p.m., via Zoom. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Ray Trapp, Zac Engle, James Rosa, Marion Dansby-Byrd, and Vernal Alford. Present for City staff included Luke Carter and Mike Kirkman, (Planning), Noland Tipton (GDOT), and Terri Jones, of the City Attorney's Office.

Chair Marshall welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Marshall advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted online via Zoom. Attorney Jones then reviewed recent changes to State law related to virtual meetings to ensure the Commission would meet those provisions.

**APPROVAL OF THE APRIL 20, 2020 REGULAR MEETING MINUTES: (Approved)**

Ms. O'Connor moved to consider approval of the April 20, 2020 meeting minutes at the June 15, 2020 meeting to allow additional time for Commissioner review, seconded by Mr. Engle. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd and Alford. Nays: 0). Chair Marshall stated the minutes would be considered at the June 15, 2020 meeting.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised there was a continuance request for case Z-20-04-004, 4720 4720A, 4724, 4726, and 4730 Mitchell Avenue (north of Mitchell Avenue and west of Muirs Chapel Road) – a rezoning request from R-3 (Residential Single-family-3) to CD-RM-12 (Conditional District-Residential-Multi-Family -12).

Chair Marshall inquired if there was anyone to speak in favor after referencing the Commission receiving a letter from the applicant requesting the continuance and emails from some neighbors also seeking a continuance. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the continuance. Seeing none, Chair Marshall requested a motion. Mr. Engle made a motion to continue case Z-04-004 to the next meeting on June 15, 2020, seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0).

**OLD BUSINESS:**

**Z-20-04-006: A rezoning request from C-H (Commercial – High) to CD – LI (Conditional District – Light Industrial) for the properties located at 1209 and 1217 Rotherwood Road, generally described as north of Rotherwood Road and west of Bristol Road (22.32 acres). (Approved)**

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Mr. Kirkman reviewed the zoning map for Z-19-04-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall requested the applicant to state their name and address and present their case.

Brian Pearce, Nexson Pruet Law, 701 Green Valley Road stated this is the third time this property has been proposed to be rezoned. His clients are the owners of Guarantee Supply Company who have purchased this property and operate their business on the adjacent lot. The subject property was not zoned the same as the property the company is located on and they would like to have it be the same. Letters were sent to neighbors within 600 feet. Feedback was received from Councilwoman Hightower and Dr. Fred Wood. Dr. Wood was in contact with Mr. Kirkman and sent a letter of record to be filed with this request. There was a conference call with Mr. Pearce, the owners of Guarantee, Councilwoman Hightower, Dr. Fred Wood and Julia Jenkins to discuss traffic concerns and concerns about future development of the property. The facility is away from neighbors and there are existing buffers in place. The property appears to be large but in the back of the property are wetlands that can't be developed.

Mr. Pearce stated this is an example of when rezoning is appropriate and bringing the neighborhood into agreement on the planned uses. He noted there was discussion and agreement to requesting a change to the Mixed Use Corporate future land use designation. Mr. Kirkman then confirmed that Light Industrial is the zoning request and will control the allowed uses on the property. Discussion was held between the applicant and the neighborhood to which the applicant agreed to use the Mixed Use designation.

Chair Marshall inquired if there was anyone else to speak in favor. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the continuance.

Dr. Fred Wood, 4 Acorn Street, stated there was an opportunity for neighbors to meet and they are now in sync with Mr. Pearce, particularly with the designation of Mixed Use Corporate Park. The applicants have stated there is no intention to change that designation. Guarantee Supply are striving to be good neighbors. If traffic occurs at entries, they may want to talk to the City of Greensboro regarding those problems. Dr. Wood also wanted to make a statement of record regarding a letter sent to Mr. Kirkman to include in the record. Dr. Wood stated his appreciation to staff and appreciation for the outreach by the applicants. Mr. Kirkman advised the letter was included in the Zoning Commissioners packet for their consideration. Mr. Pearce requested to have a copy of the letter for his file.

Chair Marshall inquired if there was anyone else to speak in favor or opposition to the request. Seeing no hands, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this site as Mixed Use Commercial. As part of this request, the applicant has requested a change to the Mixed Use Corporate Park designation. This 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. This request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. It is also consistent with the Economic Development goal to promote a healthy and diversified economy. The request, as conditioned, limits negative impact to the surrounding neighborhood. Staff recommended approval.

Chair Marshall inquired if there was any discussion among the Commissioners or a motion. Mr. Engle stated he was pleased the two parties came together and talked through this and advised he was ready to make a motion. Mr. Engle stated in regard to agenda item Z-20-04-006, the Greensboro Zoning Commission believes that its action to approve the zoning request for the property located at 1209 and 1217 Rotherwood Road from C-H (Commercial – High) to CD – LI (Conditional District – Light Industrial) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. (1) The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to provide sound investment in Greensboro's urban areas. (2) The request is consistent with the Comprehensive Plan's Economic Development to provide a healthy and diversified community with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. (3) The request as conditioned, limits negative impacts to the surrounding neighborhood. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). Chair Marshall advised the approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals are subject to a public hearing at the June 16, 2020 City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-04-008: A rezoning request from CD-C-M (Conditional District – Commercial -Medium to CD - LI (Conditional District – Light Industrial for the property located at 4094 Battleground Avenue, generally described as east of Battleground Avenue and south of Owl's Roost Road, (6.56 acres) (Approved)**

**Chair Marshall recused himself from this zoning request.**

Mr. Kirkman reviewed the zoning map for Z-19-04-008 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request that were submitted and the additional condition related to exterior building materials to be added at the

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meeting. Vice Chair Holston asked if there was discussion regarding the fourth condition. Mr. Engle moved to accept the fourth condition as submitted, seconded by Mr. Trapp. The Commission voted 7-0. (Ayes: Vice Chair Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). The condition was added. Vice Chair Holston inquired if there were any questions for staff regarding the case. Seeing none, Vice Chair Holston requested the applicant to state their name and address in regard to their case.

Tom Terrell, of Fox Rothschild, LLP, 300 N. Greene Street, advised he was representing Leoterra Development and introduced Mr. Bunker, Manager of Development in the Carolinas, and Mr. Eddie MacEldowney. Mr. Terrell presented a PowerPoint presentation illustrating the issues for this property and explained what each illustration represented. Mr. Terrell pointed out the detention pond sitting slightly to the east of the subject property and noted a promise had been made to the HOA that owns that pond that extra measures will be taken to protect the pond. Mr. Terrell stated the uses that are allowed with this zoning. Mr. Terrell spoke to the many advantages of having internal access for self-storage. The storage areas are very quiet, people do not typically hang around the building, and are a very attractive product. There will be a noise buffer behind the storage areas that will be attractive. Photographs were depicted showing what the units would look like and advised these were shown to the HOA which resulted in the condition being added of at least 90% stone, brick, EFIS, or glass. Mr. Terrell provided photographs depicting subdivisions all around the property. Photographs were shown indicating how this property would look like upon completion.

Mr. Terrell advised that Skip Henderson, President of the HOA called him immediately and sent emails to Mr. Bunker and himself clearly indicating his goal was protection of the pond first. Second major issue was how the units would be situated on the site and how the use could be changed. The zoning process and the exterior building material was explained in a response to Mr. Henderson. A project manager will be on site while building in case something goes wrong and will be able to address any issues immediately. A site plan will be provided to Mr. Henderson.

Vice Chair Holston inquired if there were any questions for Mr. Terrell. Vice Chair Holston asked Mr. Terrell what the hours of operation would be for the facility. Mr. Terrell responded it was unknown at this point but it will be a manned facility. Mr. Bunker advised that from 11:00 pm to 7:00 am the facility will be closed. Vice Chair Holston asked how many units would be there approximately. Mr. Terrell responded they are not sure at this point. Vice Chair Holston asked for information regarding the lighting and buffers to the neighborhood. Mr. Terrell responded the buffers are required to be a Type B, canopy trees and shrubs. There was a question regarding evergreens shortly before this meeting took place and they have not had time to explore potential plans related to that item. Between now and City Council, the issue will be addressed to explore that possibility. Mr. Terrell stated he was fairly certain the City of Greensboro requires covered style lighting. The building does not need to be lit up so everybody can see it, only the parking lots and entrances would be illuminated. Vice Chair Holston

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inquired if there were any other questions for the applicant. Mr. Rosa asked where the parking lot would be in relation to the lighting. Mr. Terrell responded that has not been determined. The architecture of the building has not been designed as they are waiting on site approval. Mr. Rosa stated he was asking regarding the parking lot and lighting for those who have houses across the street and how they would be affected. Mr. Terrell responded the homes across the street would not have a good view of the new buildings and indicated on a photograph the view those homes would be able to see.

Mr. Engle stated in his familiarity regarding storage units the parking lot is somewhat wrapped around the buildings because people have to access stuff inside. Mr. Engle asked what the height of the buildings would be. Mr. Terrell responded the perceived height will be 1 ½ stories with approximately 8 to 10 feet of drop from the road. Ms. O'Connor asked if the access of the storage units will be through the interior of the building, Mr. Terrell responded that was correct.

Vice Chair Holston inquired if there were any additional questions for Mr. Terrell. Hearing none, Vice Chair Holston inquired is there was anyone wishing to speak in favor of the application. Seeing none, Vice Chair Holston inquired if there was anyone wishing to speak in opposition to the request. Vice Chair Holston requested their name and address for the record.

Joe Gram, 3811 Middlebury Way, stated he can see the property discussed from the rear of his home. He ascertained some answers to questions regarding the proposal and the rezoning request. Mr. Gram stated he did not feel this request was in keeping with the surrounding area as this is a residential area. Pictures were shown indicting commercial uses such as medical offices that appeared as residences. There are no constructed buildings within this area that look like a storage facility. Mr. Gram appreciated the facility would be an internal access building only, but the building itself is not similar to anything else in the area. Mr. Gram is concerned on what the next steps in the process may be. Mr. Gram questioned why another storage facility was needed as they are up and down Battleground Avenue and others within a 1 to 2 mile radius of this location. Mr. Gram stated he did not believe it was necessary to have this facility within almost an exclusive residential area. Mr. Gram stated the photographs depicting buffers do not accurately reflect the seasons. Mr. Gram stated they appreciated Leoterra, Mr. Bunk and Mr. Terrell being upfront and willing to talk and work with them but he does see this as satisfactory use given what the area has currently and asked the Commission to reject the rezoning request.

Vice Chair Holston inquired if there were any questions from the Commissioners. Mr. Engle asked Mr. Gram if he was aware of the current zoning for that property. Mr. Gram responded he was. Mr. Engle asked if he knew if the Commissioners denied the request and someone else applied with something that would fit in that location, that it could be built and not come before the Commission for approval. Mr. Gram responded he was absolutely aware but didn't think something could be worse that would make

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them want to approve this request. Mr. Engle stated he asked the question because the statement of this request is not fitting into the residential nature of the area and there is a piece of property zoned Conditional-District Commercial. Mr. Gram responded he totally understood what Mr. Engle was saying. The staff report indicated some planning board members had concerns similar to what has been expressed and are aware of the terms. To the extent that the zoning request is granted, he would hope they can work with Leoterra and address these concerns. The buffering of full trees is totally different now than in fall/winter months.

Vice Chair Holston inquired if there were any additional questions of Mr. Gram. Hearing none, Vice Chair Holston advised Janice Adwuyi was next to speak in opposition.

Janice Adwuyi, 7962 Brass Cannon Court, stated Brass Cannon Court is behind the pediatric office on Battleground Avenue, across from the subject property. Approximately 10 homes are located there. This property would be across the street from where her home is located. There are no buffers currently and they are subject to noise coming off of Battleground Avenue. Ms. Adwuyi is concerned regarding increased noise levels if a storage facility is placed within this neighborhood. The hours where it is currently quiet, will be diminished. The pediatric office was very respectful of the surroundings and looks like a house that fits within the neighborhood. Ms. Adwuyi was very concerned that at any time living on Brass Canon Court would be looking at a gaudy building creating more traffic flow than warranted. There are a lot of storage facilities located around this area currently. The storage facility would not blend into the neighborhood. Ms. Adwuyi is very concerned regarding the value of the homes and properties decreasing.

Vice Chair Holston inquired if any of the Commissioners had questions for Ms. Adwuyi. Vice Chair Holston inquired if there was anyone else wishing to speak in opposition to the request. Hearing none, Vice Chair Holston asked if applicant would like to rebut.

Mr. Terrell referred to a slide comparing the office area to the storage area and stated both appear to have a residential look and feel. Mr. Terrell stated this is not a residential corridor along Battleground and named numerous non residential places located on Battleground. The site in question has never been residential, but was a church. Mr. Terrell provided photographs taken on Brass Cannon and surrounding areas looking toward the projected property. Mr. Terrell stated this is not visible to anybody on Brass Cannon Court. Mr. Terrell stated zoning needs to decide certain types of business in a community. Concerns have been expressed regarding noise. People go inside the building and come back out and leave. Mr. Terrell feels this is a very good transitional use and at no point could be residential.

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Vice Chair Holston inquired if there were any questions for Mr. Terrell regarding the rebuttal comments. Seeing none, Vice Chair Holston inquired if there was any additional rebuttal. Mr. Kirkman advised there were two speakers in favor, Mr. Bunker and Mr. MacEldowney.

Steve Henderson, 3810 Middlebury Way, speaking on behalf of the HOA. They are taking no official position on this but have 3 concerns already mentioned. There has been development on the other end of the properties that significantly impacted detention ponds. The HOA wanted to address their concerns regarding the detention ponds. The developer has been helpful in discussing the issue and appears to have good plans but they are tentative and the HOA wants to have a public position at this point in time. The developer has pledged to keep them informed and the HOA is looking forward to working with them. The City of Greensboro Water Resources Department had also been contacted. A second concern relates to the building and they were pleased with the second condition. There were also concerns expressed regarding additional trees. There is a neighbor, Brian Auger, of 3812, Middlebury Way, who also has concerns regarding how the seasons affect how many trees would be visible.

Vice Chair Holston advised the time for rebuttal had ended. Mr. Kirkman advised there were two other speakers in favor, Mr. Bunker and Mr. MacEldowney that did not speak. Vice Chair Holston requested both Mr. Bunker and Mr. MacEldowney to provide their address.

Mr. Bunker, 110-A Shells Park Drive, Kernersville.

Eddie MacEldowney, 4341 Southern Oaks Drive, High Point.

Vice Chair Holston stated they will move to the 5 minute rebuttal for the opposition.

Janice Adwuyi, stated the neighboring property at 3913 Brass Cannon Court is for sale and whatever happens in the long run will not be her concern when she sells her home. Ms. Adwuyi will not be selling her home and wants what is best for the overall aesthetic. Having another storage facility that close to the community without knowing how many units will be there, regardless of the hours, will devalue the neighborhood. Ms. Adwuyi was in opposition and hoped the Commission will support that.

Vice Chair Holston inquired if there were any questions for Ms. Adwuyi. Hearing none, Vice Chair Holston inquired if Mr. Henderson would like additional time.

Mr. Henderson stated it would be helpful to have something there at the detention pond and would appreciate during the planning, that whatever needs to be built would be towards the southern end of the property as that is lower and would mitigate or eliminate any issues that might be related to any extra run-off caused by this development. Mr. Henderson stated he would like to see trees put in place on the

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common area and would help to provide space for that to be done. The HOA would be interested in seeing some type of evergreen rather than deciduous, if possible.

Vice Chair Holston inquired of any questions for Mr. Henderson. Hearing none, Vice Chair Holston inquired if there was anyone else to speak in rebuttal in opposition to the request. Hearing no additional questions, Vice Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman noted the Comprehensive Plan's Generalized Future Land Use Map currently designates this site as Low Residential. As part of the request, the applicant requested a change to the Mixed Use Residential designation. That designation generally applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. The request is consistent with 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 proposed CD-LI, as conditioned, includes conditions that limit impact on the surrounding neighborhood. Staff recommended approval of the request.

Vice Chair Holston inquired if there was any discussion or comments among the Commissioners. Mr. Trapp stated for him this was a down zoning from a potentially more intrusive use for the neighborhood. There was no traffic study required for this change in zoning. Mr. Trapp stated he sometimes goes to these facilities and sometimes wonders how they make money because he never sees people going in and out. Mr. Trapp did not think traffic concerns were an issue. Some of what Mr. Terrell said rang true with him. The market dictates and it is not for the Zoning Commission to make that call as Zoning is to look at land use. Overall, Mr. Trapp stated he was in favor and supported the rezoning. Ms. O'Connor stated in regard to agenda item Z-20-008, the Greensboro Zoning Commission believes that is action to recommend approval of the rezoning request, for the property located at 4094 Battleground Avenue from CD-C-M (Conditional District – Commercial-Medium) to CD-LI (Conditional – Light Industrial) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship, and for-profit and non-profit economic development for all segments of the community. The request, as conditioned, limits negative impacts to the surrounding neighborhood. Seconded by Mr. Trapp. The motion was amended to confirm the request was for CD-LI. The Commission voted 7-0. (Ayes: Vice-Chair Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). Vice Chair Holston advised approval constituted final action approval unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals



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will be subject to a public hearing at the June 16, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

Chair Marshall resumed his position at the dais.

**NEW BUSINESS:**

**Z-20-05-001: A rezoning request from R-3 (Single-family-Residential -3) to CD-RM-5 (Conditional-District – Residential-Multifamily-5) for the property located at 4209 Cox Place, generally described as south of Cox Place and west of Meadowood Street, (0.462 acres). (Approved)**

Mr. Kirkman reviewed the zoning map for Z-19-05-001 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for staff regarding the case. Seeing none, Chair Marshall requested the applicant to state their name and address and their case.

Kylie Henninger, Kennerly Engineering and Design, 12133 N. NC Highway 150, Suite F, Winston-Salem, speaking on behalf of Mr. Guillermo Toledo requested changing the zoning to allow for a two unit duplex home to be built on this property. The original plan was for an apartment and due to feedback from the neighborhood, that particular plan was discarded. The property owner would now like to have a two unit, duplex home that would have minimum impact to the neighborhood. Chair Marshall inquired if there were any questions of Ms. Henninger. Mr. Alford commented he thought this was a much better plan than what was previously submitted. Chair Marshall inquired if there were any other questions for Ms. Henninger. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Chair Marshall inquired if Mr. Toledo planned on speaking. Ms. Henninger responded she did not know and was not sure if Mr. Toledo was having issues related to Zoom. Chair Marshall inquired if there was anyone else wishing to speak in favor of the application.

Celine Garcia, 7303 Horseshoe Bend Trail, Summerfield, speaking for Mr. Toledo advised there are two other duplex units on Meadowood Street within the neighborhood. The other two duplexes within the area were 902 and 818 Meadowood Street, right across from the apartments.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Vice Chair Holston advised Chair Marshall dropped off and will be back in shortly. Vice Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Vice Chair Holston closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated The Comprehensive Plan's Future Land Use Map currently designates this property as Moderate Residential. The Moderate Residential designation 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 at a density of 5-12 dwelling units per acre. The request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and 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 proposed CD-RM-5 request, as conditioned, limits uses to those that are consistent with the pattern of development in the area. Staff recommended approval of the request.

Vice Chair Holston inquired if any of the Commissioners had any thoughts or comments. Chair Marshall advised he lost internet connection briefly but was back online. Seeing none, Mr. Engle stated in regard to agenda item Z-20-05-001, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located 4209 Cox Place from R-3 (Single-family Residential - 3) to CD-RM-5 (Conditional District – Residential -Multi-family – 5) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is also 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 proposed CD-RM-5 request, as conditioned, includes conditions that protect the surrounding neighborhood from negative impacts of the development. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). Chair Marshall advised approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the June 16, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

Chair Marshall advised the next two items would be heard together and reminded the Commission there would need two motions, one for each item.

**Z-20-05-002: An original zoning request from County CU-PD-M (Conditional Use – Planned Development – Medium) to City CD-C-M (Conditional – District – Commercial – Medium) for a portion of 1055 NC Highway 68 North, generally described as west of NC Highway 68 North and south of Leabourne Road (3.146 acres of 62.97 acres). (Recommended Approval)**

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**Z-20-05-003: An original rezoning request from County CU-PD-M (Conditional Use – Planned Development) and County AG (Agricultural) to City C-M (Commercial – Medium) for a portion of NC Highway 68 North right of way, generally described as north of I-73 and south of Leabourne Road, (3.215 acres) (Recommended Approval)**

Mr. Kirkman provided the zoning map for Z-19-05-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none. Chair Marshall inquired if there were any questions for staff regarding the case. Seeing none, Chair Marshall requested the applicant to state their name and address and their case.

Nathan Duggins, Tuggle Duggins, PA, 100 N Greene St, stated there are two applications and both related. Tuggle Duggins represents Greenlea 68 Land, LLC. Mr. Duggins introduced Ryan Moser and Frank Amenya and advised both were present to answer any questions, if needed. Mr. Duggins stated this will be an annexation and reminded the Commissioners an annexation and zoning south of this property was approved fairly recently. A map was shown depicting the properties. Mr. Duggins stated the properties are undeveloped currently. The plans for this site would be a Sheetz and anticipate it will be a great use of the site. There was not a neighborhood meeting but letters were sent out. A neighbor who lives in the neighborhood to the north of the property expressed concerns regarding access onto 68 and at the end of the conversation was very excited regarding the prospect of having this site developed. Nothing has been heard from anyone else in terms of opposition. The applicants feel this is a quality development and consistent with the character and land use of the surrounding area. There will be a convenience store at the interchange which will only enhance the development prospects for the area. A site plan was depicted indicating where the access point was located. The facility will be to be accessed coming north to south at the access point and exit back going south at the light and a controlled left. Mr. Duggins stated they have spoken with NCDOT and have worked very close with both GDOT and NCDOT to ensure the access points were appropriately designed. Mr. Duggins advised he reached out to GTCC and had not heard back from Mr. Johnson but did not feel there would be any resistance to this rezoning from the community college. Mr. Duggins stated there will be buffering along the highway right of way. Parking has been addressed and a traffic impact study submitted to the City which was reviewed by both NCDOT and GDOT. Mr. Duggins requested the Commission approve the application with the conditions stated in the first application.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated this property is located within an area covered by the adopted Western Area Plan. That plan designates this area as a Commercial/Mixed Use area in support of the larger Campus Village Planning Area, focused around the GTCC campus. That designation generally promotes development associated with and supportive of this large institutional use. The Growth Strategy Map for the Comprehensive Plan also designates the subject site as Growth Tier 1, Current Growth Area, which means there are city services available to serve the property and it can be annexed into the City of Greensboro. The proposed request supports the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship, and for-profit and non-profit economic development for all segments of the community and the Growth at the Fringe goal to promote a development framework for the fringe that guides sound, sustainable patterns of land use, and provide for efficient provision of public services and facilities as the City expands. The proposed CD-C-M request as conditioned for the private property, would allow uses that are complimentary to existing uses in the surrounding neighborhood. Staff noted the C-M zoning request for the right of way is also consistent with the land pattern within the area. Staff recommended approval of both requests

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested a motion for both items. Mr. Trapp stated in regard to agenda item Z-20-05-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning amendment for the property located at a portion of 1055 NC Highway 68, North from County CU-PD-M (Conditional Use – Planned Development – Medium) to City CD-C-M (Conditional District – Commercial – Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. The request, as conditioned, limits negative impacts to the surrounding neighborhood. Seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). Chair Marshall advised this constituted a favorable recommendation and is subject to a public hearing at the June 16, 2020, City Council meeting.

Mr. Trapp stated in regard to agenda item Z-20-05-003, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning amendment for the property identified as a portion of NC Highway 68 North, right of way north of I-73 and south of Leabourne Road from County CU-PD-M (Conditional Use – Planned Development – Medium) and County AG (Agriculture) to City C-M (Commercial – Medium) to be consistent with adopted 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is

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consistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. The request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. The requested C-M zoning allows uses complimentary to existing uses in the surrounding area. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Trapp, Engle, Rosa, Dansby-Byrd, and Alford. Nays: 0). Chair Marshall advised this approval constituted a favorable recommendation and is subject a public hearing at the June 16, 2020, City Council meeting.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised there were no items from staff. A question was asked how many cases for the next meeting to which Mr. Kirkman responded at this time he did not know.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Mr. Trapp inquired in which Phase would the Zoning Commission go back to in person meetings. Mr. Kirkman responded at this point in time it was unknown for phase 2 and phase 3 the number of people allowed for public gatherings so he could not say definitively.

Ms. O'Connor stated how she appreciated being able to see the speakers at this meeting via Zoom.

**ABSENCES:**

The absence of Mr. Blackstock was acknowledged.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneous on the City of Greensboro's web site on June 15, 2020, beginning at 5:35 p.m. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Ray Trapp, Zac Engle, James Rosa, and Vernal Alford. Present for City staff were Luke Carter and Mike Kirkman, (Planning), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Marshall welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Marshall advised of the policies and procedures in place for the Zoning Commission and how the meeting would be conducted using the online format.

Ms. Jones advised pursuant to Session Law 2020-3, this meeting is a remote meeting for all public hearing items, written comments may be submitted for up to 24 hours after the end of the public hearing. Any comments should be submitted to Planning staff.

**APPROVAL OF THE APRIL 20, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the April 20, 2020 minutes, seconded by Mr. Trapp. The Commission voted 7-0. (Chair Marshall, Holston, Alford, O'Connor, Rosa, Engle, and Trapp. Nays: 0). Chair Marshall stated the minutes were approved.

**APPROVAL OF THE MAY 18, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the May 18, 2020 minutes, seconded by Mr. Holston. Mr. Engle moved to approve the May 18, 2020 minute. Seconded by Trapp. The Commission voted 7-0. (Chair Marshall, Holston, O'Connor, Engle, Rosa, Trapp and Alford. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES:**

Mr. Kirkman advised there were no withdrawals or continuances, but noted a case originally on the agenda for properties on Four Farms Road and Horse Pen Creek Road. Some advertising was sent out but staff determined the application was not sufficient to move forward and the case was not on the agenda at this meeting. Chair Marshall inquired if there were any questions from the Commissioners for staff. Ms. O'Connor asked if staff could refresh the Commission on what part traffic information plays in rezoning requests as there were a lot of comments regarding traffic flow for some of the items on the agenda. Mr. Kirkman advised Mr. Tipton from the GDOT would start off with that information.

Mr. Tipton stated each rezoning case review was based on the intended use and any other allowed uses. The requests are reviewed for trip generations based on national practices of how much traffic each use typically produces. Though the information available to the Commission is based on traffic counts in the area and pertinent studies and other information looking at existing traffic flow, the need for a traffic study is based on more in-depth analysis based on the numbers. He noted a traffic analysis can also be done after the zoning whenever a site is developed.

Mr. Noland asked if there was something were any other specific concerns. Ms. O'Connor responded she was unsure how much weight should or should not be given in making their decisions. A neighbor complaint about the traffic as opposed to what staff may have as a threshold from the required traffic studies and whether that should be entering in the Commissioners decision making. Mr. Kirkman responded traffic is a definite consideration of the Zoning Commission as part of the conversation in terms on new uses and the potential impact on adjacent uses as well as the public infrastructure. Staff would ask the Commission to take into consideration what information is provided by staff in terms of existing anticipated traffic flows in an area. That is one of many factors the

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Commission can use in considering whether or not to support a rezoning request. Mr. Kirkman inquired if there were any further questions from the Commission.

Chair Marshall noted there were a number of speakers on the cases this evening and advised the audience members to be aware of the 15 minute limit to speak in favor, 15 minutes to speak in opposition, and a 5 minute rebuttal for each side if so needed. Chair Marshall requested staff to monitor the time for speakers.

Ms. O'Connor advised she was a real estate broker and affiliated with the firm representing the property owner on Mitchell Avenue. She noted that she did not stand to benefit positively or negatively in a financial sense if the item passed or not. Ms. O'Connor stated she had conferred with city staff and there did not appear to be any reason for her to recuse, but noted it for the record. Chair Marshall thanked Ms. O'Connor for bringing it to the Commission's attention.

**OLD BUSINESS:**

**Z-20-04-004: A rezoning request from R-3 (Residential–Single-family– 3) to CD-RM-12 (Conditional District– Residential Multi-family–12) for the properties located at 4720, 4720A, 4724, 4726, and 4730 Mitchell Avenue, generally described as north of Mitchell Avenue and west of Muirs Chapel Road, (6.09) acres. (Recommended Approval)**

Mr. Kirkman reviewed the zoning map for Z-19-04-004 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name and address, and to present their case.

Judy Stalder, 115 S. Westgate Drive. Ms. Stalder advised that Anthony Lester of Evans Engineering was also present to answer any questions. Ms. Stalder stated this a rezoning request from Residential - 3 to Conditional District Residential-Multifamily-12. The GFLUM map indicates this property as appropriate for high density development which is over 12 units per acre. The proposed development of townhomes would be slightly less than 8 units per acre to fit in with the neighborhood. The pattern of development around the area is in accordance with the GFLUM map with the commercial corridor and multiple apartment condominium and townhome developments ranging in density from 8 units an acre to 26 units per acre. Ms. Stalder advised this hearing was postponed previously to allow more time for interaction with the neighbors. Prior to the initial hearing there was a telephone call from a gentleman who owned 2 rental properties on Mitchell Avenue and one email from a neighbor who was in support of the development. After May 18, the neighbors were reached out by mail and provided a site plan of the project indicating the townhomes proposed. Options were provided for the neighbors to comment and ask questions. There were 2 telephone numbers with no additional phone calls. Two email addresses were also provided and they heard from 2 additional neighbors by email. Only one person requested a Zoom conference and were contacted for a Zoom conference or a telephone call with no response. Another neighbor emailed regarding traffic concerns on Muirs Chapel Road and felt townhomes could be a plus for the community and was provided contact information for Greensboro Transportation. Arrangements were made for a drive-up, outdoor meeting with a full size site plan that 3 neighbors attended. Two declined to identify themselves except as neighbors on Mitchell Avenue.

Ms. Stalder stated the zoning conditions limit the uses to a maximum of 55 townhomes, which is approximately 9 units an acre and a maximum height of 30 feet. The townhomes will be in scale with the single family homes located there. Mitchell Avenue in front of their property will be widened and improved to city standards to include curb and gutters. Sidewalks will be on Mitchell Avenue along the frontage and within the development. There is 3/4 acres or more of tree conservation on or near the boundaries of the property. A Type C planting yard,

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plus a street planting yard will be put in as required. The wetlands will be protected with buffers as required. A Homeowners Association will be implemented to maintain and protect open space, common areas, parking areas, wetlands, and water quality devices. Utilities and storm water devices will be reviewed and approved by the Technical Review Committee for compliance with local, state, and federal standards. Additional information of interest to the neighbors was for individual sale cost which start in the range of \$200,000 and up. These homes are not subsidized housing and will be an asset to Mitchell Avenue that will add to the esthetics of the area and will be built at a much lower density than shown on the Future Land Use Map. The developer is willing to invest in Greensboro housing and based on the GFLUM map, identified this property as the place to put that investment.

Chair Marshall inquired if there were any questions for the applicant. Mr. Alfred inquired if the acreage was 5.9 or 6.9 acres. Ms. Stalder referred to Mr. Evans for clarification.

Anthony Lester, Evans Engineering, 4609 Dundas Drive, stated based on the tax map, they came up with 5.93 acres. The official boundary survey has not been completed to date but it will be around 6 acres. The 6.9 acres is what the City advised from the documents and materials for the meeting.

Mr. Rosa inquired if this was subsidized housing. Ms. Stalder responded it was not subsidized housing. They are individual townhomes for sale and will have land that goes with the purchase. Mr. Rosa referred to a slide that stated affordable subsidized housing. Ms. Stalder responded that was one of the neighborhood concerns. Mr. Holston asked if the illustrative plan was available to show to the Commission. An illustrative drawing was presented and Ms. Stalder indicated where these townhomes would be located and indicated the trees depicted in the conservation area. Ms. O'Connor asked if the only access was from Mitchell Avenue. Ms. Stalder responded that was correct. Mr. Trapp asked if Tower Road was just outside of the land use map and asked what the zoning was for that area. Mr. Kirkman responded that on the east side of Muirs Chapel Road it is RM-12 (Residential Multi-family-12).

Chair Marshall inquired if there were any further questions of Ms. Stalder or city staff. Hearing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application.

Randall Spoon, 4717 Mitchell Avenue, stated his main concerns have been addressed regarding traffic and sidewalks. Mr. Spoon stated his opinion of putting in a sidewalk where the new homes will be would not be useable and would not connect to anywhere else. There is a lot of foot traffic and cut through to get to the International Food Market. There are 72 new units that are not yet open at the top of the road which will increase foot and vehicle traffic. Mr. Spoon asked what will be done about the increase of traffic.

Chair Marshall inquired if there were any further questions for Mr. Spoon. Mr. Holston asked what he meant by the term un-useable for the sidewalk. Mr. Spoon stated he meant the sidewalk and the widening of the road as it is basically at the very end of the road. The beginning of the road would not be widened. Widening the last 50 feet of the road would not help vehicular traffic or foot traffic. Mr. Holston asked City staff if there were plans to widen the road from Mitchell Avenue up to Muirs Chapel. Mr. Noland stated relative to GDOT there were no plans. Chair Marshall inquired if there were any further questions. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Randall Spoon stated the road is about 3 1/2 feet under code currently as far as what the minimum design standards are. Currently the road is not up to what minimum design standards are set forth for safety issues. Mr. Holston asked Mr. Spoon if he was in opposition to the project or was neutral and concerned of the logistics surrounding it. Mr. Spoon stated opposition as he seriously doubts the road will be widened and sidewalks placed. It would be a logistical nightmare with everything being displaced. Mr. Spoon stated he was not opposition



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regarding what was being built but was not sure it can be done in a safe manner. Chair Marshall inquired if there was anyone else to speak in opposition. Hearing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal to address Mr. Spoon's concerns.

Judy Stalder stated the widening of Mitchell Avenue and the sidewalk along the property frontage are requirements by ordinance for the City of Greensboro. As properties turn over and new development comes in, each developer does his part to fulfill the vision and conclude their part of the puzzle as a more modern system than what is in place currently. The widening of the road will not be widened to Muirs Chapel Road but will be making the improvements to the frontage of the property. Ms. Stalder asked Mr. Tipton if he had any comments regarding the width of Mitchell Avenue as she did believe it was not within standards. She noted Mitchell Avenue handles the amount of traffic currently and could handle the additional traffic of the townhomes proposed. Mr. Tipton stated he had done some research but he did not have the exact face to face width of the street currently but believed it to be approximately 23 feet. The current minimum for a local street at 12 or less units per acre, is 26 feet with prohibited parking on one side. If Mitchell Avenue was built today with parking on both sides, it would need to be at least 30 feet wide base of curb to base of curb. With parking on both sides, the current street is approximately 7 feet below what would be built today.

Ms. Stalder stated they are doing their part to widen Mitchell Avenue to get the neighborhood going in the right direction. Ms. Stalder loves the street and believes the townhomes will be a great addition. Chair Marshall inquired if there was anyone else in rebuttal. Seeing none, Chair Marshall inquired if Mr. Spoon would like 5 minutes to address the applicant.

Mr. Spoon stated he did not understand what was meant by having the neighborhood go in the right direction. Chair Marshall advised that Ms. Stalder had used all of her allotted time and asked if there was anything else he would like to address. Mr. Spoon responded there was not. Mr. Holston asked how long Mr. Spoon had lived on Mitchell Avenue. Mr. Spoon responded 20 years. Mr. Holston asked what was the average tenure of neighbors in this community. Mr. Spoon responded of the ones still there, most of them have lived there for 15 years or more. There are a lot of rentals but there are also a lot of homes still occupied by the original owner or descendants of the original owners.

Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Lane Use Map currently designates this site as High Residential. That category provides for high-density apartment dwellings, condominiums, life care, and similar housing types of a density of more than 12 units per acre. The request was consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. It was also 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 proposed CD-RM-12, as conditioned, limits uses to those that are consistent with the pattern of development in this area. Staff recommended approval of the request. Mr. Trapp asked if there was no traffic impact study was required for the change in zoning. Mr. Kirkman responded the unit count was below the threshold that would have triggered an official traffic impact study.

**DISCUSSION:**

Mr. Trapp asked if a traffic impact study was required for the change in zoning. Mr. Kirkman responded the unit count was below the minimum threshold needed to trigger an official traffic impact study. Mr. Trapp stated he

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wanted that in the record as he is supporting this request. The consensus of the Commission was they are to look at land use as there will always be traffic concerns. The Zoning Commission focuses on land use and those factors come into play. The Commission is also here for the Reinvestment/Infill goal. Mr. Trapp stated this is a great project and a great example of the Reinvestment/Infill goal. This project will provide a mix of housing types. All of those things are echoed in the Sustainability Plan for the City of Greensboro. For all of those reasons, Mr. Trapp stated he would be supporting this request. Mr. Holston added he appreciated the infill and the additional housing which is needed in the community, but was somewhat concerned about the high density being somewhat wedged in among other R-3. Mr. Holston referred to Mr. Spoon's concern regarding widening a street and stopping right at the property on Muirs Chapel with the rest left the same as it was. Mr. Holston stated he was torn. Mr. Engle stated he thought the road was narrow and took into account the comments regarding the street. Mr. Engle stated he was inclined to support it as the Future Land Use Map does call for more density in this area and the density with the proposed zoning is on the lower end of what is allowed with that zoning district. Chair Marshall inquired of any other comments from the Commission. Seeing none, Chair Marshall requested a motion.

Mr. Trapp stated in regards to agenda item Z-20-04-004, the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 4720, 4720A, 4724, 4726, and 4730 Mitchell Avenue from R-3 (Residential Single-family-3) to CD-RM-12 (Conditional District-Residential Multi-family-12) to be consistent with the adopted 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the 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 of services and facilities. The proposed CD-RM-12, as conditioned, limits uses to those that are consistent with pattern of development in the area. Seconded by Mr. Rosa. The Commission voted 5-2. (Ayes: Chair Marshall, Trapp, Engle, O'Connor, Rosa, and Trapp. Nays: Holston and Alford). Chair Marshall advised that because there were less than 6 affirmative votes this constituted a favorable recommendation and is subject to a public hearing at the July 21, 2020 City Council meeting.

**NEW BUSINESS:**

**Z-20-06-001: An original zoning request from County AG (Agricultural) to City CD-RM-5 (Conditional District – Residential Multi-family – 5) for a portion of 5281 Mackay Road and a portion of 2005 Guilford College Road, generally described as north of Mackay Road and west of Renaissance Parkway, (16.43 acres). (Recommended Approval)**

Ms. O'Connor advised she had the same comment as the previous case. Ms. O'Connor had no direct relationship to the case and would not benefit positively or negatively in a financial way. Staff did not see any reason for her to recuse herself.

Mr. Kirkman advised this request is in conjunction with an annexation petition and the case will automatically go on to City Council after this hearing. Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request and stated the applicant also wished to add an additional condition; "a type C landscape buffer shall be installed along the eastern and western property lines between any existing residential development and any new development on site." Mr. Engle moved to accept the condition, seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Alford, Trapp, O'Connor, Rosa, Engle and Trapp. Nays: 0). Chair Marshall requested the applicant to state their name, address, and present their case to the Commission.

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Will Years, 532 Hillwood Court, stated he is the principal of WBY4, Inc., the entity seeking the annexation and original zoning and President of Granville Homes. They were seeking to rezone the property to Conditional District RM-5. The intent is to duplicate the patio homes of Devonshire at Lake Jeanette, Longview Avenue. The property on Mackay Road was listed for sale by the Lea family and the properties east and west have similar zoning classifications and contain town homes and patio homes. Due to the pandemic, modifications were made for community outreach. Brian Craven then spoke to the efforts for community notification. One owner expressed concerns regarding privacy and setbacks. Typically a buffer zone is not required between similar uses such as these. A condition was added to the zoning requiring a Type C buffer along the eastern and western property lines that would provide adequate separation and privacy. Mr. Years advised Rich Glover of Jamestown Engineering was available for questions. Mr. Years requested Mr. Craven to speak further in regards to community outreach.

Brian Craven, 101 Centerport Drive, stated 290 letters were sent to neighbors and residents. Within the letter was a link to Granville Homes website which contained a virtual presentation shared on You Tube and the Jamestown United Facebook page with approximately 1200 followers. Mr. Craven felt approximately 1200 people were aware of this particular development project. Detailed information related to the project and Granville Homes was included with the online presentation. There were 160 visitors to the Granville Home website and an additional 187 views of the online presentation. There have been approximately 3 calls from neighbors in the Bordeaux community and Jordan Creeks community expressing concern regarding buffering on the eastern and western property lines. A type C landscaping buffer was decided for both of the property lines. Mr. Craven felt both communities would be appeased and would add additional green life for this proposed community.

Chair Marshall inquired if there were questions from the Commissioners for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the request.

Peter Rogaski, 224 Jordan Ridge Way, depicted photographs of his home and Mackay Road. The biggest concern of the neighborhood are privacy concerns. This property will be the dividing line between Jamestown and Greensboro. The development of Jordan Ridge is approximately 85% complete with 65 homes currently. The location of the new development could and would impact at least 6 homes negatively if the proposed project proceeds as projected. An overview was presented of the developments and communities. Buffer zones were shown along Mackay Road regarding Bordeaux homes on Brook Run, indicating 55 feet from building to building and a buffer zone providing significant privacy for those two communities. Mr. Rogaski depicted the buffer of 367 large mature trees between the communities of Kildare Woods and the apartment complex. Devonshire at Lake Jeanette photographs were shown depicting the setbacks from building to building within the Devonshire development. Photographs were noted indicating scarce foliage and only a wood fence as a buffer. Mr. Rogaski stated he is not opposed to Mackay Road development by Granville Homes overall. He is very concerned regarding the proposed layout and lack of specifics regarding the buffer zones. As a consequence of the new development the character of the property will change and the Lake Jeanette development that is noted as an example currently has undesirable buffer zones both in distance and type. The buffers are very close to the neighborhood and he believed most of the residents agreed. Cutting of the trees on the property was very alarming as it destroyed the character of the buffer zone and cut very close to property lines. Trees at the entrance of the property should be preserved, if possible, rather than cutting as it will aid in buffers and provided character. A significant barrier should be erected with large trees to at least create a private setting for separation between the properties. The distance should be set so no one can view into each development. The 6 foot wooden fence provides little privacy as most homes have a two-step elevation to their home and there are direct views into the

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living space that could easily be obtained over the structure. A minimum distance of the Jordan Creek property development line to any building on McKay Road should be maintained.

Mr. Rogaski stated within his development care has been taken for private purposes, with windows and property laid out to aid in enhancing the quality of life and creating a private setting. He did not feel these would be taken into consideration by the Granville Homes Development as the layouts would be independent. Once the zoning has been approved, the community will not have any say. Everyone who has property abutting the proposed development knew something would be built and expected a residential community which would take into consideration buffer zones between the developments for privacy purposes as seen in all of the developments along Mackay Road. Mr. Rogaski stated he expected far more and a better buffer zone of 30 feet. If the property becomes clear cut, he would be asking for significant privacy barriers as separation between the developments. Residents of Jordan Creek should not be responsible for significant investment in privacy fencing or planting of any type of foliage. It is the responsibility of the party asking for rezoning. The HOA dues could be impacted if barriers needed to be erected. This is the time to address all the issues if the zoning is approved, there may not be any recourse to affect any construction on the project. The developer used 6 foot fencing for the Jeanette property which would be completely unacceptable within his community. He did not believe any developer should be trusted to create buffer zone parameters impacting all the residents within his community and should be pre-determined in writing as a condition for rezoning. Mr. Rogaski contacted the owner regarding intentions for buffering between the communities and the response email was vague and non-committal regarding what was planned. The owner indicated no comment could be given as the site was not engineered. Mr. Rogaski feels the owner is aware of where the buildings would be located and the distances of buffer zones in the communities. If it is proposed to have buffer zones duplicated exactly as Lake Jeanette, Mr. Rogaski is fully opposed to the development as it would affect quality of life and property values for all of the Jordan Ridge Way residents. After reviewing the zoning hearing for the Lake Jeanette properties on 10/19/2015, he was concerned with how his particular zoning process been handled. There was a neighborhood meeting prior to that rezoning hearing to address the issues regarding development of the property. Mr. Rogaski advised at the hearing, Mr. Yearn and his attorney, Mr. Fox, were present at the meeting attended by 35 to 40 residents and addressed the concerns. This request was not undertaken for the rezoning of the Mackay Road property due to Covid-19. Methods could have been taken to contact residents and interact. Mr. Yearn would have heard directly from a number of residents regarding the serious concerns of both privacy and building distances of this development. Many of the residents may have felt intimidated or unable to voice their concerns via the venue of Zoom. Mr. Rogaski stated this would benefit Granville Homes as there would be less opposition noted at the hearing. At the Lake Jeanette hearings, Mr. Yearn stated, quote, "I want to see the community grow and prosper by doing the right thing." So far from his perspective he did not believe this commitment has been fulfilled during this rezoning. Mr. Rogaski read into the record Mr. Fox's statement of "to work with the neighborhood to make sure it's consistent." It does seem to exist at this point and appears to be a significantly different process from Granville than the previous Lake Jeanette property. Mr. Rogaski would like to have full and upfront disclosure regarding the intentions for the site, layouts, setbacks, and privacy barriers.

Chair Marshall inquired if there were any questions for Mr. Rogaski. Mr. Holston asked if Mr. Rogaski had not seen any illustrative drawings indicating the potential siting of any structures or ingress, etcetera. Mr. Rogaski responded he had not. He only received an email from Mr. Yearn stating the site was not engineered yet and no details could be released. Chair Marshall inquired if there were any other questions from the Commissioners. Seeing no other questions, Chair Marshall inquired if there was anyone else to speak in opposition to the request.

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Patricia Boyarizo, 870 Jarmon Drive, stated she is a member of the Bordeaux community and asked if there was a chance of the expansion or the development would go into Jarman Drive. There is a lot going on with letting Jamestown be Jamestown and she was concerned about the decisions made by the Zoning Committee affecting Jamestown. Mr. Engle responded the short answer is it's Greensboro. This project is not in Jamestown, it is Greensboro. Ms. Boyarizo responded the area across the street from this property will be annexed. Mr. Engle stated he understood that but there was no coordination outside of what is county and what is city. For purposes of this meeting, it is a city issue for Greensboro, not Jamestown. Ms. Boyarizo stated as a Jamestown resident with a Greensboro mailing address, they are looking at the area surrounding her area as making it a mini city which is not what the area is. Ms. Boyarizo stated the Commission needs to be sensitive to the areas being discussed.

Ben Saunders, 220 Jordan Ridge Way, stated his concern was with buffering and he did not know the buffering had been changed to using berms, shrubbery and trees. Mr. Saunders requested the Commission to consider the dwellings constructed on the property be a minimum of 80 feet from the Jordan Creek property line. Any developer of this property be required to construct earthen berms with trees/shrubbery planted to block the line of sight between Jordan Creek homes and any new construction by the developer. Any developer of this property should be denied the use of any type of fencing to include, but not limited to, wood, brick, metal, plastic or a resin composite as part of the berms. And any developer be required to leave a minimum of a 30 foot strip of existing trees along the Jordan Creek property where applicable.

Mr. Kirkman advised that time had expired. Chair Marshall inquired if the applicant would like an additional 5 minutes of rebuttal to address the concerns expressed by the opposition.

Will Years requested Mr. Kirkman to explain the City of Greensboro's definition of what a Type C buffer zone was. Mr. Kirkman advised the Type C landscape buffer is an average 15 foot buffer with a minimum planting rate of 2 canopy trees, 3 under storage trees, and 17 shrubs per 100 linear feet along the buffer. Mr. Years asked if Mr. Kirkman had knowledge regarding what sort of planting buffer zone is in the adjacent properties. Mr. Kirkman responded he did not have that information. Mr. Rogaski stated in looking at the buffer zones illustrated it appears to be full foliage and mature trees. The building to building distances is as important as the buffer. Mr. Years pointed out that the Devonshire community does not have Type C buffers but does have a planting density requirement. Addressing the concerns of tree conservation and clear cutting, Mr. Years stated they will preserve as many of the trees as possible which may come up to the property lines or not. There will be the exact same buffer, if not more buffers, than what is currently in the adjacent properties. Mr. Years asked Mr. Boyd and Mr. Craven if there was anything they wished to add regarding buffers.

Mr. Boyd stated he was curious if the other property was a Type C buffering. Mr. Craven responded Jordan Creek has a 15 foot building setback from the property line with a 5 foot Type D buffer yard, much less buffering than what the Type C offered was. Mr. Craven did know anything in regard to the Bordeaux community. Mr. Years stated not only are WBY4 being more consistent, they are going above what is consistent with the adjacent properties. Mr. Holston confirmed with Mr. Years a Type C buffer was being offered on the east on Bordeaux and west on Jordan Creek. Mr. Holston stated the opposition has spoken about urban berms, flip distances, 30 foot strips, no resins, plastics and asked if his offer could be conditioned. Mr. Years responded it was the first time he had heard about those concerns. Mr. Years said was very necessary to be in contact with the neighborhood. There could not be a meeting but a web site, phone numbers, email addresses were provided and they were available for discussion calls. This the first time he heard about 80 foot buffers and berms. They are offering the Type C at this time. Mr. Holston asked if he was saying regardless of how this goes, that conversation may still be a possibility between him and the neighbors. Mr. Years stated he was not ruling that out but he did not think it is reasonable to have an 80 foot setback on a multi-family site.

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Chair Marshall asked if there was anything else from those wishing to speak in favor of the request or from Mr. Yearns.

Nicole Rabe, 6502 Woodmont Road, Jamestown, stated she did not live in one of the adjacent communities, but lives approximately a mile or so from there. She received the letter from the Yearns regarding the proposed rezoning of Mackay Road property. Ms. Rabe reviewed the letter and the website referenced within the letter and found it to be very informative and forthcoming with information. It appears that Granville does build high quality homes that would fit within the current neighborhoods and esthetics on Mackay Road, being Jordan Creek and Bordeaux. Ms. Rabe stated she liked the fact they have been open and available to talk with the residents about their development plan. They have provided price points. Ms. Rabe stated the comment made regarding let Jamestown be Jamestown site is a whole other animal and not relevant to this conversation. This is a development that Ms. Rabe felt was necessary. Ms. Rabe stated her support for this project and stated there is a need for this type of community and this type of development in this area.

Chair Marshall inquired if there was anyone else wishing to speak in favor. Mr. Engle stated it appeared through the center of the property there is an area that is undeveloped, a wetland, or something like and asked Mr. Yearns if that was correct. Mr. Yearns responded there is a creek running east to west. Mr. Engle stated what the Commission is seeing was what the Jordan Ridge community and also the other community on Renaissance Parkway is the same growth area but a lot of the issues had to do with the creek running through it. Mr. Yearns responded he thought Jordan's Crossing is probably called that because it crosses the creek and Granville is not proposing to cross the creek. Chair Marshall inquired if there was anyone else to speak. Seeing none, Chair Marshall inquired if there was anyone else in opposition who wished to speak.

Ben Saunders, 220 Jordan Ridge Way, stated he is not particularly opposed to the type of development that is proposed. His concerns were strictly with buffering and reducing line of sight between the back of his home with the back of whoever will be living in the other development. As long as Granville Homes puts in a berm, shrubbery, and trees providing privacy, he was not particularly opposed to this type of development and was very happy that the homes would be comparable to the townhomes in Jordan Creek. Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Patricia Boyarizo, 870 Jarman Drive, asked if there was a chance that development will connect to Jarman Drive in the Bordeaux community as she could not discern from the plan. Mr. Yearns responded Granville was not planning to connect to Bordeaux. There is a strip of land that the HOA owns between the end of that road and the Granville property.

Chair Marshall inquired if there were any further questions. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Ricky Boyd, 222 Jordan Ridge Way, stated he appreciated Mr. Yearns looking at Type C buffers. Mr. Boyd stated they needed the Zoning Commission's help in holding Mr. Yearns accountable to a buffer of approximately 80 feet and some type of natural tree density in the area between the properties providing the privacy for both areas. Everyone knew the property would be developed at some point and are asking for Jamestown neighbors and the developer to build the buffers in. Mr. Boyd asked the Commission to not approve to allow Mr. Yearns more time to come up with a better plan.

Chair Marshall inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated The Comprehensive Plan's Future Land Use Map currently designates this particular area as Moderate Residential. The Moderate Residential designation accommodates housing types ranging from small-

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lot, single-family detached and attached single-family dwellings such as townhomes to more moderate density, low-rise apartment dwellings at a density of generally 5-12 dwelling units per acre. Staff did conclude that this request is consistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe as well as the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-5 request, as conditioned, limits uses only to residential uses. There was an additional buffering requirement added at the meeting. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commissioners. Ms. O'Connor requested an explanation of how a portion of the property was on Guilford County Road. Mr. Kirkman responded the property at 2005 Guilford College Road was subdivided at some point and for unknown reasons, the back portion of the property that is adjacent to the property on Mackay Road was not separated into a separate parcel, primarily because it was an undeveloped at the time. While it has an address of 205 Guilford College Road, the zoning request does not actually touch Guilford College Road. It is a small square basically that is part of this request. Ms. O'Connor stated on the map it appears to be detached but she is clear now.

Mr. Engle stated the proposal meets the character of the area. Mr. Rogaski did a very good job presenting some of the distances and in part of it there appears to be a creek. Mr. Engle stated he went through Jordan Ridge Way but did not go through the back. Looking at the map, he did not see an 80 foot distance or a Type C between the single family homes behind that development and Jordan Creek Drive development. Mr. Engle feels the proposal is in keeping with the nature of the area. He suggested the groups could have some time between now and the City Council meeting where it will be discussed as it will be annexation. For those reasons, Mr. Engle supported the proposal and was willing to make a motion. Chair Marshall inquired if there was any other discussion. Seeing none, Chair Marshall advised Mr. Engle to proceed with his motion.

Mr. Engle stated in regard to agenda item Z-20-05-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located on a portion of 5281 Mackay Road and a portion of 2005 Guilford College Road from County AG (Agricultural) to City-CD-RM-5, (Conditional District Residential-Multi-family-5) be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Growth at the Fringe Goal to promote sound and sustainable patterns of land use at the city's fringe. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro residents 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 proposed CD-RM-5 request, as conditioned, limits uses to only residential uses which fits the content of the surrounding area. Seconded by Ms. O'Connor. The Commission voted 7-0. (Chair Marshall, Holston, Alford, Trapp, Rosa, O'Connor, and Engle. Nays: 0). Chair Marshall advised this constituted a favorable recommendation and was subject to a public at the June 21, 2020, City Council meeting.

**Z-20-06-002: An original zoning request from County RS-30 (Residential Single-family) to City R-5 (Residential Single-family-5), for a portion of 2240 East Cone Boulevard, generally described as south of East Cone Boulevard and west of Ralph Johnson Lane, (23.079 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map for Z-19-06-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Marshall

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inquired if there were any questions for staff regarding the application. Seeing none, Chair Marshall requested the applicant to state their name and address.

Chris Bostic, of Kimley Horn, 421 Fayetteville Street, Raleigh, NC. Mr. Bostic introduced Mr. Howard Sowell, Mr. Andrew Sowell, and Mr. Elton Woods of Guilford Preparatory Academy. Mr. Bostic noted this project is just outside of the city limits. Annexation has been requested and the requested zoning district associated was R-5 (Residential-Family-5). The reasoning for the R-5 zoning is this is one of the least intensive zoning districts in the city. The R-5 zoning district is also in compliance with the Future Land Use Plan. There are single family uses in the county and single family to the east, institutional to the west and they felt an R-5 zoning would be an appropriate transition and support their proposed use. Their proposed use is to build a school for Guilford Preparatory Academy. The Academy currently has a facility to the west in an existing building and was looking to expand their enrollment, have their own building, and have a standalone gymnasium in association with the project. Mr. Bostic noted the R-5 zoning request also matches the zoning of the extensions of Cone Boulevard that are zoned R-5 and felt it was an appropriate zoning to match. Mr. Bostic stated the school proposes to have the stand alone gym be utilized for community athletic programs in addition to programs of the school. The school sits on approximately 24 acres with significant natural buffering that will occur with the project. There would still be plenty of land to the west, on the property, and east to provide a natural buffer for streams on both sides. There is a large creek running along the south side of the property. Mr. Bostic stated a traffic impact analysis was required by the city and reviewed by GDOT resulting in a recommendation of a short right turn lane and a left turn lane built on Cone Boulevard for access to the school and they will comply with the requirement. In mid-May there was a letter submitted to all the neighbors within 600 feet of the property advising them of the rezoning request and that a school was proposed. A contact name, phone number, and an email contact were provided. No feedback had been received to date from the public. Mr. Bostic emphasized their zoning request was in compliance with the Future Land Use Plan and the building will be centrally located.

Chair Marshall inquired if there were any questions for Mr. Bostic. Mr. Trapp asked why was R-5 chosen as opposed to a public and institutional zoning. Mr. Bostic stated based on conversations with staff, they felt it was more compliant to go with R-5. There are restrictions associated with R-5 signage they are willing to comply with. Mr. Kirkman stated the R-5 zoning was consistent with the zoning attached to East Cone Boulevard, so there is consistency between zoning districts on the same piece of property which is important as sites development. There are also some restrictions on the signage where there are schools in a residential context. Schools themselves are allowed in all of the zoning districts. The applicant was trying to be consistent as was stated with the Comprehensive Plan and with the existing zoning for the other portions of the property already located in the city. Mr. Holston asked if the signage requirements under the R-5 are more restrictive than what it would be under Institutional. Mr. Kirkman responded there are more restrictions, in particular with electronic signage and the types of signs that could be used with a non-residential use in residential zoning versus a non-residential use in the public institutional zoning.

Chair Marshall inquired if there were any further questions from the Commission. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone in opposition to the request. Seeing none, Chair Marshall closed the public hearing and requested to hear from city staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this particular area as Moderate Residential. The Moderate Residential generally accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings generally 5-12 dwelling units per acre. The request does support the Comprehensive Plan's



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Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe and the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed R-5 zoning district is generally intended to accommodate lower-density single-family detached residential development of up to 5 dwelling units per acre. As noted previously some limited non-residential uses such as schools and places of religious assembly are also permitted in the R-5 zoning district. Staff recommended approval of the request.

Chair Marshall inquired if there were any questions for staff. Mr. Engle stated he had no questions but had a motion if no one else wanted to go forward. Mr. Engle stated in regard to agenda item Z-20-06-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located at 2240 East Cone Boulevard, from County RS-30 (Residential Single-family) to City R-5 (Residential Single-family-5), to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Fringe Goal to promote sound and sustainable patterns of land use at the city's fringe. The request is consistent with the Housing and Neighborhood's goal to meet the needs of present and future Greensboro residents 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 proposed R-5 zoning is district is primarily intended to accommodate low density single-family detached residential development of up to 5 dwelling units per acre. Seconded by Mr. Alford. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Rosa, Trapp, Alford, and Engle. Nays: 0). Chair Marshall advised this constituted a favorable recommendation and was subject to a public at the July 21, 2020, City Council meeting.

Mr. Kirkman advised it was time for a break for the closed captioning personnel and advised there were a number of people requesting to speak on the next case. Chair Marshall recessed the meeting for 10 minutes.

**Z-20-06-005: A rezoning request from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District – Residential Multi-family-8) for the property located at 2400 North Elm Street, generally described as southeast of Cone Boulevard and northeast of North Elm Street, (0.68 acres). (Denied)**

Mr. Kirkman reviewed the zoning map for Z-19-06-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Marshall requested the applicant to state their name and address and present their case.

Robert Russell, President of Associated Surveying and Engineering, representing Mr. Jack Wright of Black Rhino Capital. Mr. Russell stated the property they are attempting to rezone is a single family residence in much needed repair. In lieu of trying to repair the home, Mr. Wright would like to remove the home and erect 5 townhome units. Mr. Russell referred to a number of illustrative photographs of the property depicting the intent of the development and representing their best estimate of the buildings to be constructed. Mr. Russell advised that community outreach was in the form of letters sent to everyone within 600 feet of the subject property. There were 34 letters sent and they received 6 comments which the Commission had been provided a copy of. The general comments were in opposition to the request regarding traffic and access to the Swim and Racquet Club along Rockford. They attempted to address those concerns and advised the increase in traffic would be approximately 20 to 25 trips per day and stated there could be an entrance on North Elm or Cone Boulevard, with all of the traffic controlled by an existing stop sign onto Rockford Road and a traffic signal at the intersection of

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North Elm and Cone Boulevard which would provide the safest route for traffic to enter and exit the site. The driveway for this development would be in the approximate location of the existing driveway on Rockford Road. Chair Marshall inquired if there were any questions for the applicant. Mr. Holston inquired if the two structures were facing North Elm or Rockford. Mr. Russell responded they would face North Elm. Each unit will have a two car enclosed garage with a rear entrance to allow all of the traffic from this development to exit to Rockford. Mr. Holston asked where visitors would park. Mr. Russell stated the site plan currently does not provide specifically for visitor parking but the additional parking for visitors would be behind the garages. It is anticipated to be able to provide additional space along the border of Cone Boulevard. There is a concern related to a storm water retention device and the need to allow for that. Chair Marshall inquired if there were any further questions for the applicant. Mr. Engle asked Mr. Russell to address some of the concerns raised related to property values and the impact of this development as to what was being done to mitigate those concerns. Mr. Russell responded the sales price for the units would be between \$250,000 to \$300,000. The architect for the units was present and could address those concerns. The individual units are for sale and do carry a hefty price tag.

Ms. O'Connor inquired if these units were a duplex and triplex. Mr. Russell responded the site is limited due to the size of the site even with the RM-8 zoning. Five units would be the largest number placed on the site and they intend to construct a duplex and triplex unit. Mr. Rosa asked how they would be able to keep visitors for the units from park in front of the adjacent Racquet and Pool Club. Mr. Russell stated he believed that was private property with a sign stating that information, and they would not be able to control access to the swim and racquet club. There will be a sidewalk provided along Rockford to facilitate pedestrian traffic and he thought there could be a sign on the site stating the swim and racquet club was private property. Mr. Engle inquired if there were more illustrative drawings such as a floor plan as he was trying to determine the parking. A site plan was depicted for the Commissioners. Mr. Rosa asked what was at the back of the building. Mr. Russell responded it was a driveway and access to garages that will be in the rear of the property. Mr. Rosa stated if the residents living in those homes do not have parking for guests, they will attempt to park in the other parking lot. Mr. Rosa inquired if there was anything for where the visitors could park other than trying to park on the street or at the front of the building of the racquet club. Mr. Russell stated there are car width distances behind the garages where two cars could park and there may be room at the end of the driveway at Cone Boulevard to provide additional parking. The concern is providing for storm water retention. They did not want to present anything that would not comply with the storm water retention. Chair Marshall asked how many cars could fit within the garage. Mr. Russell responded two cars. The intention for the residents is to park in the garage and not be parking outside the garage but that could not be controlled. Ms. O'Connor asked if each unit had room for one car or two cars. Mr. Russell responded they are a two car enclosed garage and are side by side. Mr. Trapp asked Mr. Kirkman what the parking requirement for the proposed rezoning. Mr. Kirkman responded a townhome dwelling unit is required 2.1 spaces per unit. Mr. Engle stated from the illustrative perspective he understood it but to rezone something on what has been presented, he was unsure. Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Chair Marshall requested the speaker to state their name and address.

Vince Howard, 1603 Beechtree Road, asked if the zoning approval would automatically go to City Council. Mr. Kirkman responded it depended on the vote of the Zoning Commission to approve. The Commission has the ability to take final action and would need at least 6 favorable votes to do so. The Racquet Club did reach out to the developer regarding their concern with parking, especially the amount of traffic generated particularly in the summer months for the club. During the school year there is a lot of pedestrian traffic and vehicular traffic from

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the Page High School. There is a lot of traffic coming onto Rockford which is a short street. Chair Marshall inquired if there were questions for Mr. Howard. Mr. Holston asked if the traffic was seasonal at the club. Mr. Howard responded there is summer for swimming 3 months out of the year and tennis is basically all year long. Student traffic from Page High School cutting through the property during the school year. It can be walked through or parents pull the cars onto Rockford and pick up students who have walked through the club parking lot. Mr. Holston asked if parking ever fills up with events and other things going on. Mr. Howard responded during swim meets, big events and holidays the parking lot does fill up. Mr. Holston asked where the overflow parking was located. Mr. Howard responded Page High School. Chair Marshall inquired if there were any further questions for Mr. Howard. Seeing none, Chair Marshall requested the next speaker to state their name and address.

Kathleen Richard, 2302 Danbury Road, advised she was in opposition to this development. That area on Rockford not only looks short, but is very short. One house on each side and is a very narrow section of the road before Sherwood. There are many families who walk, bike, or drive with young children frequently for swimming and tennis activities. The traffic generated by single family residences and multiplying that for five new residences, would be a burden of traffic the children should not endure. Traffic coming and going out of the development would greatly affect safety. The property directly opposite the proposed development is for sale and her suspicion was once there is one complex, it would be easy for the property directly across to be used for the same use, rather than two homes. Chair Marshall inquired if there were any questions for Ms. Richard. Seeing none, Chair Marshall requested the next speaker to state their name and address.

Kathryn Wood, 2321 Danbury Road, advised she lives on the corner of Danbury and Rockford, a block from the proposed development. Ms. Wood is new to Greensboro and purchased at this location because of the beautiful homes that are \$500,000 and up. The traffic at the intersection of Rockford and Elm is very congested. To cross Elm or go over to Cone, there would be in excess of 10 plus cars adding to the traffic. A crosswalk would be helpful to have to walk to the club. Ms. Wood stated she is opposed to additional traffic, additional housing, and the devaluation of the homes currently there. Townhomes in the neighborhood would devalue their properties. Chair Marshall inquired if there were any questions for Ms. Wood. Seeing none, Chair Marshall inquired if there were any additional speakers who wished to speak in opposition.

Michael Stuckett, 2305 North Elm Street, stated he was opposed for all the reasons previously stated. Mr. Stuckett advised he has 3 young children and walked to and from Sherwood Racquet Club. With the additional traffic, it will become more dangerous. Mr. Stuckett is concerned what the domino effect in their neighborhood will be. All of the houses currently are single family homes and once townhomes are allowed, more townhomes will become a part of the neighborhood. Chair Marshall inquired if there were any questions for Mr. Stuckett. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes to address the opposition.

Mr. Russell stated the development ordinance for the City of Greensboro require developers to place a sidewalk along Rockford for the full width of the proposed property allowing everyone to walk to the swim club. There are a number of townhome projects located within the vicinity, particularly off of Elm Street, with Fountain Manor being one of them. Mr. Russell felt their development was a good infill project and are addressing traffic concerns as best that can be done. It is estimated the project would generate 20 to 25 trips per day. They would not be opposed to the City prohibiting all parking on Rockford Road which would be a city decision and not a developer decision. Mr. Russell stated this is a very good plan for this property and will be an addition to the community. Mr. Holston stated there appears to be a lot of opposition to this project and asked what types of engagement were done with the community prior to the meeting. Mr. Russell advised within the packet were copies of the letter sent

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to the neighborhood on May 20, 2020 to 34 residents that were located within 600 feet of the property, a summary of the contacts, and a summary of the comments. As of June 14, there were only 6 contacts, 3 in favor and 3 in opposition. Mr. Holston asked if anything was changed, amended, or altered as a result of the comments. Mr. Russell responded nothing changed as they anticipated the concerns expressed at this meeting. A controlled intersection at Rockford with the stop sign was a safer and more appropriate entrance to allow for traffic to this development with the intersection of North Elm and Cone Boulevard being signal controlled providing additional relief for the issues expressed. Currently there is no sidewalk along Rockford but a sidewalk will be placed as a result of this property being developed. Mr. Engle stated he could see the property is somewhat disconnected from the other residential property on Elm Street. Mr. Engle advised he did not see in the zoning proposal anything that the character will be maintained of the surrounding homes which would be a challenge for him. They can only proceed with what is presented now with the conditions and zoning request. Mr. Russell requested Tom Monroe, the architect for the project to respond.

Tom Moreau, TMA Architects, 2449 North Beach Lane, stated this property is a unique site backing up to commercial space and bordering Cone Boulevard and is an island to itself. Looking at the neighborhood and attempting to match the density of it, the property severely slopes from Rockford down to Cone. Each unit will be approximately 3,000 square feet and almost the same size as the homes in the area. One of the homes listed in the area was for \$339,000 on the market currently and the price point for the townhomes will be approximately in the same range. Mr. Moreau described the image of the townhomes and stated they will not be completely out of place in character within the neighborhood. Mr. Engle stated there was no accountability for plans. There are certain things that the Zoning Commission can enforce and what has been presented is not written down. Mr. Russell responded he was unsure of Mr. Engle's comment and asked if additional conditions could be suggested. Mr. Engle responded the best thing would be to proceed and consider what might work with the community later. Mr. Engle advised he thought everyone was too far into the proceeding for him to accept the proposal. There will potentially be time before meeting with City Council to bridge with the neighborhood and their concerns. Chair Marshall inquired if there was anything else. Mr. Russell responded he is not quite sure he understood Mr. Engle's comment but did not have anything further to add. He is more than willing to answer any further questions. Chair Marshall inquired if there were further questions for Mr. Russell. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in rebuttal in favor. Seeing none, Chair Marshall inquired if the opposition would like 5 minutes for rebuttal.

Vince Howard stated when the applicant pointed out Fountain Manor and other townhomes/condos in the area, the difference would be Fountain Manor on Elm Street has a dedicated entrance, not a shared entrance with single family residences. There is another development on the corner of Corn Wallis and Elm Street that has its own road through the development and is not shared with the neighborhood. Mr. Holston asked how close the Fountain Manor property was to Rockford and how would one get there. Mr. Howard responded one would have to go south on Elm Street approximately a quarter of a mile where there is an entrance and are further away from Cone. There is another back entrance near the Golden Gate shopping center. Chair Marshall inquired of any questions for Mr. Howard.

Kathleen Richard stated she did not think the comment that the property in consideration is an island to itself. This neighborhood is considered the Browntown Neighborhood founded by the Brownhill Corporation developed as a residential committee in the 50s. Within the last decade, it was under consideration for a neighborhood conservation overlay, not as distinct as a national historic district distinction but does speak to the fact many people are in favor of that. This community is a tight knit neighborhood of families. The aesthetic of the proposed condos is not in keeping with the esthetic of the homes within the neighborhood. Ms. Richard stated the

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neighborhood was concerned with traffic at the intersection where the proposed driveway for the project would be and introducing more traffic. Chair Marshall inquired if there were any questions for Ms. Richard.

Kathryn Wood stated there would be 3,000 square feet per unit, which would be 15,000 square feet total on slightly more than one half acre. Her home is on almost half an acre and is only 4,000 square feet. To take 12,000 square feet of home, the floor plan does not show enough room for a family. Ms. Wood questioned where would children play as the backyard will be parking and driveways. This project is not conducive for the area. If it were to go through, she would prefer to have the traffic go onto Cone and not Rockford. Chair Marshall inquired if there were any questions for Ms. Wood. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the property was designated as both Low Residential and High Residential in 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 by a density range of 3-5 dwelling units per acre. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types at a density of over 12 units per acre. Per City Council adopted policy, a GFLUM amendment is not required for rezoning requests that are less than one acre in size. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and 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 offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-8 request, as conditioned, prohibits access to North Elm Street which helps to limit negative impacts to the surrounding neighborhood. Staff recommended approval of the request.

**DISCUSSION:**

Chair Marshall inquired if there was discussion from the Commission. The overall consensus of the Commissioners was the proposed development was too dense for the area and the proposal was not in keeping with the character of the neighborhood. Traffic was not a main issue as it is in a high traffic area. The Commissioners did not feel they could support the application as presented. Mr. Engle requested to make a motion. Mr. Engle stated in regard to agenda item Z-20-06-002, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning amendment for the property located at 2400 North Elm Street from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District – Residential Multi-family-8) 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 inconsistent with the Comprehensive Plan's Reinvestment Infill goal to promote sound investment to Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro residents 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 as conditioned does not limit the negative impacts to the surrounding neighborhood. Seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Trapp, O'Connor, Rosa, and Engle. Nays: 0). Chair Marshall advised zoning denials constituted final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the July 21, 2020, City Council meeting.

**Z-20-06-006: A rezoning request from R-3 (Residential Single-family-3) to CD-RM-5 (Conditional District - Residential Multi-family-5) for the properties located at 4007 and 4015 Straw Hat Road, generally described as west of Straw Hat Road and south of Jessup Grove Road, (12.18 acres) (Approved)**

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Mr. Kirkman reviewed the zoning map for Z-19-06-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Marshall requested the applicant to state their name and address and present their case.

Charlie Hall, 5603 New Garden Willows Drive, representing Windsor Homes. Mr. Hall introduced David Michaels, Head of Land Development for Windsor Homes and Tom Hall, President of Windsor Homes. Mr. Hall provided background on Windsor Homes and the types and locations of homes they have built. The current zoning classification for the property is R-3 and there is one single family residence on the property. Windsor Homes is requesting a CD-RM-8 zoning classification and asking for an amendment to the GFLUM for lower residential 3-5 dwelling units per acre in Mixed Use Corporate Park to Moderate Residential 5-12 dwelling units per acre. An illustrative photograph was shown depicting the property indicating the surrounding areas. Windsor believes this proposal would be a good transition within this area. The request to CD-RM-8 is to accommodate a townhome community consisting of 90 dwelling units. This area has continued to grow and develop and would be a good fit within this area providing a variety of different living options. The proposal provides a transition between the surrounding land uses and would be consistent with the reclassification to moderate residential for the park side at Horse Pen Creek townhome property site located .5 miles northeast of the property. Mr. Hall referred to a site plan and explained where this property would be located. Pictures depicting the townhomes were shown that will be 1,500 to 1,700 square feet in size, consisting of 3-4 bedrooms, 2-3 baths, and each unit will have an attached garage. Due to Covid-19, meeting in person was not a viable option. A conference call with the neighbors was completed. Eighteen letters were sent on May 26, 2020 inviting all of the neighbors within 600 feet to join in the conference call. Two neighbors participated in the teleconference. Windsor Homes reached out to a representative of Caldwell Academy regarding land owned by them on Straw Hat Road and advised of plans to use that part of the property for athletic facilities. A notification letter was sent to Northwest Pediatrics and there was no response. Topics discussed during the teleconference call focused on what type of product would be built on the site. Traffic concerns were discussed. According to GDOT, no traffic impact analysis was required. The site does have direct access from Straw Hat Road to Jessup Grove Road. Windsor does plan to improve Straw Hat Road to city standards. At this time, there are no plans regarding Jessup Grove Road. The question of having an HOA was brought up which Windsor Homes plans to implement. If the streets are deemed private, the HOA will take care of the streets and maintain the street lights, maintain around the CVU lining inside the common areas, and install street devices. Windsor Homes stated this is a good housing option for Greensboro and the GFLUM amendment provides a transition between the surrounding land uses and are confident this community will be successful and well received in the market. The Planning Board is in support of this request. Ms. O'Connor asked if Straw Hat Road would be paved. Mr. Hall responded that was correct.

Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in favor of the application.

David Michaels, Windsor Homes, 5603 New Garden Village Drive, stated it is a good transitional use for the zoning in place. All of the requirements of the ordinance will be met as far as landscape buffers, street planning yards. Type C buffers adjoining any of the single-family residential sites around this property.

Chair Marshall inquired if there were any questions for Mr. Michaels. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition to the application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman advised Mr. McCracken had indicated he would be speaking in opposition at this meeting. Mr. Carter advised Mr. McCracken was not present in the meeting and advised that Mr. McCracken had expressed concerns regarding traffic along Jessup Grove Road. In absence of opposition, Mr. Kirkman presented the staff recommendation.

Mr. Kirkman stated this property was designated both as a combination of Low Residential and Mixed Use Corporate Park. Low Residential makes up the majority of the site. The Low Residential includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated generally within a density range of 3-5 dwelling units per acre. As noted earlier in association with the rezoning request, the applicants submitted a request to amend the Comprehensive Plan designation on the subject site to Moderate-Residential. That designation accommodates housing types ranging from a small lot, single-family detached and attached single family dwellings which are townhomes to a more moderate density of low-rise apartment dwellings at a density range of 5-12 dwelling units per acre. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe and 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 offering security, quality of life, and the necessary array of services and facilities. The proposed request, does limit the use of the property to a maximum 90 dwelling units and does fit the context of surrounding residential development and other development. Staff recommended approval of the request.

Chair Marshall inquired if there was discussion from the Commission or a motion. Ms. O'Connor moved to make a motion. Ms. O'Connor stated in regard to agenda item Z-20-06-006, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property identified as 4007 and 4015 Straw Hat Road from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District- Residential Multi-family-8) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-8 request as conditioned, fits the context of surrounding residential development. Seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Alford, Engle, Trapp, Rosa, and O'Connor Nays: 0). Chair Marshall advised this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the July 21, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-06-007: A rezoning request from R-3 (Residential Single-family-3) to CD-RM-5 (Conditional District - Residential Multi-family-5) for the property located as 2788 Horse Pen Creek Road, generally described as north of Horse Pen Creek Road and west of Quaker Run Drive, (0.56 acres). (Approved)**

Mr. Kirkman provided the zoning map for Z-19-06-007 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to present their case and state their name and address for the record.

David Stone, President of D. Stone Builders, 2904 Longdale Drive. Mr. Stone advised Mr. Dwight Stone, Chairman of D. Stone Builders was also present. Stone Builders submitted a request to rezone the half acre

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located at 2788 Horse Pen Creek Road from R-3 to CD-RM-5. The request is consistent with the unanimously approved request made for the surrounding parcels at the 6/17/2019 Zoning Commission meeting. As stated in condition 1, this parcel will be combined into the property identified as 2782 Horse Pen Creek Road to be developed into a maintenance free townhome community, similar to others Stone Builders has developed throughout Guilford County. The design of the development was done in anticipation of Stone Builder purchasing the subject property. As a result, the acquisition and combination of the subject property and development has not changed the overall design but would enable Stone Builders to add 5 additional units, bringing the total to 44 units. On May 27, 2020 letters were sent to all the property owners located within 600 feet of the subject property containing the office number and email address were provided and a reference to the Zoom meeting to be held on 6/8/2020. There were no requests to attend the Zoom meeting. There was one phone call from a neighbor who requested additional information which was provided

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map currently designates this property as Low Residential that category generally includes City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3-5 dwelling units per acre. The proposed request does support Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The proposed CD-RM-5 zoning request, does impose conditions that limit negative impacts on the surround area and does require the subject property be developed in conjunction with the previously approved zoning to the north. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commission or a motion. Mr. Engle moved that in case Z-20-06-06 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property identified as 2788 Horse Pen Creek Road from R-3 (Residential single-family-3) to CD-RM-5 (Conditional District Residential -Multi-family-5) to be consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. 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 of services and facilities. The proposed CD-RM-5 rezoning request imposes conditions that will limit negative impacts on the surrounding areas. Seconded by Mr. Rosa. The Commission voted 7-0. (Chair Marshall, Holston, Alford, Trapp, O'Connor, Rosa, and Engle, Nays: 0). Chair Marshall advised this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the July 21, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-06-008: A rezoning request from PUD (Planned Unit Development) to PUD (Planned Unit Development), for the property located 3314 Horse Pen Creek Road, generally described as south of Horse Pen Creek Road and west of Four Farms Road, (17.09 acres). (Approved)**



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Mr. Kirkman reviewed the zoning map for Z-19-06-008 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to present their case and state their name and address.

Marc Isaacson, 804 Green Valley Road, representing Blue Ridge Companies who has been developing properties throughout Guilford County for 20 plus years and earned a reputation as a developer, owner, and manager of first rate multi-family properties. They are requesting to delete a requirement for a 10,500 square foot office building and instead substitute one additional multi-family building. The property was rezoned to a Planned Unit Development in 2012 by the perspective developer of the property who no longer owns the property. At that time a condition was added that a 10,500 square foot office building would be built on this property. The office market has changed dramatically since that time and the property was acquired by Blue Ridge who would like to substitute one multi-family building in place of the required office building. It would round out this particular development to be all multi-family and match up with the multi-family property across the street and several others in the area. Letters were sent in late May to all of the owners in the 600 feet radius. Within the purpose of the application a web site and email addresses were provided. Mr. Isaacson advised two managers for Development, Jim Grdich and Ann Shoemaker were named as contacts and received no communication or calls. Mr. Isaacson advised he did not either. Zoning staff did receive an email from someone concerned about water and sewer in the area. Nothing further has been heard regarding the rezoning request. This is a request to replace an office building required but would not be marketable now to round out the project with another multi-family building that would make this property completely multi-family and match with the multi-family across Horse Pen Creek Road and others within the neighborhood.

Chair Marshall inquired if there were questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the property was designated as Mixed Use Residential in the Comprehensive Plan's Generalized Future Land Use Map. That designation applies to neighborhoods or districts where the predominant use is residential but where substantial and compatible local serving non-residential uses may also be introduced. The proposed request does support the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. It is also consistent with the Comprehensive Plan's Growth at the fringe goal to promote sound and sustainable patterns of land use. The proposed PUD rezoning does include conditions limiting uses to those consistent the pattern and development in the area. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commission or a motion. Mr. Engle moved that in case Z-20-06-08 the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property identified as 3314 Horse Pen Creek Road from PUD (Planned Unit Development) to PUD (Planned Unit Development) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Growth at the Fringe Goal to promote sound and sustainable patterns of land use. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro residents for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary of

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services and facilities. The proposed PUD rezoning request imposes conditions that will limit uses to those that are consistent with the pattern of development in this area. Seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Trapp, O'Connor, Rosa, and Engle, Nays: 0). Chair Marshall advised this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal. All such appeals will be subject to a public hearing at the July 21, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-06-009: A rezoning request from LI (Light Industrial) to CD-R-7 (Conditional District – Residential Single-family-7) for the property located at 321 Murraylane Road, generally described as east of Murraylane Road and south of Maybrook Drive, (13.3 acres) (Denied)**

Mr. Kirkman reviewed the zoning map for Z-19-06-009 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to present their case and state their name and address for the record.

Cranford Jones, 210 Irving Place, stated he is the manager of DOTAC, LLC making the request. Mr. Jones stated this is a 13 acre tract zoned light industrial and they would like to move it to CD-R-7 to allow 5 units per acre. It would be 60 units or less overall and match the adjoining residential currently under construction on the west side of Murraylane Road. Letters were sent out to the neighborhood resulting in conversational topics but no specific opinions. DOTAC has owned the property for more than 20 years and there has been zero interest over that time while being marketed for Light Industrial uses. The access roads going to it are limited. There was interest in joining with the car salvage lot who had the adjacent HI zoning and 19 acres but adding DOTAC's 13 acres created too large of a use for a car salvage lot for somebody to pull a part and then walk back to the entrance. DOTAC is hoping to go with residential use. A real estate agent within the neighborhood advised there were 28 sales in the last 12 months, with 85% first time home buyers. There are two schools in the immediate area to benefit the residential uses. DOTAC hopes to have that opportunity should the request be granted.

Chair Marshall advised he had a conflict with this application and recused himself from this item. Vice Chair Holston assumed the Chair seat. Vice Chair Holston asked if Mr. Jones was familiar with the comments from the Planning Board addressing concerns that were expressed regarding the environmental safety of placing a residential development adjacent to this salvage yard. The Planning Board concluded that this proposed use does not appear to be appropriate for this location. Mr. Jones responded the environmental side of it is possibly an aesthetic side affecting the residential values. Anyone that would go in that space would be aware of that existing use as a neighbor. Mr. Jones was not sure that there was a specific environmental health aspect to their concerns. Vice Chair Holston asked if there were any mitigating steps that DAFCO has taken. Vice Chair Holston thought there was an environmental runoff from the salvage yard vehicles. Oil or gas permeating the ground. It could be the site lines and tree lines and buffers. There have been several comments and emails sent to the Commissioners from a lot of residents who are concerned that by developing this property that that entire lot, which is currently serving as a buffer to the salvage yard, would be remove. Mr. Jones responded they would intend to maintain that buffer around the residential area, specifically at the spots are affected by the HI use. Vice Chair Holston asked if that had been conditioned. Mr. Jones responded they have not gotten that far into their designs. There is no grading plan and they do not know if it would be a berm with the plantings or just an undisturbed buffer that would be left as a remainder against that property line. There is an existing buffer from the property line inside to the car lot. Vice Chair Holston stated he was on the property but could not get a good feel for whether that lay of the land, the topography, goes from Murraylane Road up or Murraylane down or if it was flat. Mr. Jones stated

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the property rises slightly. Vice Chair Holston suggest it was not a consistent rise but a roll here and there. Mr. Jones responded that was correct. Vice Chair Holston inquired if other Commissioners had questions of Mr. Jones. Ms. O'Connor stated she shared Vice Chair Holston's concerns about the neighboring property and the danger it might present to the residents there. Ms. O'Connor stated she was also sympathetic to Mr. Jones trying to market the property for a variety of uses and being unsuccessful. Mr. Jones appreciated having the opportunity for the homes in the up to a price range of \$150,000.

Vice Chair Holston inquired if there were any further questions for Mr. Jones from the Commissioners. Ms. O'Connor asked if there had been any kind of environmental studies of the property to know if the land is contaminated or anything like that. Mr. Jones responded LKQ has been at the site for 10 years. As their operations were started, there was a clean bill of health going forward or cleared up whatever was needed to at that time. They are not in the process with their national business plan to create contaminants and environmental issues. It is a national provider. Vice Chair Holston inquired if there were any additional questions for Mr. Jones. Seeing none, Vice Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Vice Chair Holston inquired if there was anyone to speak in opposition. Mr. Carter advised there was one person in the meeting who has indicated they are opposed and verified that person did not want to speak. Vice Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map designates this property as Mixed Use Corporate Park. As part of this request, the applicant has requested a change to the Low Residential classification. That designation includes the City's predominantly single family neighborhoods, as well as other compatible housing types that can be accommodated within a general density range of 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. It is also consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The proposed CD-R-7 zoning request does impose conditions limiting uses to those consistent with the pattern of development in the area. Mr. Kirkman advised that while staff is generally supportive of trying to keep industrial zoning throughout the city, in this case staff agrees with the applicant that there are significant challenges to this property remaining with industrial zoning and with those comments, staff recommended approval of the request.

**DISCUSSION:**

Vice Chair Holston inquired if there was any discussion from the Commission or a motion. Mr. Trapp stated one of the Zoning Commissioners duties is to look at health and safety and is a big part of what Zoning does. Mr. Trapp advised he wasn't necessarily comfortable with putting a residential neighborhood backing up to a salvage yard. There have been past neighborhoods built near landfills that developed into health disparities, health impacts, and the higher cancer rates for those living around landfills and is another thing with salvage yards. Mr. Trapp stated for him, he would not be able to support the request. Mr. Trapp thanked the developer for his patience in trying to find something that worked. In this particular case Mr. Trapp was looking at health and safety. Vice Chair Holston inquired if there were other comments from the Commissioners. Vice Chair Holston requested a motion. Mr. Kirkman stated before Mr. Trapp made the motion, Mr. Engle had left the meeting and would not be counted in the vote.

Mr. Trapp moved that in case Z-20-06-009 the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for the property identified as 321 Murraylane Road from LI to CD-R-7 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 inconsistent with the

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Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary of services and facilities. The proposed CD-R-7 rezoning request is not consistent with the pattern of development in this area. Seconded by Ms. O'Connor. The Commission voted 4-1. (Ayes: Vice Chair Holston, Trapp, O'Connor, and Rosa, Nays: Alford). Vice Chair Holston advised zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the July 21, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

Chair Marshall rejoined the meeting.

**Z-20-06-010: A rezoning request from R-3 (Residential Single-family-3) to R-5 (Residential Single family-5) for the property located at 12 Woodlea Valley Cove, generally described as south of Woodlea Valley Cover and east of South Elm-Eugene Street, (0.894 acres) (Denied)**

Mr. Kirkman reviewed the zoning map for Z-19-06-010 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to present their case and state their name and address for the record.

Chris Collins, President of North Carolina Remodel Masters, 620-D, Guilford College Road. Mr. Collins stated North Carolina Remodel Master was looking to rezone a section of the cul de sac to go along with the other section of the cul de sac. The rezoning will allow single family homes to be the same as the rest of the cul de sac indicated on the photograph. Mr. Holston stated R-5 zoning is the half mile radius but it is not in this Woodlea Valley Cove community and asked why they were requesting the R-5 instead of the R-3 already there. Mr. Kirkman responded the rest of Woodlea Valley Cove is actually zoned R-5 and the properties east and north are R-5. To the west and south they are zoned R-3. Mr. Holston asked if they planned to build in alignment with R-5. Mr. Collins responded that was correct. Mr. Holston asked if there were any illustrative drawings. Mr. Collins responded they were not. Mr. Holston asked if they have met with the community. Mr. Collins responded he had spoken with one of the neighbors on the south end but has not met with anyone else in the community. Mr. Holston asked if he had the opportunity or did the current conditions not allow that. Mr. Collins responded he was under the impression that it was not required. Mr. Holston responded it was not required but was wondering if he had reached out. Mr. Collins responded his thinking was it would be just like the other side of the cul de sac. He spoke with one person from the property behind who indicated he was in agreement with it and was the one who sold him the property. His company owns the house on the corner of South Elm, Eugene and Woodlea Valley Cove and the neighboring property as well. Mr. Collins stated Mr. Motsinger is the owner of the property behind. Mr. Holston asked if that was 3405 S Elm-Eugene which has frontage on South Elm. Mr. Collins responded that was correct. Mr. Collins advised Remodel Masters owns 3403 S Elm-Eugene and it was next to that property. Mr. Holston asked if it extended all the way back. Mr. Collins responded that was correct.

Mr. Trapp clarified the zoning would not allow townhomes. Mr. Collins responded that was his understanding. Mr. Kirkman stated the zoning is single-family only and would not allow any type of multi-family, duplexes, townhomes, triplexes, etc. Mr. Collins verified it would be consistent with the rest of the neighborhood. Chair Marshall inquired if there were any further questions for the applicant. Mr. Holston asked based on the information he had for 3403 S Elm-Eugene, how many residences can be placed on there. Mr. Collins responded potentially up to 4 or 5. It would depend on how the surveyors lay it out and City approval for the subdivision.

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Mr. Holston stated he was looking at a map of the neighborhood and saw 3403 at the corner of Woodlea Valley and South Elm and then this property next to it, but across the street are two homes. Mr. Holston is aware of things that can be done and those things may not be in alignment with how the neighborhood is currently sited. Mr. Holston asked Mr. Collins what his thoughts were regarding that. Mr. Collins responded when a lot is subdivided a product should be put there that would be consistent with the area and the price ranges for the area, which is single-family affordable housing. Mr. Holston stated an earlier response was 4-5 homes and asked if it was just on that one lot being discussed now or that lot, plus the corner lot that abuts South Elm. Mr. Collins stated he believed the zoning allows for that amount of home and was not sure they would get that many homes on there. Currently there are no plans for the house on the corner which is a single family home. Mr. Holston stated the 4-5 lots would be on just the cross hatched property that is being looked at for rezoning at this time. Mr. Collins responded that was correct but did not know how many houses could be placed on the lot. It will need to be surveyed and approved by the City. Mr. Holston stated there are no illustrative drawings at this time and asked if the proposed home would align with the look of the houses that are currently or would they be different. Mr. Collins responded the initial thoughts were for two story and single story homes, similar in square footage and would fit in with the cul de sac nicely.

Chair Marshall inquired if there were any further questions for the applicant. Mr. Alford asked about the length of this particular parcel along the street. Mr. Collins responded it would be approximately 269 feet along Woodlea Valley Cove. Mr. Holston asked if that was only this lot. Mr. Collins responded it was just that lot and did not include going to the corner. Mr. Holston asked if there are five homes there, it would be an average of what. Mr. Collins responded it would be a little over 53 feet. Mr. Kirkman advised the Zoning Commission members that in the R-5 district, the minimum lot width for what is considered as an interior lot is 50 feet. Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition.

Joe Striblin, 3 Woodlea Valley Cove, directly across from the property being discussed. Mr. Striblin stated it appeared to him to be almost impossible to put 5 residences in that area. The home at 3304 South Eugene Street does not coincide with the homes currently there. The street is very narrow. Mr. Striblin did not see a way 5 homes would coincide with the homes in the area with square footage. His property stretches almost to the area where Mr. Collins is talking about building in. Two homes would not fit on his lot. Mr. Striblin stated his concern is not only how crowded it would be but also the noise level and overall traffic. Mr. Striblin stated to have 5 homes there, they would need to be much smaller than what is currently there and would depreciate the values of the homes there currently and did not approve of the rezoning. Chair Marshall inquired if there were any questions for Mr. Striblin. Mr. Holston asked if he was directly across the street. Mr. Striblin responded yes, and resided at 3 Woodlea Valley Cove, the second home from the top of the hill. Mr. Striblin stated he has been there 20 plus years and most of the residents have been there for about the same length of time. It is one of the quietest neighborhoods in Greensboro and to bring that much traffic on the small street would be intolerable. Mr. Striblin stated no one talked to anyone in the neighborhood. The people Mr. Collins may have spoken to have nothing to do with the location where he will be building. If would have been beneficial for Mr. Collins to have spoken with neighbors on the adjacent street. They were available to speak with Mr. Collins but it was never presented. Mr. Striblin stated he is opposed five homes being placed in that location. Chair Marshall inquired if there were any further questions. Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Reginald Whitsett, 14 Woodlea Valley Cove. Mr. Whitsett advised he is one of the original homeowners in this neighborhood and had been there for 20 years. Most people moved into this neighborhood because there were

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only 10 homes in the neighborhood. Mr. Whitsett agreed with Mr. Striblin in that this is one of the quietest neighborhoods that he has ever been in. The neighborhood is peaceful. For the developer to even consider putting 5 homes in the little strip of area is out of the question. Mr. Whitsett stated the street is very narrow and adding additional homes in that area is ridiculous. There is enough traffic as it is and did not feel any additional homes would be beneficial to this neighborhood. Mrs. Whitsett stated with 5 homes she felt a road would have to be cut in and go behind. The strip being talked about should have nothing but 2 homes, if anything. Five houses will not work. Mr. Holston asked the Whitsett's how many square feet their home was. Mr. Whitsett responded it was 2500. Chair Marshall inquired if there were any further questions for the Whitsetts. Seeing none, Chair Marshall requested the next speaker to come forward and state their case, name and address.

Jerry and Ogretta Rawilson, 9 Woodlea Valley Cover, living directly across the street from Mr. Whitsett. Mr. Rawilson advised he and his wife oppose the request. Mr. Rawilson referred to the photograph depicting how the road is deteriorating with the current traffic. In looking at the number of houses, there are approximately 10 houses and each home has 2-3 bedrooms. There would be approximately 30 cars of traffic going up and down this small road. If a house is placed directly across from Mr. Striblin, their guests would have to park in the road. If Mr. Striblin had guests they would be parking in the road and then the road would be completely blocked. Mr. Rawilson was not sure how any additional homes could be placed on the road as any kind of construction would impact everyone at the bottom of the cul de sac because they would not be able to get out. There are several health care workers who have to be able to get out that live there. Mr. and Mrs. Rawilson are definitely opposed. Chair Marshall inquired if there were any questions for the Rawilsons. Mr. Holston asked Mr. Rawilson how long he had lived there. Mr. Rawilson responded 13 years. Mr. Holston asked how much square feet was his home. Mr. Rawilson responded approximately 1700 square feet. Chair Marshall stated the next speaker was Ms. Stevenson.

Lynette Stevenson, 20 Woodlea Valley Cove, stated Woodlea Valley Cove goes straight to her house located at the very top of the cul de sac. Ms. Stevenson with 5 homes built across from where 2 houses are sitting would require a lot of room and traffic. As it is, when one car is parked on the road, it is difficult to get up the hill. With two cars on each side, there would be no way to move on the street. Ms. Stevenson stated she was very much opposed to having 5 houses definitely. There was only supposed to be one home added. Ms. Stevenson is one of the original owners and has been there for 21 years. It is very quiet. It is a very good neighborhood and kids have grown up here. To bring in 5 houses, she was definitely opposed. Chair Marshall inquired if there were any questions for Ms. Stevenson from the Commissioners.

Novia Stevenson, 933 Meadow Oak Drive, # 301, stated she is Lynette Stevenson's mother and no longer lives in this home. The area where all the grass is providing the people within the neighborhood a place to walk safely. It is a very narrow road. A lot of people within the cul de sac like to walk and have a safe place to be. Having all of the construction and an additional 5 homes, she did not see it. She has looked at the area and can see at the very most, 2. Putting 5 homes in a development that has been here for 20 years is quite greedy. At most it could be 2. Ms. Stevenson stated she is definitely opposed to rezoning it for 5 and potentially having 5 homes that would not look like the homes that have sat there for 20 plus years. Chair Marshall inquired if there were any questions for Ms. Stevenson. Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes for rebuttal to address the opposition.

Chris Collins stated his understanding was when placing any houses on these lots the City would require a 5 foot sidewalk which will be put in to enable everyone to walk safely. Mr. Collins stated it may not be the widest road in Greensboro but the cul de sac is big enough where a fire truck can turn around in it and felt the road was sufficient for houses to be on the side of the street. Mr. Collins stated building homes can be an inconvenience for neighbors and there is not much that can be done to resolve that issue. Mr. Collins felt it would be a good thing

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for the community and for people who definitely need more affordable housing in that location. Mr. Collins stated there are several homes located on the cul de sac that are 1500 square feet, Number 3 Woodlea Valley Cover is 2000 square feet and there are a couple that are 1700 and 1800 square feet. Looking at the development, some of the houses are pushed behind other houses. They are not planning trying to do anything like. Mr. Collins felt this project would be a good thing for the cul de sac and not a huge negative. Chair Marshall inquired if there were any questions from the Commission for Mr. Collins. Mr. Alford asked Mr. Collins what size buildings or single family homes did he plan to place on the parcel. Mr. Collins responded it was dependent on how many lots could be obtained and what product could fit on those lots. Mr. Collins stated he is a real estate broker and understands when building homes the developer wants the homes as big as allowed to maximize the potential. Having the homes in line with the 1,300 to 1,800 square foot homes would fit perfectly in that area. One story house could be 1,300, two story homes perhaps 1,600 to 1,700 square feet and would fit well there. It needs to be something to keep the homes in an affordable price range.

Mr. Kirkman stated the Zoning Commissioners need to be careful talking about rezoning property which gets into size of lots and there are coverage standards that go with that. Nothing can be zoned based on potential sizes of houses. Mr. Kirkman stated he was cautioning the Commissioners to be careful of that discussion. Mr. Collins stated anything done would need to fit within the zoning requirements and the city. Rezoning does not give them the right to do whatever they want to do on the property. Chair Marshall inquired if there were any further questions from the Commission for Mr. Collins. Mr. Rosa asked Mr. Collins if he would be willing to work with the community to bring it down from 5 new dwellings. Mr. Collins responded under the current zoning there could be 3 and changing the zoning would allow potentially more. They want to maximize their investment into this property as well as having to put in water, sewer, and sidewalks. If they can place another potential home within that space, it would have to fit all of the city's requirements of setbacks and everything. They want to maximize and is the reason why they are striving to rezone. Mr. Trapp confirmed the lot with Mr. Kirkman Mr. Trapp stated as this is not an acre, R-5 would not allow 5 units to be placed on the less than one acre. Mr. Kirkman stated the .894 acres is almost 39,000 square feet. The lot frontage with the R-5 standard being 50 feet. An R-5 you need to have 7000 square feet and 5 lots would be 35000 square feet. In terms of meeting the minimum requirements of the ordinance, it would appear that they could do 5 lots based on that zoning. Chair Marshall inquired if there were any further questions. Chair Marshall stated the next speaker was Lynette Stevenson.

Lynette Stevenson stated even with 5 lots it would mean at least 10 additional cars in the cul de sac which is overcrowded to begin with. If there are 5 houses, it will be crowded. The question was asked if the developer was willing to work with residents in the cul de sac and requested for the developer to work with them and speak to the residents. No one within the 10 homes of the cul de sac have been spoken to.

Joe Striblin would like for the developer to work with the residents, but felt the developer only wanted to maximize the size of their property which indicates no concern regarding the residents living there. The residents are willing to work with him and are willing to compromise. It appeared to him the developer is not willing to work with the neighborhood. If 5 homes are placed within that space it will be crowded and is concerned on the traffic impact.

Mrs. Reginald Whitsett stated the developer only spoke to the man he brought the land from. The developer would have to cut a road to place 5 homes on that lot. Mr. Whitsett stated that would be another neighborhood within their neighborhood. It would be too crowded and they do not want it.

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Jerry Rawilson asked if the developer considered the impact on the quality of life for the neighborhood while these homes are being developed. Mr. Rawilson asked what the plan was to not impact residents as he is trying to develop the land. There has been no plan.

Chair Marshall inquired if there were any questions from the Commission for any of the speakers in opposition. Seeing none, Chair Marshall asked if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff. Ms. O'Connor asked in R-3, what would be the frontage required for homes to be built. Mr. Holston asked if Mr. Kirkman could also check the side setbacks. Mr. Kirkman responded in the existing R-3 residential there must be at least 75 feet of lot width for a minimum lot size of 12,000 square feet. The side setbacks would be a minimum of 10 feet and 30 feet in the rear. The R-5 district minimum lot size is 7,000 square feet, minimum lot width is 50 feet. The side setback is 5 feet and the rear setback is 20 feet. Mr. Kirkman inquired if there were any further questions for him. Seeing none, Mr. Kirkman presented the staff findings.

Mr. Kirkman stated the Comprehensive Plan does designate the property as Low Residential. That category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a general density range of 3-5 units per acre. The proposed request supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. It is also consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The proposed R-5 zoning request does permit development consistent with surrounding residential uses. Staff recommended approval of the request. Chair Marshall inquired if there was discussion from the Commission.

**DISCUSSION:**

The general consensus of the Commissioners was disappointment that the applicant did not engage with the community that was being most impacted by this development and were disappointed with the lack of plans presented or illustrated to allow the Commission to have a thorough understanding in what was being planned. There did appear to be much empathy for the residents who have there for 20 plus years as their investment. The Commissioners were concerned with the setbacks for an R-5 being 5 feet and the side setbacks that the neighborhood will end up with homes that look nothing like the homes currently there. The applicant himself stated he was really focusing on maximizing the lot and the number of properties without regard for the existing neighbors or the character of the neighborhood.

Chair Marshall inquired if there were any other speakers or if there was a motion. Mr. Holston moved that in case Z-20-06-010 the Greensboro Zoning Commission believes that its action to recommend denial of the zoning request for the property identified as 12 Woodlea Valley Cove from R-3 (Residential-Single family-3) to R-5 (Residential Single-family-5) 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 Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The proposed R-5 rezoning request permits development that is inconsistent with surrounding residential uses. Seconded by Mr. Rosa. The Commission voted 6-0. (Ayes: Chair Marshall, Alford, Trapp, Holston, O'Connor, and Rosa, Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public



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hearing at the July 21, 2020, City Council meeting. All adjoining property owners will be notified of any such appeal.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised there were no items from staff.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

No items from Commission members.

**ABSENCES:**

The absences of Mr. Blackstock and Ms. Dansby-Byrd were acknowledged. Mr. Engle missed the last two cases of the meeting.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs

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The regular meeting of the Greensboro Zoning Commission was held virtually through a Zoom meeting and broadcast simultaneous on the City of Greensboro's web site and the Planning Departments Facebook page on July 20, 2020, beginning at 5:35 p.m. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Ray Trapp, Zac Engle, James Rosa, and Vernal Alford. Present for City staff included Luke Carter, Mike Kirkman, (Planning), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Marshall welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Marshall advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format.

Ms. Jones advised pursuant to Session Law 2020-3, this meeting is a remote meeting for all public hearing items, written comments may be submitted for up to 24 hours after the end of the public hearing. Comments should be submitted to Planning staff.

**APPROVAL OF THE JUNE 15, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve June 15, 2020 minutes as amended, seconded by Mr. Trapp. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, O'Connor, Rosa, Engle, and Trapp. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES**

Mr. Kirkman advised there were no withdrawals or continuances.

**OLD BUSINESS:**

**Z-20-06-003: A rezoning from R-5 (Residential Single-family - 5) to CD-C-M (Conditional District – Commercial - Medium) for the properties located at 3606-B, 3608, 3612, and 3612-yy North Church Street, generally described as east of North Church Street and south of Wind Road, (6 Acres). (Denied)**

Mr. Kirkman reviewed the zoning map for Z-19-06-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Huin Rmah, Owner 3606-B and 3608 N. Church Street. Mr. Rmah provided background information for his request to rezone this property to build an automotive repair shop to service the community. Mr. Rmah stated the ideas he had for all of the properties and his attempts in acquiring them for future development of other uses like a laundromat and office. He noted the property was across the street from a church and there was a need for more affordable car repairs in this area.

Chair Marshall inquired if there were questions for the applicant by any of the Commissioners. Mr. Holston asked if there were any illustrative drawings or examples of how Mr. Rmah thought the property would look like when developed. Mr. Rmah provided a photograph depicting the property he is interested in and would like to place a laundry mat and office spaces on. Mr. Holston asked if vehicles would be stored on the property as they are repaired. Mr. Rmah responded vehicles that are disabled

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would be stored on the property and explained his building ideas. Mr. Holston asked if the services would include tire service and if the tires would be stored on the property. Mr. Rmah responded they would provide tire services and there would be a specific place for the used tires that would be picked up and disposed of on a weekly basis. Mr. Holston asked if there would be space for parking if there was a laundromat and office located on the properties. Mr. Rmah responded the land is very large and was unsure if the laundromat would come to fruition at this particular time as they would not be able to afford to place a laundromat on the property until sometime in the future. Mr. Holston asked if there were any other communications other than with Mr. Coleman, owner of the church at 3618 and 3614, North Church Street. Mr. Rmah stated he did not due to Covid restraints but did talk to someone who had received a letter from the City and was in support. He also spoke to a Ms. Reiley who did not want commercial placed there. Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition. Chair Marshall requested Mr. Byrd to state his name and address for the record and advised the opposition has 15 minutes to speak.

Varrick Byrd and Ashley Reiley, 3604 North Church Street, advised they live directly adjacent to the subject property. Ms. Reiley stated Mr. Rmah did reach out and spoke to her a few days prior to this meeting. They are in opposition to the request for commercial zoning and building an automotive garage and sales, a laundromat and office building. Ms. Reiley appreciated what Mr. Rmah is trying to do for his family and building his dream and career. However she noted this property is their first home and now have a newborn in the home. The idea that their home and neighborhood would be completely changed would have altered their decision to buy a home in this neighborhood. The aesthetics of the neighborhood and area behind their home has already changed significantly as all of the trees and woods are gone. Currently there is an empty lot full of dirt and disabled vehicles stored on the property. To have a full time automotive garage next to their backyard is unacceptable and they are totally against the request as it will change their property value, add noise, and pollution. If there is a laundromat, there will also be added foot traffic in their neighborhood.

Mr. Byrd added that everything is zoned for residential in this stretch of Church Street, with nothing commercial and they would like the neighborhood to stay residential. Ms. Reiley stated Mr. Rmah answered some of her questions but at this meeting some of his answers were very vague. If it is zoned to allow him to just build a garage and then later can build a laundromat (changing the dynamic again) and then adds an office building, the question becomes where does it stop. Ms. Reiley stated they definitely do not want this in their neighborhood.

Chair Marshall asked if there were any questions for Mr. Byrd and Ms. Reiley. Ms. O'Connor stated she understood the concerns regarding their family and neighborhood. Ms. O'Connor asked if it was just a garage, would that be acceptable or they did want any of it. Ms. Reiley stated they did not want any of it. The commercial near them is a small gas station and convenience store across Church Street and does not directly affect their home. Mr. Rmah's property would be directly touching their back yard. It would change the noise and has already changed their visual aesthetic of their home. Ms. Reiley stated they probably would not have considered buying their home if they had known that commercial property would be adjacent to their property. Mr. Byrd stated there is also concern about any possible runoff with a commercial garage. Ms. Reiley stated as a general answer they are not on board with any of the three things Mr. Rmah has spoken of. Chair Marshall inquired if there were any other questions for the

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opposition. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes to address the concerns stated by the opposition.

Mr. Rmah stated the idea is because it is a residential neighborhood they would build a garage that would sit in the back of the property away from the street. A wood fence buffering would be built around any home close to them and this would not affect the neighborhood. A sidewalk would be built in the front of the property and trees planted. A plan will be submitted for approval by the City. Mr. Rmah stated they will do anything that is required by the City and anything they can do to protect the neighborhood. Mr. Daniel Ho-Lee will own 3812 North Church Street as an office building. The garage will be on the property of 3608 and 3606-B. A fence will be around the back of the garage as well.

Chair Marshall inquired if there were any questions from the Commission for the applicant. Mr. Holston asked to confirm if Mr. Rmah was planning on building the garage in the rear and putting up a wooden fence along the property and planting some trees. Mr. Rmah responded that was correct. Mr. Engle advised the Zoning Commission is to decide land use and Mr. Rmah is asking the Commission to allow commercial activity on this piece of property. From a land use perspective, Mr. Engle stated he has heard the things to mitigate the impact on the surrounding areas but they are not conditioned and so the Commission cannot take those things into consideration. The second issue was six acres is a lot of land. An R-5 zoning would allow up to 25-30 houses. Without knowing where the garage will be, how it will be placed how this would operate it was hard to support. Mr. Engle stated Mr. Rmah has a right to the land use. His neighbors that have been heard also have a right to a land use, to enjoy their home. From a Zoning Commission standpoint, it is only what is laid out on a piece of paper. Mr. Engle requested to hear more from Mr. Rmah but that was where he was thinking and struggling to approve.

Mr. Rmah stated the building will start at least 200 feet from the edge of the property. The right side will be 130 or 140 feet from the home of Ms. Ashley Reiley. The left side is empty. There are other commercial buildings in the area. Mr. Rmah referred to a power point presentation depicting the addresses of commercial buildings within the area. Mr. Rmah stated the best candidate for commercial is Church Street. Mr. Kirkman advised the time was up on rebuttal.

Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall advised the opposition of an additional 5 minutes to speak.

Ms. Reiley stated they were looking at the two properties, 3606-A and 3606-B. 3606-B is Mr. Rmah's property and Ms. Reiley and Mr. Byrd live next door in 3606-A. The property behind 3606-A was purchased and has been cleared. Ms. Reiley asked if Mr. Rmah wasn't going to use it as stated, why was it leveled and graded. It is misleading in stating it will be away from her property when it is already directly touching her property. The property has been cleared directly up to her property line. There is no laid out plan and Mr. Byrd and Ms. Reiley are struggling to understand and are not getting answers. Ms. Reiley stated Mr. Rmah talked about aesthetically having trees in place, but a large number of trees have been destroyed and then new ones going in their place. Mr. Byrd stated there has been no definite answers. Things have been added in and there is no way to know what will be there. Where the storage building is, there is a graded open commercial land there by itself, surrounded by other commercial properties. What is being shown is very different from what is being said.

Chair Marshall inquired if there were any questions for the opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. He noted the request is inconsistent with the Comprehensive Plan because the uses requested are not of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-C-M request, as conditioned, does not limit the potential negative impact of the development on the surrounding neighborhood and is inconsistent with the GSO 2040 Comprehensive Plan. Staff recommended denial of the request.

Chair Marshall stated while he appreciated the applicant's personal accomplishments in getting to this point, the Commission can only look at land use and determine if the proposed change would be an appropriate use of the property. This property is surrounded by R-5 in each direction. Chair Marshall could not support the request by the placement of a garage with additional cars, chemicals, and a possible laundromat with potential chemicals. All of those would impact the environment of the neighborhoods. Mr. Engle concurred with Chair Marshall. Mr. Engle appreciated the entrepreneurial story and commended Mr. Rmah for what he was doing. There is commercial in the area but it is not next door or across the street and is not connected. Mr. Engle could not support the zoning request. Mr. Holston stated he had hoped to find a way to support the application, but based on the application as it written and presented, and with the testimony given, he could not support the request and stated he had a motion, if needed. Chair Marshall inquired if there were any further comments from the Commission. Seeing none, Chair Marshall requested Mr. Holston to go ahead with the motion.

Mr. Holston stated in regards to agenda item Z-20-06-003, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for the properties identified as 3606-B, 3608, 3612, and 3612-YY North Church Street from R-5 (Residential – Single Family -5) to CD-CM (Conditional District – Commercial Medium) to be consistent with the adopted GSO 2040 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 Comprehensive Plan's Future Built Form Map and Future Land Use Map. The uses requested are not of a similar scale, intensity, or off-site impact as existing nearby uses and the request does not accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The requested CD-C-M, as conditioned, does not limit negative impacts on the surrounding neighborhood. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to the neighbors and surrounding community, and the denial is in the public interest. Seconded by Mr. Engle. The Commission voted 7-0. (Ayes: Chair Marshall, Alford, Trapp, O'Connor, Rosa, Holston, and Engle. Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the August 18, 2020, City Council meeting.

**NEW BUSINESS:**

**Z-20-07-002: An original zoning request from County AG (Agricultural) to CD-R-5 (Conditional District – Residential Single-Family-5) for the properties identified as 1898 Cude Road and 8005 Leabourne Road, generally described as east of Cude Road and south of Leabourne Road, (43.7 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map for Z-19-07-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair

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Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Amanda Williams and Barry Siegal of BSC Holdings stated they are requesting the original zoning request to build a single family subdivision. GTCC north campus is located on the corner of Leabourne Road and 68. Across from the campus new apartments are being graded with new retail pads. On the same side of the road, across from Leabourne, is a commercial development and some industrial development. On Cude Road and Pleasant Ridge Road, an apartment community. BSC feels their request is a logical transition from commercial and industrial down to single-family use. The I-73 intersection at 68 has created this new mixed use neighborhood. The schools are very good and a lot of families are interested in living in this area as it convenient to I-73 going into Greensboro, Kernersville or High Point. The plan is for a single-family subdivision and are looking to go County AG to City R-5 and the builder would be Royal Homes of North Carolina. There would be two different lot sizes within the development. The homes would be approximately 3,000 square feet and 2,200 square feet. Currently the options to live in that area are the nearby apartment dwelling units or to buy a single family dwelling on a large lot along Cude Road. Families would like to be nearer to Oak Ridge and be within that school district but may not be able to purchase or have the time to take care of larger lots. BSC had discussions with the neighbors and due to Covid suggested the neighbors call BSC. Letters were sent out to the neighbors within 600 feet and approximately 8 neighbors asked what are the lot sizes, who is the builder, and expressed concerns regarding the City taking over their property. A neighbor asked if BSC brought the water line down would it provide water to their neighborhood and was advised they would have to deal with the City on that issue. Ms. Williams referred to Mr. Siegal to speak regarding site specific issues.

Barry Siegal also advised the site consists of approximately 43 acres. The topography of the site from Curd Road and Leabourne Road flows in an eastern direction down to Saddle Club. One of the challenges for this site was obtaining sewer to the site. There is an existing City of Greensboro sanitary sewer liner just east of the property that serves the college campus and would be serving the commercial, industrial, and multi-family developments. There is a water line down Cude Road currently. One of the questions heard was if they were tying into other neighborhoods. In particular there have been discussions with those living on Sanford Creek Court, a county single-family subdivision south of the proposed development. Consistent with the City's guidelines, this development would probably have two access points to Cude and Leabourne Road. One would tie in directly across from Briarwood Drive and another access point on to Cude Road with the exact position to be determined.

Mr. Engle asked if there were any illustrative drawings that could be shown. Mr. Siegal advised they were in the development stage of planning and are waiting for final guidance from NCDOT and the utility departments so they do not have any site drawings yet. Mr. Engle asked with regards to the distribution of the homes on the property, it appears what is being said is R-5 but the zoning condition makes it closer to an R-3 zoning. Mr. Engle asked if they were planning on it being an even distribution, or would there be a retention pond, or something that would take up space. Mr. Siegal responded there would be a retention pond. At this time, the retention pond would be on the lower side of the property and adjoin the Saddle Club property. There was a question from those in Stafford Creek Court if the retention pond would be right next to Ross. Based upon preliminary engineering and the evaluation of the topography, the answer is no. The retention pond will probably be two football fields from the closest lot in Stafford Creek Court. Another question was would the new residential lots adjoin the

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existing residential lots. In looking at Sanford Creek Court, they do have common areas consisting of septic fields, wells, and things like that around that particular cul de sac. The common area appears to be over 100 feet in width between the rear of those lots to the back of the proposed BSC property. BSC would like to provide a site plan that has been approved by NCDOT and GDOT and the final engineering would indicate the storm water pond being in the conceptual plans currently in place. BSC knows Lebourne and Cude need to connect. There has been a great deal of discussion regarding Saddle Club. BSC will provide connectivity to the Saddle Club. Saddle Club has frontage directly on Lebourne and then very steep topography between the upper half of the property and the rear half of the property. This site has a great deal of limitations as a result of being filled with concrete over many years. The southern portion of the property would be residential. In the concept plan a road is depicted that will tie into Saddle Club on the southern portion of the property. This site, if approved, will be annexed into the City of Greensboro with water and sewer. The home builder would be Roth Homes of North Carolina and home prices may start at \$250,000 up to \$370,000. It is fully expected that the City of Greensboro will require improvements along Cude Road, to include sidewalks and other things the city typically requires, possibly curbs, gutters, and a widening of the road. If approved, the site would be graded and decisions would be made regarding what sections of the site infrastructure would begin. Mr. Siegal stated in today's economy, this site could be built out in approximately 3 years after the first lots are built out. Everything is dependent on the economy.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition.

Trish Dell, 3508 Sanford's Creek Court, expressed concerns regarding the density of the R-5 being incompatible with the general character of the area due to the established neighborhoods being low density. Surrounding neighborhoods include Rural Preservation District RS-40 and Agricultural zoning designations. Surrounding neighborhoods are single family dwellings. If the R-5 zoning is approved for this parcel it would set a precedent for other parcels of similar size in the area that could be sold to developers. This particular request is conditioned at 150, there is an unknown regarding other parcels in the area being conditioned and allowing it to be developed to the full density of R-5. The land off Cude Road would not be able to be served by the City of Greensboro Sewer. The subject property would be sandwiched in-between low density of Sanford's Creek and then the land on the opposite side of Cude Road would remain as low density due to the lack of sewer availability. Ms. Dell asked as it appears there may just be a limited loss of 10 or 12 lots using the R-3 designation, if that could be considered for this parcel instead of the R-5 zoning designation. It would be a fair concession for all parties. It would allow the current land owner to still sell the property and allow the developer to develop with nearly the same number of lots as proposed. That would protect the properties of current property owners in nearby neighborhoods. Ms. Dell stated she agreed with the applicant regarding single family-residential is the most desirable use of this parcel. It appears Royal Home Developments are nice neighborhoods and would be a good neighbor. The R-3 zoning would be consistent with and protect the character of the established residential neighborhoods that preserves the overall quality of life for residents, and protects the property rights of the neighbors that are located in that area.

Chair Marshall inquired if there were any questions for Ms. Dell. Mr. Holston asked to clarify Ms. Dell's assertions and agreed single family residences would be a good highest and best use, but the density is too much. Ms. Dell responded the applicant is limited to 150 dwelling units but in speaking with Ms. Williams, would actually be seeking 141 units. Her concern in accepting the R-5 for this particular

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parcel is it would set a precedent for other potential projects in the future which may not be limited to the condition of 150 units and would be developed to a greater density. Since the applicant is so close to the R-3 designation, it appears that would be a more consistent and compatible zoning designation for this parcel and also setting a precedent that would be more amenable to the existing residential neighborhoods.

Chair Marshall inquired if there were any further questions for Ms. Dell. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition.

Jeff Melton, 3503 Sanfords Creek Court stated the R-5 high density zoning does not mirror anything in the surrounding area whatsoever. It appears to be spot zoning as there is nothing similar to the R-5 zoning this in the area and fits the definition of spot zoning. It will increase traffic and Cude Road would need to be widened. Placing 141 homes will over crowd even more the already over-crowded schools. The homes in the neighborhood are about \$450,000 and a concern is these single family homes could potentially decrease the values of their homes and potentially lead to annexation by the city.

Chair Marshall inquired if there were any questions for Mr. Melton. Mr. Engle requested from staff from an annexation perspective, if state law required someone who was not in the city to request an annexation. Zoning cannot force annexing anyone, correct?. Mr. Kirkman responded that was correct. A petition would need to be signed requesting annexation into the City of Greensboro. Chair Marshall inquired if there were any further questions for Mr. Melton. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition.

Robb Anderson, 8179 Sanfords Creek Drive, expressed appreciation to the builders in choosing 141 versus 150 lots. Part of the subdivision in Sanfords Creek is zoned rural preservation and is also a green energy subdivision. Mr. Anderson appreciated the idea that the subdivision would have only 150 or less and would be able to maintain some of the green space. Mr. Anderson understood for green energy and an energy efficient sub-division may not be important or on everyone's mind, but the neighborhood appreciates that preservation. Mr. Anderson was in favor of rezoning to less density and allow more of the green belt to remain.

Chair Marshall inquired if there were any questions for Mr. Anderson. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition to this request. Seeing none, Chair Marshall closed the opposition and provided the applicant an additional 5 minutes for rebuttal to address the opposition.

Barry Siegal, stated he appreciated the comments regarding the difference between R-5 and R-3. This request is R-5 with conditional use and a specific limitation on the number of residential lots. If this request were to be approved, the stipulation associated with the R-5 is basically 3 ½ units per acre. The City would impose certain requirements for developments and those requirements would be improvements along Leabourne and Cude Road with regards to possible widening, curbing, gutters, and sidewalks which are very expensive. The additional units help to offset some of that expense. Sanitary sewer would need to be expanded in order to service this property which adds to the expense, as does the topography. If and when additional zoning requests are received and are able to service adjoining or adjacent properties, or properties further down Cude Road, staff and City Council would make a decision at that time to determine the appropriateness and if the City could provide services. Royal Homes had a traffic impact study done and completed. The study was reviewed by GDOT and is in process of being reviewed by NCDOT. Mr. Siegal felt the conclusions of the traffic study would be Leabourne and Cude Road are more than capable of handling the traffic without causing any change in



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the efficiency of the traffic. Based upon the am peak and pm peak there is basically no change. Improvements that are being undertaken are not to handle addition traffic or warranted by additional traffic. The improvements are in compliance with the City of Greensboro's requirements for development. Mr. Siegal appreciated the comments from the neighbors and have always tried to be good neighbors and feel the additional 15 or so units with regard to the entire development will be insignificant from a traffic impact point of view but does make a difference in terms of economics and viability.

Ms. Williams stated she appreciated the thought process of having a home of \$250,000 to \$350,000 in a neighborhood range of \$450,000 providing better affordable housing in the area. The City's plan has always been to have diversity in housing and provide housing in the areas that some may not be able to afford to live in. The average starting price now for a single family house is a minimum \$200,000 to \$220,000. Royal Homes is hoping to provide housing for those that would love to live in this area and now may have the ability to live in an area that was previously unavailable.

Chair Marshall inquired if there were any further questions for the applicant from the Commissioners. Seeing none, Chair Marshall advised the opposition of an additional 5 minutes to speak.

Trish Dell stated her concern is a precedent for the R-5 zoning and she did not understand why the 150 condition applied to this project may or may not be applied to future requests. Mr. Engle stated the Zoning Commission has straight zoning cases and conditional zoning cases. At this meeting, the Commission will decide on the land use to build single family homes. In looking at trying to make something fit into an area, applicants will sometimes say straight R-5 doesn't fit the way the neighborhood would see it, so they will condition it down to a lower density by limiting the number of units that will be built in that area. This case is an example of that type of request. There are a lot of other conditions that can come into play. Without straight zoning definitions and uses, a person trying to get a property to fit within an area will use conditional zoning to make it more palatable to the neighbors or to fit better within the current surrounding zoning. The Zoning Commission cannot impose conditions. The land owner or the applicant seeking the rezoning has to offer them up. In this case, the condition is not to building up to 200 homes and but to only build up to 150 homes. Ms. Dell responded this case provides more flexibility to have the R-5 with the condition. Mr. Engle stated he was not speaking for the applicants but was looking at the zoning as presented.

Chair Marshall inquired if there was anyone else in opposition or questions for Ms. Dell. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Ms. O'Connor requested to hear more about the rural preservation area mentioned by the opponents. Mr. Kirkman responded he was unable to provide a lot of detail as it is a county zoning designation. Mr. Kirkman believed the idea in a rural preservation district is somewhat akin to what the city does with cluster subdivisions where only portions of the property are developed and then this allows other portions to remain in a natural state. Mr. Kirkman stated one of the speakers spoke to where there are areas when it was developed originally that are designated specifically not to be developed and therefore keep that green space. Chair Marshall inquired if there were any other questions for staff. Seeing none, Chair Marshall requested to hear staff's recommendation on the request.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this particular site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as Rural Residential in support of the Agriculture Planning Area. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses.

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The proposed CD-R-5 request, as conditioned, limits the total number of dwellings to not exceed 150, which fits the context of the surrounding area and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commissioners. Mr. Trapp stated this is a good transition project. One of the things the Commission looks at is a mix of housing stock which this project definitely provides as a much needed mix of housing stock in that particular area and he was in support of the request. Mr. Engle stated he also was in support. There were great conversations that should continue between the applicant and the neighbors as it becomes more definitive. This area will benefit from the conditioned density proposed. Mr. Holston stated he was in support of the application and echoed the thoughts of Mr. Trapp. Ms. O'Connor advised she was in agreement and would make the motion. Ms. O'Connor stated in regard to agenda item Z-20-07-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located at 1898 Cude Road and 8005 Lebourne Road from County AG (Agricultural) to CD-R-5 (Conditional District – Residential Single-Family-5) to be consistent with the adopted GSO 2040 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 Western Area Plan. The uses requested are of a similar scale, intensity, or off-site impact, as existing nearby uses. The proposed CD-R-5 request, as conditioned, fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community and approval is in the public interest. Seconded by Mr. Trapp. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Engle, Rosa, O'Connor, and Trapp. Nays: 0). Chair Marshall advised this approval constituted a favorable recommendation and is subject to a public hearing at the August 18, 2020 City Council meeting.

**Z-20-07-003: An original zoning request from County AG (Agricultural) to City CD RM-8 (Conditional District – Residential Multi-family-8) and rezoning request from City R-5 (Residential Single-family-5) to CD-RM-8 (Conditional District – Residential Multi-family-8) for the properties located at 351, 359, and 367 Air Harbor Road, generally described as south of Air Harbor Road and west of Quail Ridge Drive, original zoning 5.618 Acres and rezoning 9.942 Acres). (Recommended Approval)**

Ms. O'Connor recused herself from this agenda item and turned off her video and audio.

Mr. Kirkman reviewed the zoning map for Z-19-07-003 and other summary information for the subject properties and surrounding properties. Mr. Kirkman advised of the condition related to the request and presented two additional conditions offered by the applicant to add to the request. Mr. Engle moved to accept the two new conditions, seconded by Mr. Trapp. The Commission voted 6-0. (Ayes: Chair Marshall, Holston, Alford, Rosa, Engle, and Trapp. Nays: 0). With this approval the conditions associated with this request were:

1. The maximum height of all buildings shall not exceed 35 feet.
2. Any new plantings to supplement conserved existing trees within the required buffer planting yard adjacent to lots 26-29 of the Northern Shores subdivision identified in Plat Boo 171, Page 1, shall be of evergreen material to enhance visual screening. Additionally a minimum 6 foot high opaque fence will also be installed with this enhanced buffer planting yard.

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3. Any wet detention pond required with any new approved development shall include means to aerate the water in the pond per City of Greensboro standards.

Chair Marshall inquired if there were any questions for staff regarding the application. Seeing none, Chair Marshall requested the applicant to state their name and address and present their case.

Marc Isaacson, 804 Green Valley Road, representing Byrum Development. Mr. Isaacson stated most of this property is owned by Calvary Christian Church immediately adjoining this property. The church will remain in its current location. Mr. Isaacson referred the Commissioners to the illustrative site plan and walked the Commissioners through the property and proposed project. A layout of the townhouse community was shown. Mr. Isaacson stated there were significant concerns from some neighbors in Northern Shores and possibly others. There were extensive discussions over the past weeks regarding cut through traffic. As a result, an agreement had been made to route all of the traffic for this community onto and from Air Harbor Road. There will be no cut through traffic through Northern Shores or the related neighborhoods. Following discussions with the neighbors along that same line, concerns were expressed regarding buffers and privacy. It was agreed in the conditions to add an enhanced buffer along certain lots where there was a somewhat shallower buffer. Another agreement was to add an all wood opaque of not less than 6 feet privacy fence. The fence will not be directly on the boundary line, but will be behind the enhanced buffer allowing the hardwood trees and others to remain and Byrum would enhance the buffer with further plantings creating an evergreen screen.

Mr. Isaacson then referred to two large open areas on the site plan. One is the retention pond and acts as a buffer in and of itself. Concerns were expressed regarding retention ponds attracting insects and other bugs. An agreement was reached to add an aeration device which would be an active fountain to keep the pond water moving and aerated which will be maintained by the Homeowners Association for this community. Mr. Isaacson advised that Davenport Engineering created a traffic impact study. Air Harbor Road was found as an acceptable road for this type of density. Byrum is required to add some left turn lanes to help facilitate traffic in and out of the community. Mr. Isaacson stated this area of the community is in transition. The outer loop south of this property will provide easy access to and from this area and other parts of the city. Air Harbor Road can and should accommodate new housing types for people who are looking for alternative types of housing such as townhomes. Mr. Isaacson submitted this is a very common zoning pattern for this area. A compelling factor is the Calvary Christian Church vetted Byrum Development and this plan very carefully for several weeks before the filing of the application. The church determined that it would prefer to have this type of community next door and prefer to have Byrum Development develop this property as a neighbor. Mr. Isaacson advised letters were sent to all of the neighbors on the City's notification list. Extensive discussions have been made resulting in the two new conditions. Calvary Christian Church wrote a letter of support and endorsement for the project which was submitted for consideration. Mr. Isaacson stated this application meets the tests of the new Comprehensive Plan 2040, as outlined in the staff report. This project would provide an alternative quality housing community in a growth area of the City with limited impact on nearby properties, to include no cut through traffic into Northern Shore and will set a high standard to be followed for years. The project helps the city to avoid more sprawl and conserves valuable natural resources with significant open space and tree saved areas. Mr. Isaacson advised Patrick Donnelly from Byrum Development and Anthony Lester from Evans Engineering were also available to answer any questions.

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Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone in opposition to the application. Chair Marshall saw Mr. Matlage's hand first.

Steve Matlage, 1102 Mosley Road, Lot 31, stated he understood land development and the Commission's job. From the neighborhood perspective, they are concerned regarding the impact on safety and the values of the neighboring communities. Mr. Matlage respectfully disagreed with Mr. Isaacson that it is great to get a letter from the church, since the church would benefit from a higher density situation. Mr. Matlage believed the density of the community would not be in keeping with the surrounding area. This developer is unknown, what the square feet of the units will be, the pricing and quality of the units, resulting with the neighborhood being very concerned regarding how the property values would be affected. The neighborhood does not believe that the landscape buffer promotes safety versus a privacy fence. The fence would only come up to four of the lots, not the total property. Looking at the size of the proposed retention pond Mr. Matlage was concerned about the lack of a fence and the safety of people wandering on property adjacent to the retention pond. From a landscaping perspective, Mr. Matlage felt Byrum did a fantastic job but encouraged the Commission to impose the most stringent landscaping characteristics in concert with what everyone has said. Greensboro was named Greensboro for a reason and there are green buffer areas. People have chosen to live in this area because of all of the green scape. Mr. Matlage requested modifications be considered limiting access to their neighborhood between lots 24 and 26 to be consistent with the fencing throughout the community and doing the best possible buffer for safety.

Chair Marshall inquired if there were any questions for Mr. Matlage from the Commissioners. Seeing none, Chair Marshall closed the public hearing and requested to hear from city staff. Mr. Engle asked Mr. Kirkman regarding the fact the little part of land was not being developed. If single family homes were built would it be required that they connect to that road. Why are they not required to connect to that road as it looks like it was left there for that purpose? Mr. Kirkman stated he did know how it was laid out on in terms of how much space there was to put in a public street connection. Mr. Engle stated it was not important and he only wondered if because this was multifamily residential versus single-family that they were not required to connect. Mr. Kirkman stated for single-family lots, each of the lots must have frontage and direct access on a public street. It would be a different configuration than what is proposed as this is a townhome development that could use a common road.

Chair Marshall inquired if there were any other questions. Chair Marshall stated the next person to speak was Ms. Pam Aikens.

Pam Aikens and Rick Owens, 1200 Mosley Road, stated they are not in strong opposition to this proposal, but it is important that the character of the neighborhood be preserved and maintain a good relationship with the adjoining neighborhoods. Ms. Aiken expressed a concern regarding the unknown over the lack of details on the proposed fence, tree conservation, and enhanced buffers. They understand the design is not complete which makes information difficult to convey. It would be reassuring to the community to be kept informed during the design and construction process.

Chair Marshall inquired if there were any questions from the Commission. Mr. Holston asked if the developer answered her questions when they spoke earlier regarding the fencing. Ms. Aiken did not know the answers to the questions yet. They have seen the plan and appreciate the modifications that have been made but until they actually see what the homes look like or what the price range will be

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they still have questions. Mr. Holston asked if her property was adjacent to the small portion of the property that touches Mosely. Ms. Aiken responded yes and they are very grateful that will not be a road.

Chair Marshall inquired if there were any other questions. Seeing none, Chair Marshall stated the next person to speak was Mr. Cushman.

David Cushman, 1218 Mosley Road, stated he was aligned with Ms. Aikens and Mr. Owens, as was his wife. In speaking with Mr. Donnelly and met with the Guilford County Soil and Conservation service to express his concerns. The Soil and Conservation conversation regarded two separate perennial streams, also known as blue water streams that also consisting of springs or cold water springs. The cold water springs currently the temperature is about 69 degrees on the one running into his backyard and is very much an anomaly for this area. Both of these blue water streams fall under the Army Corps of Conservation jurisdiction under a permit of 404 for any type of disturbance that would incur on that. In talking with Mr. Donnelly, everything seen and presented by Byrum Development, they are doing their best to mitigate this and he applauded them for that. Currently during major water events, there is runoff that comes down in the perennial stream and subsequently everyone downstream gets more of the increased velocity, erosion etcetera. Their concern, and for other neighbors as well, are increased sediment, erosion, runoff, embankments being undercut which is what he is currently experiencing along with his adjacent neighbor. Environmentally wise, it is too easy for anybody, including a developer, to go in, fill in an area, they might have to pay a mitigation fine or a penalty but the damage would already be done. To go back and do any type of rehab is very costly and can never go back to the way it was. The City of Greensboro very much tries to reduce any type of erosion and sediment control under best management practices. Mr. Cushman agreed that the Calvary Church did give a recommendation but they are an interested party and that should be taken with a grain of salt. Mr. Cushman reiterated his appreciation for all of the participants and Byrum reaching out and being involved.

Chair Marshall inquired if the Commissioners had any questions for Mr. Cushman. Seeing none, Chair Marshall requested Ms. Thompson to speak next.

Sarah Thompson, 1202 Mosley Road, stated she disagreed with the neighbors as they do not want a fence in their backyard as more trees might possibly be removed and would like to keep as many trees as possible. Ms. Thompson advised in speaking with Mr. Donnelly, he had advised there may be new vegetation. Ms. Thompson would prefer to keep as much vegetation as possible that is currently there in place.

Chair Marshall asked if there were any other questions from the Commissioners. Seeing none, Chair Marshall advised Ms. Consiglio would be next.

Amy Consiglio, 1112 Mosely Road, stated they were pleased to learn of a privacy fence behind the four houses most directly affected by the proposed plan and thrilled to know the proposed fence would not enclose the remainder of the property. Ms. Consiglio stated the neighborhood goal is to treat this space much as it has been preserved, almost as sanctuary for the church and the neighborhood. There is wildlife, hiking trails, spaces carved out for people to communing with nature and chairs provided by the church. The more natural plantings that can be undisturbed, the better. Ms. Consiglio was very happy with the neighborhood working with the developer and knowing the developer is interested in a Type C planting and would like that to be set back as far as possible and perhaps a Type A planting rate on a Type C area. Ms. Consiglio would like assurance and engagement for communications to be held with

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the landscape planner and architects to have an idea of what is expected to go in. She would also like assurance regarding that there would be an ongoing responsibility to maintain the privacy buffer. The neighborhood has been very pleased with the communication and the flexibility of the team at Byrum Development and would like some further assurance beyond faith that will continue. Would like more things in writing, if possible.

Chair Marshall inquired if there were questions for Ms. Consiglio. Seeing none, Chair Marshall inquired if Mr. Isaacson would like 5 minutes for rebuttal.

Marc Isaacson stated he appreciated all of the comments and questions. Byrum Development selected this type of community, the density, and the layout for specific reasons. This density category allows the engineer more flexibility in terms of the configuration, layout of the dwelling units and the access points. Conditions thought to be appropriate have been implemented to address specific concerns. This is partly an annexation and there will be 30 days to continue discussions and he looked forward to that opportunity. Specific concerns and conditions will be further addressed and a determination made to see if they can be implemented. Mr. Isaacson felt it was important to note if this were being developed as single-family detached homes, there would be no buffer requirement and no fence requirement. With a townhome community, this buffer requirement is the minimum. This developer is going to seek to sell these townhomes geared towards mature individuals who want peace and quiet the same as the neighborhood does. The developer has an economic interest in preserving as many trees as possible, preserving as many open spaces as possible, and making the site as good a quality development as possible for marketing purposes. The track record for Byrum Development speaks for itself and the City will have oversight responsibility for landscaping, the pond, and the tree save area. All of it will be managed by a Homeowners Association that is required by the city ordinance. If there are complaints in the future regarding landscaping not being what was expected and the developer and the HOA do not address those complaints, the recourse is to the City of Greensboro who has a full time arborist and a full time staff who would address concerns. If this was single-family detached with lesser quality homes packed on the property, there might be better economics for the church. The board of the Calvary Church chose this project and Byrum Development and sincerely and genuinely looked at many factors when making the decision. Mr. Isaacson requested to have their engineer, Anthony Lester address Mr. Cushman's specific concerns regarding the wetlands and whether an EIS is need and so forth. Mr. Lester was not available

Anthony Lester, 4609 Dundas Drive, stated there were representatives of the US Army Corp of Engineers and from NCDWQ to evaluate the wetlands and the streams. There are two small streams at the very rear of the property. One is behind Mr. Cushman's lot and one a little bit further to the east. Those areas are being left undisturbed and will not have to pull any permits from them. All impervious surface area runoff will be routed through the pond. There will be a requirement that water cannot be released at any greater rate than pre-development rate. The water will be stored in the pond and the pond sized accordingly. Erosion control are sensitive areas and they will do their best to protect it. The City of Greensboro has an Erosion Control staff that requires a plan to be approved and will come out to inspect and evaluate the site as construction proceeds.

Chair Marshall inquired if the opposition would like an additional 5 minutes. Chair Marshall requested Ms. McCall to speak first.

Laura McCall, requested for all natural areas to be preserved as much as possible. Spoke again regarding the good communication with the developer, but still very concerned as the neighborhood

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does not know who the builder will be and what type of community it will be. Chair Marshall inquired if there were any questions for Ms. McCall. Seeing none, advised Mr. Cushman to speak.

David Cushman, stated he understood that Byrum Development will not have any direct manipulation of the two streams. Because of the way the slope is, it will have a disturbance and have a direct impact. It will be a cause and effect and would fall under the Army Corp of Engineers and if the disturbance does occur, even if unintentional, it will fall under a 404 permit. Mr. Engle responded the only thing the Commission is able to approve at this meeting is a land use. It will be can townhomes, how many, and if there will be buffers that they build around. There is a Planning Board and a TRC process that the City has regarding how the developer builds on the property itself. From a technical standpoint is where Mr. Cushman would probably want to get involved, outside of the conversations being held with the builder, to get those needs addressed. Whether they touch the stream or do not touch the stream and what the state and federal laws are around it, it is out of the Zoning Commission's purview. Mr. Cushman responded he understood but zoning is being asked to go to the residential multi-family use instead of single family. Instead of going from agriculture to single-family, it is jumping two steps. Chair Marshall inquired if there were any other questions for Mr. Cushman. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-RM-8 request, as conditioned, limits principal structure height to not more than 35 feet, and added conditions which fit the context of the surrounding area and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commissioners. Mr. Engle stated he was inclined to support the request mainly based on the positive comments by the neighbors. Mr. Engle felt it fits in the area and the way it is conditioned does fit with the surrounding area from the Comprehensive Plan. Mr. Engle advised he was willing to make a motion. Chair Marshall inquired if there was any other Commissioner who wished to speak.

Mr. Engle moved that in regard to agenda item Z-20-07-003, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning and rezoning requests for the properties located at 351, 359, and 367 Air Harbor Road, from County AG (Agricultural) and City R-5 (Residential Single-family -5) to City-CD-RM-8 (Conditional District – Residential Multi-family -8) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The property proposed for rezoning can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The proposed CD-RM-8 request, as conditioned, limits principal structure height to not more than 35 feet which fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 6-0. (Ayes: Chair Marshall, Holston, Alford, Trapp, Engle, and Rosa. Nays: 0). Chair Marshall advised the approval constituted a favorable recommendation and is subject to a public hearing at the August 18, 2020 City Council meeting.

Ms. O'Connor rejoined the meeting in progress.

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**Z-20-07-004: A rezoning request from R-3 (Residential Single-family-3) to LI (Light Industrial) for the property located at 8714 West Market Street and northwest of Landmark Drive, (0.68 Acres). (Recommended Approval)**

Mr. Kirkman provided the zoning map for Z-19-07-004 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Marshall inquired if there were any questions for staff regarding the case. Mr. Engle asked if this was a house at some point and if there was a reason for a spot of R-3 in the midst of all of the LI zoning. Mr. Kirkman did not know all the history on this property but there may have been a house at some point. There was other property in the area zoned residential at one point and there is probably a remnant from previous development. Chair Marshall requested the applicant to state their name, address and state their case.

Kyle Hoyt, 396 Evian Way, present on behalf of BKT Enterprises. Mr. Hoyt stated the original Southeastern freight line facility was built in the 1990s and when originally constructed, there was a house on the subject property. Since the original construction, BKT has acquired this parcel and the only reason was the conditional light industrial zoning currently on the property is to provide additional buffering adjacent to residential properties. It is one of the conditions on the current light industrial zoning and was probably put in place because the original facility was built with an adjoining home. This process started a few months prior with an opportunity to purchase a portion of the adjacent property. In looking towards the future to be prepared for any future expansion, would like to clean up the property and the rezoning of this small parcel for light industrial seems to be the logical next step.

Chair Marshall asked if there were any questions for Mr. Hoyt. Seeing none, Chair Marshall inquired if there was anyone to speak in favor of the request. Seeing none, Chair Marshall inquired if anyone wished to speak in opposition to the request. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as an Employment Area. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. This request would allow uses consistent with those found on adjacent properties and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Mr. Engle volunteered to make a motion unless there is anyone who would like to speak. Chair Marshall advised Mr. Engle to proceed. Mr. Engle stated in regard to agenda item Z-20-07-004, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property located at 8714 West Market Street from R-3 (Residential Single-family-3) to LI (Light Industrial) to be consistent with the adopted GSO 2040 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 Western Area Plan. The uses permitted within the proposed zoning district area of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LI zoning district allows uses that are similar to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community and approval is in the public interest. Seconded by Mr. Alford. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Trapp, O'Connor, Rosa, Engle, and Alford. Nays: 0). Chair



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Marshall advised the approval constituted a final action. Anyone may appeal within 10 days. The appeal would be heard at the August 18, 2020 City Council Meeting.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised there were no items from staff.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Mr. Holston inquired on the status of vacancies. Mr. Kirkman responded Council is aware of the vacancies and staff would be following up with additional pending vacancies coming up in the next month.

**ABSENCES:**

The absence of Mr. Blackstock was acknowledged.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneous on the City of Greensboro's web site and the Greensboro Planning Department Facebook page on August 17, 2020, beginning at 5:35 p.m. Members present were: Chair Adam Marshall, Hugh Holston, Sandra O'Connor, Richard Bryson, Zac Engle, James Rosa, and Vernal Alford. Present for City staff were Luke Carter, Mike Kirkman, Russ Clegg, (Planning), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Marshall welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Marshall advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format. Chair Marshall welcomed Richard T. Bryson to his first meeting. Chair Marshall took a roll call of the Commissioners present.

Ms. Jones advised pursuant to Session Law 2020-3, this meeting is a remote meeting for all public hearing items, written comments may be submitted for up to 24 hours after the end of the public hearing. Comments should be submitted to Greensboro Planning staff.

Mr. Bryson recused himself from the approval of the minutes as he was not a member at the time of the July meeting.

**APPROVAL OF THE JULY 20, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the July 20, 2020 minutes, seconded by Mr. Holston. The Commission voted 6-0. (Ayes: Chair Marshall, Holston, Alford, O'Connor, Rosa, and Engle. Nays: 0). Chair Marshall stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCE**

Mr. Kirkman advised there were no withdrawals or continuances.

**PUBLIC HEARINGS:**

**Z-20-08-001: A rezoning request from CD-PI (Conditional District – Public and Institutional) to O (Office) for the properties identified as 4019-R2 South Holden Road and 1311 Glendale Road, generally described as south of Glendale Road, east of South Holden Road, and west of US Highway 220, (39.47 Acres). (Continued)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Adrian F. Starks, 1414 Cliffwood Drive, Sr. Pastor of World Victory Church, stated the request was to move from the current designation to Office as their Board plans to build a school on the property, as well as apartments and a church at a later date. The architect notified the church Board of the need to have the property rezoned. Chair Marshall inquired if there were any questions for the applicant. Mr. Holston inquired if Pastor Starks could provide any type of illustrative drawings of the plans for the approximately 40 acres of land to the Commission. Pastor Starks did not have any drawings or

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photographs he could share. Mr. Kirkman cautioned the Commission that any information Pastor Starks would convey would only be general concepts at this point in time as there are no site plans approved or anything of that level. Pastor Starks stated there would be a school and the housing would be apartments. The church would not be immediate as they are able continue with what they do in the current location. Pastor Starks referred to an aerial photograph depicting the land. Glendale Road would be the frontage and the apartments would be facing Glendale Road. The school would be mid-way to the south on the property. The church would be on the southernmost portion of the property. Mr. Holston asked how many apartment units were planned. Pastor Starks responded they were looking at 60 units. Mr. Holston stated it was mentioned these would be done in stages and asked if the apartments would be first and then the school and church. Pastor Starks responded the apartments first, then the school, and then the church. Mr. Holston asked how long would it take for completion of all those stages. Pastor Starks responded they were looking at a 5 year window. Mr. Holston asked about the ingress and egress to the property. Pastor Starks stated Davenport Engineering of Winston-Salem was hired to perform the traffic study. An egress has been indicated off of Glendale Road and they would meet whatever traffic modifications would be required. The engineers have ensured the feasibility of the project. At this particular point, Pastor Starks did not feel there would be any major required adjustments. Mr. Holston asked if, illustratively, the size, design and number of offices or the size of the church had been determined. Pastor Starks responded no offices will be added. There will only be the housing, school, and the church. They are not looking to add business offices. The request to change to Office was because he had been advised that designation would accommodate the housing option. Currently the zoning designation allows for the school and the church. The Office designation would accommodate the housing and is the reason for the request. Mr. Holston inquired if he could share with the Commission on how those would come to be. Pastor responded the school would be K-8. There are no designs for the church but would be anticipated to accommodate 1,000. The existing facility is at 1,300. They would not operate simultaneously as schools do not operate on weekends. The church operates on Sunday and is currently the demographics of the proposed construction on the site. Mr. Holston inquired about the egress regarding the school and the church. Pastor Starks stated there would be an outlet on Memory Way. Traffic would come in on Glendale and flow through onto Memory Way. Mr. Holston asked if there was a meeting with members of the community and, if so, how did it go. Pastor Starks stated he did send out notices and received a phone call from one resident but was not successful in speaking with them. There was no space available on that person's mail to leave a message. Pastor Starks did speak with a person who advised she had adequate resolution with her concerns from their conversation.

Mr. Engle asked Mr. Kirkman why the Commission looking at Office versus something like a Planned Unit Development. Mr. Kirkman responded it was a question regarding options to keep the school and the church use but add in multi-family. Office is a moderate intensity district with new residential generally no more than 12 units per acre. Planned Unit Development would be an option for these uses as well but there's no density cap and that was probably part of the reason the applicant chose the Office zoning district. There were several options that could work and the Office designation was the one that was chosen to move forward with. Mr. Engle asked what the height restrictions were on an apartment complex in an Office zoning district. Mr. Kirkman responded if there is development adjacent to residential zoning districts, the height would be a maximum of 50 feet at the setback. It could go higher but the building would have to be set back further. It is a 1 to 1 ratio. The maximum height would

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be 80 feet. The taller buildings would need to be closer into the site but at the edge of the site where up against residential, 50 feet is the maximum. Mr. Holston asked in the Office designation, what would be the maximum number of apartments that could be placed there. Mr. Kirkman responded it was a maximum of 12 units per acre and given this acreage it could go up to approximately 400. Mr. Holston asked if there were no conditions with this request. Mr. Kirkman responded there were no conditions since this was a straight Office zoning request.

Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall inquired if there were further questions for staff. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone who wished to speak in opposition to the application.

Avery Bernstein, 1409 Glendale Road, stated she originally had sought a continuance. Her main concern was the short amount of time to be able to research and there are no conditions with this request for zoning. Ms. Bernstein was the person who reached out to Pastor Starks. She did speak to a representative from the church which resulted in more questions than answers. She understood it would be affordable apartments with 1, 2, or 3 bedrooms and possibly a gym with the apartments. Ms. Bernstein stated she was in opposition to the zoning for commercial Office. Once it is zoned commercial, it is not conditional. Ms. Bernstein stated she has 400 feet of property line that touches the subject property. There were concerns regarding the short notification, not being able to speak to the applicant, and that it would be straight zoning. Ms. Bernstein read the traffic report completed by Davenport which stated the church would have 1200 person, 43,000 square foot facility. Bishop Starks spoke about a 2000 person facility which is considerably larger than the original capacity. There is already a traffic concern at Glendale. Another concern was having a 40 acre commercial piece of property with no conditions, sitting next to her house that could include 470 apartments. Ms. Bernstein was concerned if this was specifically done just for the apartments and the school. In the report it was stated the church was looking at 900 students in the school which would produce a significant amount of traffic from Glendale that would directly affect her. Mr. Engle stated she had mentioned in the beginning that she had requested a continuance and asked if she was still seeking that continuance. Ms. Bernstein responded she was.

Mr. Engle stated to Chair Marshall that the Commission should talk about that. If somebody requests a continuance and said that they had done so prior to the meeting, he would defer to Attorney Jones regarding the rules on that. Mr. Engle stated there needed to be a conversation before going too far along. Mr. Kirkman advised staff did not receive an official request to continue and would have brought that to the Commission's attention at the beginning of the meeting. Ms. Bernstein stated she had emailed Mr. Carter about a continuance. Ms. Jones advised the members of the Commission that they could entertain a continuance request at any time. Normally it would be done at the beginning of the meeting, but given the Zoom format, it is not always easy for people to do that. It could be entertained, if they wished and Mr. Kirkman concurred. Chair Marshall requested to hear from Ms. Bernstein on her reasons for requesting a continuance and then Pastor Starks could respond.

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Ms. Bernstein stated one of the reasons for the continuance was the timing. She received the zoning notification on August 5. The report went live on the August 7. There was so much in the report to digest and process, speak with the neighbors, and speak with Bishop Starks. She is a property owner directly impacted by this proposal. Density was a huge concern for her and her family and damage could be done to their property use. The report made very specific recommendations and points as to where items would be placed, what the separation between the properties could be, having a definite effect on her property. This is a large zoning change from PI to a straight Commercial/Office property that has a multitude of options, not only a church, school, and 60 affordable housing apartments. The neighborhood needs to have more time for discussion.

Chair Marshall inquired if there were questions of Ms. Bernstein regarding the continuance request. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of a continuance.

Mali Williamson, 1407 Glendale Drive, stated she lives directly east of 1409 Glendale and directly on the property line of the subject property. Ms. Williamson stated she did not receive a notice. Bishop Starks did not reach out to the community members and was caught off guard until Ms. Bernstein reached out to her about the notice. Ms. Williams was trying to receive more information and learn more about it. In reading the report regarding the traffic, Ms. Williamson thought there should be a second opinion. Glendale experiences a high amount of traffic. To not have a right turn lane or anything of that sort, there would be accidents. When attempting to turn into her driveway people do not slow down fast enough. The usage of the traffic coming in from Glendale off of South Holden is very much a concern.

Chair Marshall inquired if there was anyone else wishing to speak in favor of a continuance. Chair Marshall advised comments would need to be directed toward the request for the continuance. Mr. Carter advised he received a chat from Mr. Moser stating that he is in support of the continuance. Chair Marshall inquired if there were questions from the Commissioners for those requesting the continuance. Seeing none, Chair Marshall inquired if Pastor Starks would like to respond to the requests for a continuance. Mr. Moser requested to speak.

Ken Moser, 3911 South Holden Road, stated he was in favor of a continuance. Mr. Moser requested to bring something to the Commissioners' attention. Mr. Engle responded they would not be talking about the case unless the continuance is addressed. Chair Marshall stated if what he had to say was about the continuance, the Commission would hear from him. If is about the merits of the case, an opportunity will be provided to speak at a later time.

Pastor Adrian Starks, stated he followed the letter description established by the City and items were submitted and completed in a timely manner. This project has been pushed out for a series of months at this point. A couple of deadlines were missed and they have been in holding pattern for some time. The calculation of a maximum of 400 plus apartments has been presented but that pertains to the rule

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and the tract of land. Mr. Engle advised Pastor Starks this was a matter of whether the case would be continued. Mr. Engle advised he is typically not in favor of continuances but offered to Pastor Starks a continuance was an option. The Commission takes very seriously the outreach to applicants in the surrounding area because all that will be decided at this meeting is land use. Regardless if the church owns the property or sells that property. Mr. Engle was hearing there possibly was not enough time to talk to the neighbors. The Commissioners could vote to allow a continuance so the neighbors and Pastor Starks could talk and come back as a group in 30 days. Mr. Engle stressed the amount of outreach would be taken into consideration when making a decision on this case. Mr. Engle stated he would leave those two things with him and for Pastor Starks to tell Mr. Engle if he wants to continue this case or not continue the case. Pastor Starks asked if there was a continuance what the time period would that be. Mr. Holston responded it is typically 30 days. Mr. Kirkman advised it would be the September 21 meeting date. Pastor Starks agreed to the continuance.

Mr. Engle made a motion that the case be continued for 30 days to the September 21, 2020 Zoning Commission meeting. Seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Bryson, Alford, O'Connor, Rosa, and Engle. Nays: 0). Chair Marshall stated the case was continued to the September 21, 2020 meeting.

**Z-20-08-002: An original zoning request from County AG (Agricultural) to CD RM-18 (Conditional District – Residential Multi-family-18) for a portion of the property located at 107 Marshall Smith Road and 120 Marshall Smith Road, generally described as east of Marshall Smith Road and north of West Market Street (39.98 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties and advised of amended conditions added to the request

1. Uses shall be limited to a maximum of 395 for residential dwelling units.
2. A minimum 6' tall opaque fence, consisting of wood or materials that simulate the appearance of wood shall be installed adjacent to the eastern property boundaries of parcels 170420 (also known as 142 Marshall Smith Road, 170470, (also known as 150 Marshall Smith Road) and 170480 (also known as 152 Marshall Smith Road). As well as from the northeastern corner of parcel 170480 east where the 100 along a southern boundary of parcel 17458, as illustrated by the thick line drawn in Exhibit A, attached.
3. Evergreens planted no greater than 10 apart and shall be no less than 12 feet in height at maturity shall be planted behind parcels 17042 (also known as 172 Marshall Smith Road), 170470 (also known as 150 Marshall Smith Road) and 17480 (also known as 153 Marshall Smith Road). The evergreens shall be planted on the eastern side of the fence as described in condition number 2.
4. Buildings shall not exceed 50 feet in height north of the line illustrated on Exhibit B, in which the line is described as where parcel 170483 adjoins Marshall Smith Road, running eastward along the southern boundary of parcel 170483 and from the southeastern most corner of parcel 170483, eastward to the common corners of parcels 227118 and 100197. The maximum height of any multifamily residential building located less than 40 feet of the eastern property boundaries of parcels 170482 (also known as 142 Marshall Smith Road), 170479 (also known

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as 150 Marshall Smith Road and 170480 (also known as 152 Marshall Smith Road) shall be 40 feet.

Mr. Engle moved to accept the conditions, seconded by Ms. O'Connor. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Bryson, Alford, O'Connor, Rosa, and Engle. Nays: 0). Chair Marshall stated the conditions were accepted. Chair Marshall then stated there were a lot of people wishing to speak on this matter and advised the applicant would have 15 minutes to speak, opposition will have 15 minutes and there would be 5 minutes of rebuttal for each party. Chair Marshall requested the speakers to be cognizant of the time and that other people also wished to express their opinion on this matter. Chair Marshall requested to hear from Mr. Terrell and to provide his name and address for the record.

Tom Terrell, Fox, Rothschild, 529 West Park Way, stated this was an annexation and an original zoning of 39 acres in a high growth area. Mr. Terrell introduced James Floyd with Marshall-Smith Partners, Jay Clapp with Ramey Kemp, and Eddie MacEldowney with Davis, Martin, and Powell. Mr. Terrell was aware of the voluminous emails received by the Commissioners and staff from members of the community. Mr. Terrell stated the 600 multifamily unit number came from the traffic impact study because at the time it was done, the developer was negotiating with several companies to build on the site so they went with the maximum number of units to be on the site for that analysis. The neighbors were told from the beginning that number would come down. This request to change the zoning is surrounded by heavy industry to the south and Light-Industrial and PI to the east. Mr. Terrell noted that with a cap of 395 units the effective density was about 10 units per acre. It is classic transitional zoning with all buildings reserved for the area adjacent to heavy industrial. He noted there is not a site plan with specific proposals and it is very likely there will only be townhomes and single family homes adjacent to the existing single family homes in that area. Height restrictions are in place for the area closer to single family and fences. Evergreens and a sound buffer were added in response to what the neighbors requested. One of the new conditions was added to show they are continuing being responsive and in communication with neighbors.

Mr. Terrell indicated on a photograph the extensiveness of the heavy industrial uses south and east of the property. Several views were shown to illustrate what was in the surrounding area, and the types of use were shown. Mr. Terrell stated there has been numerous interactions with the neighborhood. They have met with them twice in person and have had numerous emails, mail and phone calls. The emails received reach into multi thousands of words illustrating the incredible amount of communication back and forth. Mr. Terrell stated Mr. Wayne Marshall has been a very forceful, passionate representative of the group and in every respect has been a gentleman and he hoped they felt the same about them. Where it was possible and practical, conditions were offered to meet concerns that were raised. Recently after meetings with the neighbors, they were told the neighbors would accept R-5 zoning and nothing else. This request came from another zoning that was approved on Cude Road in July of 2020 but that request was surrounded by rural residential and a large open space area. No light, heavy industrial, or any commercial are anywhere on those surrounding tracts. This tract is very different in terms of what lies adjacent to it and what is being offered is transitional and not a stark contrast. Mr. Terrell provided an illustrative drawing indicating that if there were tall buildings for RM-18, they would be put down against the heavy industrial part. Classic transitional zoning, being respectful of neighbors. Anything north of that line would be limited to 50 feet and he made the comment he did not think it

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would be fair that a 50 foot apartment would be looking down at those homes. It was limited by saying if over by those properties it would only be allowed to have 40 foot height limit if multi-family. It is important to note that R-5, as demanded, does allow 50 feet in height. The neighborhood asked to have a fence and evergreens that would be both sight and sound buffers which was offered. The Lowes asked about the sound of a sewage pump station that would be in the north part of the tract. Mr. Terrell stated it would sound like an air conditioner and not be very loud. In response the fence line was extended out to act as an additional sound buffer from the sewage pump station.

Mr. Terrell noted a long email from Mr. Burchett was received going into great detail why he disagreed with the Comprehensive Plan regarding rezoning for 600 apartments in area solely surrounded by farms. Mr. Terrell noted the staff report has 4 pages outlining numerous policies, plans, goals, strategies, maps, action plans, and recommendations of both the Western Area Plan and Greensboro 2040. This analysis was done when staff only knew that the limit was 600 units and no other conditions had been offered. Currently there is a wide variety of conditions offered and the limit has dropped by more than 1/3 of the density limit. Mr. Terrell stated the Planning Board recommended this unanimously, staff has also recommended even with 600 units and no conditions at that time. It is classic transitional zoning in Tier 1 with an area of growth pressure. There are now 395 maximum units, essentially R-10. The neighbors only want single family homes and a density of approximately 150 to 175 homes. At the meetings, neighbors were absolutely clear they wanted houses and not apartments because there were assumptions that apartment dwellers would be undesirable neighbors for many reasons. As a practical manner for the community, it adds housing options near the airport and where new jobs are being located.

Chair Marshall inquired if there were questions for the applicant from the Commissioners. Seeing none, Chair Marshall inquired if there was anyone else in favor of the application. Seeing none, Chair Marshall moved to the opposition and advised of the 15 minute timeframe

Wayne Marshall, 153 Marshall Smith Road, advised he was speaking on behalf of approximately 42 residents, owners, and those who may inherit the land along Marshall Smith road. Mr. Marshall asked if the Commission knew of any communities with 7 generations living there and a quarter of the residents have always lived there, or where half of the residents have lived 20 plus years, or where 3/4 of the residents have been there 10 years or more. Mr. Marshall stated that this is a stable community. Mr. Marshall stated none of the residents are okay with multifamily residential dwelling units. The community respectively requested the Zoning Commission to deny the City RM-18 as presented for Marshall Smith Road and request the applicant to specify R-3 or at most R-5 zoning. Those designations would conform with the community off Leabourne Road that was approved by City Council in the previous month. The community requested to not start a new precedent of high density housing.

Jeff Little, 123 Marshall Smith Road, stated his property is approximately 14 acres, located west of the subject property. As a licensed general contractor he was not against development as long as it would be the correct development for the area. Mr. Little stated the most important item was the amount of water coming off the project directly onto his property. Mr. Little pointed out an error in the Zoning staff



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report under topography stating that it slopes toward the back. That was incorrect and negatively affects their property. Currently the majority of the subject property drains to a specific area and crosses Marshall Smith Road and then onto his property and downstream to their pond, approximately half acre in size. Mr. Little cannot imagine the amount of water that will come off approximately 20 acres of impervious surface due to sidewalks and parking areas. The site plan as currently drawn is unacceptable. The stream from his pond flows into Reddy Fork Creek and then into Lake Brandt. Reddy Fork Creek is a tributary of the Hall Work River and the watershed. Mr. Little felt that issue should be addressed by the owners as it is a watershed issue and should be taken very seriously. If the property is annexed by the city, then the city should be made to provide some sort of storm water system to take care of the water on the property. The zoning is not compatible with the community and should not be approved.

Chair Marshall inquired if there were questions for Mr. Marshall or Mr. Little from the Commissioners. Seeing none, Chair Marshall requested Mr. Burchett to speak.

Fred Burchett, 168 Marshall Smith Road, advised he submitted documents stating his analysis of the rezoning. Mr. Burchett referred to a document regarding zoning being consistent with the Comprehensive Plan. Mr. Burchett referred to different pages within the Western Area Plan and stated if this zoning was approved, it is likely the future Marshall farm will cease to exist. This area is a growth of high density and interest. Development pressures in the future will be very intense and any vacant farm land will be developed similar to this proposed rezoning. Once the precedent is established for this type of zoning, it will be cited in all future zoning requests in this area. Mr. Burchett stated this area is designated as urban general in the Future Build Map defining what would be the new growth in the area. The site plan for this property indicates a 70s era apartment complex. Not mixed use and is not walkable. The proposed West Market Village is approximately 3500 feet away at the intersection of Market and Sandy Ridge Road, not adjacent and not walkable. The proposed use of 18 units per acre is vastly different in scale and density than the nearby single family residential and agricultural districts. When Marshall Smith Road was paved, it was upgraded to NCDOT secondary road standards with a 60 MPH speed. Multi-family units are appropriate on urban low speed designed streets, not rural highways. If this area is developed in the future, Marshall Smith Road will have to be rebuilt to accommodate changes in the land use.

The proposed zoning will impact existing land uses and the zoning is not compatible with the existing land uses. This area is not a car optional development, it is a car mandatory development. Approving a development of this density would be ignoring the impact future developments will have on the City's fiscal health. Adjacent owners would request their property to be zoned in a similar manner and more zoning would be approved. Transportation challenges would occur and public improvements would be necessary. There are numerous examples where growth has required improvements and changes that could have been avoided with better planning. Mr. Burchett referred to the land use area on the City of Greensboro Transportation Planning model which estimates by 2045, population in the traffic analysis zone in this area will increase 17/100 of a person per acre, an increase of 210 people or 130 dwelling units in the next 25 years. A development that would add approximately 1000 people in 3 to 5 years is not consistent with the underlying assumptions in the transportation plan. There is a clear disconnect

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between the Transportation Plan and the Land Use Plan. Mr. Burchett urged the City to perform a Comprehensive Transportation study to understand the true infrastructure costs the city will face in the future. Mr. Burchett asked if the City envisioned Marshall Smith Road developing over the next years like New Garden Road and become a multi-lane highway. If that is the vision, it is the City's legislative right to make land use changes consistent with that vision. That decision should be a conscious decision to be honest and open with everyone regarding the desired outcome, the cost of that decision, and the social cost to the families living on the road in upgrading the road to become a city street.

Wayne Marshall then referred to a photograph depicting an orange area, Marshall Smith Road and the proposed development. All around that particular area is green and residential areas. It is heavy industrial on the other side of West Market and the other side of the railroad tracks, but that does not apply in their neighborhood. Mr. Marshall appreciated Mr. Terrell and staff sharing information and there have been many conversations. They are unable to come up with a win/win situation as of yet.

Chair Marshall inquired of any questions from the Commissioners for the opposition. Mr. Holston asked Mr. Burchett if he was not in favor of this rezoning for any purpose or plan or would be if there were certain conditions. Mr. Burchett responded the conditions as identified were inadequate to address the concerns. If the rezoning was approved, the entire character of the neighborhood would be changed. Mr. Burchett referred to the aerial photograph depicting the open land. If the change is approved, there should be a thorough study because in future years there will need to be improvements to Marshall Smith Road. Mr. Burchett indicated the green line which is the approximate boundary of the urban area in the plan. There are a number of large parks. The green dot represented the Marshall family farm west of Market Street. The industrial was indicated on the south side of Market Street. Figure 2 was shown depicting traffic zone 38 bounded by Marshall Smith Road, Ridge Road, Cude Road, and Bunker Hill Road indicating the 2017 population/land density as .562 person per acre going to .79 persons per acre in 2045. If these types of zoning changes are made, a comprehensive study should be done to understand what that will do. There is no street system in the area and this is poor planning.

Chair Marshall inquired if there were any further questions from the Commissioners. Seeing none, Chair Marshall advised Mr. Terrell he had 5 minutes to speak in rebuttal.

Mr. Terrell stated it appears correct development, from what was heard over and over, means no apartments because of what is anticipated by that use. Mr. Little's comments regarding the water are not land use issues. Water is a matter that is handled by the engineering staff at site plan approval and the laws on water require that the amount of the discharge cannot be exceeded by any development when adding impervious surfaces to the water volumes. All appropriate storm water detentions, by law, would have to be in place. Mr. Terrell stated the Western Area plan was done many years ago and the City's GSO 2040 plan is new and takes a different look of how to do zoning. Under Greensboro's 2040 plan, residential is residential and does not distinguish between low density and high density. Mr. Terrell stated in his reading of the Greensboro 2040 Plan this property is classic urban general.

Sidewalks are being offered and other things which no one else in the area has. Staff is a neutral party and their reports state after professional review this zoning is compatible and consistent with all of the

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transportation plans. Mr. Terrell stated population is driven by growth of both job industry, trends, and projections when many industries came into the area. Comprehensive plans have to change to meet the times. This is not a rezoning jumping into the countryside. Ramey Kemp is one the most respected traffic and transportation engineering firms in the state who has shown live data that the capacity on this road is extremely low compared to the maximum capacity of the road. Even if the property is built out to 395 units, they would still be way under maximum capacity. This development could be full and still under the rated capacity of the road according to NCDOT.

Chair Marshall inquired if there were any questions for Mr. Terrell from the Commissioners. Seeing none, Chair Marshall advised the opposition had 5 minutes to speak.

Wayne Marshall stated he had talked to Steve Galanti who advised the Western Area Plan was included in the GSO 2040. Photographs have been shown depicting both current and past density of the area. Sidewalks would be included which is required. Mr. Marshall thanked the Zoning Commission for their service. The neighborhood has tried to be very diligent in working with the applicant since the beginning of July. They have not reached a win/win plan. Everyone in the neighborhood feels very strongly about this request and have offered acceptable, viable, alternatives as in R-3 or R-5 zoning that was approved on Cude Road. The neighborhood is concerned that one developer will seriously disrupt the community only for profit. The community respectfully request the Zoning Commission to follow the Cude/Leabourne Road precedent made in July. The community does not want to establish a new precedent of dense housing in any rural areas such as Marshall Smith Road.

Chair Marshall advised there was a minute and a half left. Chair Marshall inquired if there were any questions for Mr. Marshall. Seeing none, Chair Marshall advised Mr. Burchett of the minute a half time remaining.

Fred Burchett stated he realized plans change. He obtained the data from the GDOT Planning Model within the previous week. It is in the model for the 2045 Transportation Plan and there is a large disconnect between that land use plan and the transportation model that will have significant impacts on infrastructure. It is a big concern. Plans do change but the plan needs to be updated. An analysis depicting the impact of land use change on the model of the infrastructure for the entire area over the next 20 or 30 years is needed. Mr. Burchett felt they were getting ahead of themselves by approving rezonings without understanding what the true impacts of those plans are.

Chair Marshall inquired if there were questions for Mr. Burchett. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as Residential. He noted that the request is consistent with the Comprehensive Plan because the uses requested increase the range of housing and supports nearby industrial and commercial uses in the surrounding area. The proposed

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CD-RM-18 request, as conditioned, limits uses to only residential uses and includes protections for existing uses, while fitting the broader context of the surround area and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Chair Marshall inquired if there were questions for staff from the Commissioners. Seeing none Chair Marshall inquired if there was someone to make a motion. Mr. Engle stated this was one of the most well-presented cases from both sides as he had seen in his tenure. Not many questions were asked because most of the issues brought up were presented intelligently and eloquently. Mr. Engle stated this was a proposal for RM-18 that is conditioned down to such that it appears to be more like RM-12. Given the location, Mr. Engle felt it was a good transitional use and he was in support of the request. Everyone is still talking and no matter what Zoning decides, it is an annexation and original zoning which will go on to City Council. The conversations should continue. Mr. Engle stated he would make a motion, if no one else would.

Mr. Engle moved that in regard to agenda item Z-20-08-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property described as a portion of 107 Marshall Smith Road and 120 Marshall Smith Road from County AG (Agricultural) to CD-RM-18 (Conditional District – Residential Multi-family – 18) to be consistent with the adopted GSO 2040 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 Western Area Plan. The uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-RM-18 request, as conditioned, fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Rosa, Bryson, O'Connor, and Engle. Nays: 0). Chair Marshall advised the approval constituted a favorable recommendation and is subject to a public hearing at the September 15, 2020 City Council meeting.

**Z-20-08-003: A rezoning request from BP (Business Park) to CD-LI (Conditional District – Light Industrial), generally described as 3900 – 3906 Spring Garden Street, generally described as northeast of Spring Garden Street and northwest of West Wendover Avenue, (22.97 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman also advised of the conditions related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Brian Pearce, 701 Green Valley Road, on behalf of WELS Holdings, LLC and owner of this property, stated his client is an affiliate of Atlantic Packaging who is the tenant on the property. The intent is for expansion of two buildings toward Spring Garden Street to add more office space, not industrial space. During the process of obtaining permits for the expansion, it was apparent this was a legal, non-conforming use currently. To expand the office space, zoning had to be addressed. The use has always been more light industrial as opposed to business park. Mr. Pearce was unaware how it was placed in

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the business park zoning but may have been part of the remainder of the park. This request is for light-industrial use. The area is mixed with Light-Industrial and Heavy Industrial use. The intensity of the use will not become worse. Mr. Pearce advised he neglected to submit his community information form. A letter was mailed to all residents within 600 feet of the property based on a list obtained from staff. The letter was sent August 3 and he submitted it for the record. No one responded to the letter, no calls, or emails were received. Mr. Pearce stated it did not appear anyone had problems and it was probably in everyone's best interest to have the rezoning completed to conform with what is there currently.

Chair Marshall inquired if there were any questions for Mr. Pearce. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Marshall inquired if there was anyone in opposition. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-LI zoning request is consistent with surrounding uses and zoning (both LI and BP) and allows for the continued use and future expansion of warehousing uses on this property and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Mr. Engle volunteered to make a motion unless there was anyone who would like to speak. Seeing none, Chair Marshall advised Mr. Engle to proceed. Mr. Engle stated in regard to agenda item Z-20-08-003, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 3900-3906 Spring Garden Street from BP (Business Park) to CD-LI (Conditional District – Light Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The property proposed for rezoning can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The proposed CD-LI request, as conditioned, allows uses that are consistent with those already existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community and approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Bryson, O'Connor, Rosa, Engle, and Alford. Nays: 0). Chair Marshall advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the September 15, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-08-004: A rezoning request from CD-BP (Conditional District - Business Park) to CD-LI (Conditional District - Light Industrial) for the property located at 1163 Pleasant Ridge Road,**

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**generally described as east of Pleasant Ridge Road and north of West Market Street, (10 Acres).  
(Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman also advised of the condition related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Donald Colson, 1163 Pleasant Ridge Road. Owner and CEO of VIP Courier Express, a courier service, stated his company has been in business for about 20 years. There are 150 employees, 75 located out of Greensboro. There is a partnership with the US Postal Service and they are anticipating truck parking on the property. A small metal building would also be used to change tires, and a warehouse to facilitate postal merchandise such as mail boxes and overflow of seasonal items during peak seasons. The current zoning restricts them for those purposes and they would like for this issue to be resolved.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired how many buildings are anticipated to be at the site. Mr. Colson responded there would be two, a small metal shop type building and a warehouse. An additional warehouse is anticipated in about 3 or 4 years. Chair Marshall inquired if there was an approximate size of those buildings. Mr. Colson responded a 50,000 square foot building. Mr. Holston inquired if he had reached out to the residential neighbors. Mr. Colson responded he had visited twice and left a note to call him. There have been no responses. Mr. Holston asked if it would be new construction. Mr. Colson responded it would be new construction. Mr. Holston asked if Mr. Colson would be able to expand employment with the request. Mr. Colson responded most definitely. Mr. Colson stated he met with postal officials before the meeting and talked about his goals. The goal is by 2023 to have approximately 125 employees domiciled out of the Greensboro area alone. Greensboro was chosen because of the two distribution centers USPS operates out of Greensboro.

Chair Marshall inquired if there were any further questions for Mr. Colson. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as an Employment Area. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. This request would allow uses consistent with those found on adjacent properties and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Ms. O'Connor volunteered to make a motion unless there was anyone who would like to speak. Chair Marshall advised Ms. O'Connor to proceed. Ms. O'Connor stated in regard to agenda item Z-20-08-

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004, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property located at 1163 Pleasant Ridge Road from CD-BP (Conditional District – Business Park) to CD-LI (Conditional District – Light Industrial) to be consistent with the adopted GSO 2040 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 Western Area Plan. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LI zoning district allows uses that are similar to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community and approval is in the public interest. Seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Bryson, O'Connor, Rosa, Engle, and Alford. Nays: 0). Chair Marshall advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the September 15, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**ELECTION OF OFFICERS:**

Mr. Engle advised he had a personal issue and would need to drop out of the meeting. Mr. Engle thanked Chair Marshall for his service and wished him the best in whatever he will be doing next. Mr. Engle stated his support for Sandra O'Connor as Vice Chair and nominated her, if permitted.

Chair Marshall advised elections were needed and noted Mr. Engel's motion of nomination for Vice Chair. Ms. O'Connor made a motion to nominate Mr. Holston as Chair, seconded by Mr. Rosa. Mr. Bryson recused himself from voting as he was not familiar enough with the parties to vote. Mr. Trapp and Mr. Engle were not present. The Commission voted 5-0. (Ayes, Chair Marshall, Holston, O'Connor, Rosa, and Alford. Nays: 0). Mr. Holston was elected as Chair for the next year.

Mr. Alford nominated Sandra O'Connor as Vice Chair, seconded by Rosa. (Ayes, Chair Marshall, Holston, O'Connor, Rosa, and Alford. Nays: 0). Ms. O'Connor was elected as Vice Chair for the next year

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman expressed appreciation from staff for Mr. Marshall, completing his second term with a total of 6 years. Mr. Marshall has given a lot of time and effort on the Commission and it was very much appreciated. Mr. Kirkman advised Mr. Blackstock also finished his second term. Mr. Blackstock was not present at this meeting and has been replaced with Mr. Bryson recently by City Council. Mr. Kirkman noted this can be a very time consuming job and Commissioners are put in-between a lot of opposing parties and staff appreciated everyone providing that effort and working with staff. Staff has tried to be supportive at all times and wished the members leaving good luck as they leave the Zoning Commission.

Mr. Kirkman then advised currently there is a very heavy agenda for the September meeting. Staff is still in the process of obtaining the full agenda number down but currently it is around 12 to 13 items. Mr. Holston asked if the one carried over from this meeting would be included in the September meeting. Mr. Kirkman responded that yes it would and that is partially why he was not sure of the

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number for September. Mr. Kirkman advised the Zoning Commission will also be taking on non-public hearing items. The Planning Board is done and the Zoning Commission will be taking on those items. There is one street closing as the only item that is non-public. There will also be a few zoning items that are original zonings that are associated with annexations and both items would be addressed as part of the regular agenda on those item moving forward. More information will be provided.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Chair Marshall thanked everyone as this was his last meeting after 6 years of service. It was a great experience and he learned a lot. Chair Marshall thanked all of the Commission members and his colleagues and stated they were great, very smart, and he appreciated working with them. Chair Marshall very much appreciated everyone's professionalism and respect to each other even when at odds and this was a great group to work with. Chair Marshall thanked staff who has taught him a lot and were always prepared and prepared him. Mr. Marshall will be around although he did know what he will be doing but will try to be involved in some way in the future.

Mr. Holston thanked Mr. Marshall for being such a strong force on the Zoning Commission when he first joined and ending his time with the Commission in the same way. Mr. Holston stated Mr. Marshall was a steady hand and enjoyed his honest, humble, and forthright demeanor. The Commission will miss Mr. Marshall and Mr. Blackstock. Mr. Holston stated he was looking forward to working more closely with Mr. Bryson, a new member coming from the Planning Board, who will be very valuable in hearing the new types of items Zoning has not heard before. Mr. Holston stated he has worked with Ms. O'Connor in the past who is a joy to work with and a great business woman and Zoning Commissioner. Mr. Holston stated his thanks and appreciation for the honor of serving as Chair for the Zoning Commission. It is mainly administrative but is happy to serve in that role to help things moving so everyone can do the good work that is needed to be done individually and collectively.

Ms. O'Connor congratulated Mr. Holston and thanked Mr. Marshall for his leadership in conducting meetings so well and so fairly. Ms. O'Connor was looking forward to continued success on the Zoning Commission.

Mr. Bryson thanked everyone for the warm invite. It was a great first meeting. He listened and this Commission is wrought with a lot of talent and insight. Mr. Bryson stated he hated it was his first and only meeting with Mr. Marshall but hopefully they will work together again in the future. Mr. Bryson was looking forward to working with everyone on the Zoning Commission.

Mr. Holston inquired about the conflict of interest information sent to the Commissioners and asked Mr. Kirkman if he could provide the cliff notes and if something was changing. Ms. Jones responded the state law conflict of interest was updated with the adoption of the new Chapter 160D, which combined county and city planning and zoning requirements. There was a blend before when both quasi-judicial hearings and legislative hearings. There is a breakdown between the legislative and the quasi-judicial.



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It is also looking at familial relationships as well. Ms. Jones did not think it had ever been a problem with the Zoning Commission with the recusals. As explained to Mr. Bryson recently, if you do recuse, there does not need to be another vote. It's only if some question is raised and you refuse to recuse then the rest of the members of the Commission would have to vote on that recusal. Ms. Jones advised she was ensuring the updated information from the state law that was adopted was provided to the Commissioners. It went into effect in mid-June and was somewhat accelerated. It was originally going to be in effect January 1 of 2021. The legislature accelerated the adoption of that. Ms. Jones advised as always if there are any questions, to reach out to her via email or call her office.

Chair Marshall inquired if there were any further items from the Commissioners. Seeing none, advised of the absences of Mr. Blackstock and Mr. Trapp.

**ABSENCES:**

The absences of Mr. Blackstock and Mr. Trapp were acknowledged.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Adam Marshall, Chairperson

AM/cgs

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneously on the Planning Department's Facebook page on September 21, 2020, beginning at 5:30 p.m. Members present were: Chair Hugh Holston, Sandra O'Connor, Raymond Trapp, Richard Bryson, Zac Engle, Michael Jones, James Rosa, and Vernal Alford. Present for City staff were Luke Carter, Mike Kirkman, and Russ Clegg, (Planning Department), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Holston welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Holston advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format.

Ms. Jones advised pursuant to Session Law 2020-3, adopted by the General Assembly, anyone may submit written comments between now and 24 hours after the public hearing closes on each of the identified items. Ms. Jones requested each item be identified for comments to be made on and submit the comments to Planning staff.

Chair Holston performed a roll call of the Commissioners present. Eight of the nine Commissioners were present with one Commissioner on an approved absence. Chair Holston welcomed Michael Jones, who was recently appointed to the Commission

**APPROVAL OF THE AUGUST 17, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the August 17, 2020 minutes, seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Jones. Nays: 0). Chair Holston stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES**

Mr. Kirkman advised there was a request to continue case Z-20-09-011; 1414, 1509, 1511, and 1515 West Cone Boulevard, and 2111, 2113, 2115, and 2117, Cleburne Street from R-3 to CD-RM-26. The applicant's attorney was available to speak on the continuance and at least one of the attorneys working with those that are opposed to the request were requesting to speak.

Chair Holston reminded the speakers that comments made should be strictly based on the timing of the case and not on the merits of the case itself. Chair Holston stated those requesting the continuance would be heard first.

Don Vaughan, Attorney, 612 West Friendly Avenue, representing many of the citizens opposed to this item and respectively requested a 30 day continuance to notify residents that have not been notified regarding this zoning and to properly prepare a case. It was Mr. Vaughan's understanding there was no opposition to this request. Chair Holston inquired if there were any questions from the Commissioners for Mr. Vaughan. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request for a continuance.

Michael Fox, 100 North Green Street, representing the applicant in the case stated they were not opposed to the 30 day request for a continuance. He stated there had been good conversation with Mr. Vaughan and a number of the neighbors to understand what their concerns are. He thought a one-time continuance would be beneficial to work on some proposed conditions that would make this a better project for everyone.

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Chair Holston confirmed that Mr. Fox and his client were in agreement with a 30 day continuance. Chair Holston inquired of any questions for Mr. Fox from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request for a continuance. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request for a continuance. Hearing none, Mr. Engle made a motion to continue this item for 30 days; seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Jones. Nays: 0). Chair Holston advised agenda item Z-20-09-011 would be moved to the October 19, 2020 meeting.

Chair Holston inquired if there were any additional requests for continuances or withdrawals. Mr. Kirkman advised there were no additional continuances or withdrawals. Mr. Kirkman then noted to the public for those that may have been there for the rezoning on Cone Boulevard and Cleburne Street, they did not need to stay but were welcome to watch the rest of the proceedings if they wished to do so.

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**Z-20-08-001: A rezoning request from CD-PI (Conditional District – Public and Institutional) to O (Office) for the properties identified as 4019-R2 South Holden Road and 1311 Glendale Road, generally described as south of Glendale Road, east of South Holden Road, and west of US Highway 220, (39.47 Acres). (Denied)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if there were any questions for city staff. Hearing none, Chair Holston requested the applicant to state their name, address, and to present their case.

Adrian F. Starks, 1414 Cliffwood Drive, Sr. Pastor of World Victory Church, introduced himself and stated the application was submitted for the undeveloped land owned by the church on Glendale Road to move forward with development. He noted the request was for Office as the plans now include an intent to build multi-family housing. In speaking with staff, the church was made aware the Office designation would allow for construction of housing as proposed. The footprints developed by the architects would accommodate between 60 and 90 units. Since agreeing to the continuance, letters have been distributed to all of the residents within 600 feet of the proposed land to be rezoned. Approximately 85 letters were sent to residents. Three individuals attended a meeting held virtually on Zoom. Since that meeting, one person came to his office and they spoke. Common ground may not have been achieved in totality but the conversations provided a strong effort in moving forward in the development. Pastor Starks noted the desire of the church to have their offices moved from their current location but the first phase will be construction of the multi-family housing. At this particular time it is the desire of the church to move forward and have the request voted on by the Commission.

Chair Holston inquired if the Commission members had any questions for Bishop Starks. Mr. Engle asked if there were drawings to be shared for illustrative purposes. Bishop Starks stated he did not have a digital format of the drawing but did have a drawing and walked the Commissioners through a drawing for illustrative purposes. Bishop Starks indicated the phases of construction and explained what they would be. He showed the overall tract of land for the proposed multifamily development is 7 acres and indicated a water detention pond, community center and leasing office, a parking area, and a buffer tree line included by the engineer and architect in the planning. Chair Holston asked where the eventual school and church would be located. Bishop Starks responded

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it would be south of Glendale Road and the multifamily development. Chair Holston inquired if there would be access from Glendale through the apartments to the school and church. Bishop Starks responded there would not be and indicated a different route on the map provided. Bishop Starks indicated the entry into the apartments and the access way into the church and school. Ms. O'Connor asked how many stories and units for the apartments. Bishop Starks responded the range could be between 60 and 90 and he believed they would be two stories. From conversation with the architects the apartments would be three stories if there were 90 apartment buildings built and two stories for 60 apartment buildings. Ms. O'Connor asked how many units would there be per building. Bishop Starks did not have that information at this time.

Chair Holston inquired if there were further questions from the Commissioners. Mr. Trapp asked staff in looking at five apartment buildings, what would be the maximum number of units that could be placed on that parcel. Mr. Kirkman stated in the Office zoning district, the ordinance allows residential densities up to 12 units per acre. A rough calculation for the entire subject tract would be roughly 473 units as the maximum. Some land would be used for parking lots, landscaping, and other things and that is only a rough calculation. Ms. O'Connor asked if that was for the entire tract. Mr. Kirkman responded it was for the entire 39.47 acres. Mr. Engle stated there are no conditions on this request and the Commission would have to look at this request from that perspective. Mr. Kirkman responded that was correct and the Commission would have to factor any types of uses that could be allowed.

Mr. Bryson asked if the apartments would only be on 7 acres. Bishop Starks responded the 7 acres is the allotted space for apartments. The other aspects for development would not be apartments. Bishop Starks stressed the church desired to be of assistance with the housing needs for over 4,000 units of housing within Greensboro. It is not the desire of the church to develop any more of the land for that purpose. Bishop Sparks felt that if assurances were given to the residents that it would be sufficient. The other space is reserved for the school and the church. There is no other space the church desires to allocate for anything else. Mr. Engle asked if it was correct that the entire 48 parcels were being rezoned as Office, not just the 7 acres. Bishop Sparks responded that was correct. Mr. Engle asked if there were any binding agreements with anyone to say that only the 7 acres would be developed. Bishop Sparks responded he has not done any binding agreements. Mr. Engle stated there is a traffic study for 60 units but he was hearing it may be 90 units. Zoning is only looking at land use and Mr. Engle was attempting to tie everything together. He noted this is a much denser zoning request than what is on some of the documents and the traffic study and asked what could potentially be built there. Bishop Sparks stated it was asked for the whole tract of land, what was the allowable number of units that could be placed on it. The 60 to 90 was mentioned in going up. Mr. Engle stated he understood and going forward there was a potential for another traffic study. Chair Holston inquired if there were additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston transitioned to those in opposition and advised of a combined total of 15 minutes to present the opposition. Luke Carter advised Avery Bernstein was the first.

Avery Bernstein, 1409 Glendale Drive, opposed the zoning request as it is a non-conditional request for 40 acres of Commercial-Office within a single family residential neighborhood, allowing any current or future owners to develop anything permitted under the O zoning on that property. Bishop Starks did send out the traffic study detailing his plans. Several questions were put forth such as to why not rezone the 9 acres or the front half of the property as they are two separate tracts. The neighborhood is requesting the zoning be denied because there are other alternatives such as the PUD instead of non-conditional rezoning. The neighborhood appreciated

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the plans set forth, but the plans have changed from the original stated plans. Ms. Bernstein thought there were over 30 Commercial Office uses that could be developed and 400 feet of her property line abuts this property. Ms. Bernstein is very concerned about an open ended Commercial-Office 40 acre parcel next to her home. Chair Holston inquired if there were any questions from the Commissioners for Ms. Bernstein. Hearing none, Chair Holston requested Mr. Moser to speak.

Ken Moser, 3911 South Holden Road, owns property backing up to the 40 acres being proposed and owns property on Memory Way toward the exit at the stop sign. Mr. Moser's biggest concern and opposition is the non-conditioned zoning. What could start out as 7 acres and something else happens with nothing in the guidelines that would stop it from expanding. There was a call with Bishop Starks who provided insight but no promises to that. Mr. Moser would feel better regarding the rezoning if there were conditions attached and only asking for 7 acres. Mr. Moser understood the road would be more of a secondary service road associated with the school and the church. Being a property owner of the land across the street, the water park had been approached regarding selling property to allow for an additional entrance and exit to the water park. It was said that because of the location that close to the bridge across from Memory Way, that they would not be granted an exit right there because of concern turning into traffic heading towards Interstate 85. The property on the left is owned by the State and not able to expand. A lot of traffic cannot be placed on Memory Way. Having 60 to 90 units, plus a church and a school and the full 40 acres of rezoned for Office/Multi-family, there would be more traffic if the apartment complex is expanded to the entire property. Mr. Moser understood there is no intention for expansion but noted there was also no contract. Having no contract is Mr. Moser's concern regarding the rezoning. Chair Holston inquired if there were questions for Mr. Moser. Hearing none, Chair Holston inquired if there was anyone else to speak in opposition. Mr. Carter advised Ms. Williamson is signed in under Ms. Bernstein's account and would like to speak.

Mali Williamson, 1407 Glendale Drive, stated her concern is the lack of conditions on the proposal and felt completely uncomfortable and uncertain of what will happen on the lot. From the conversation held in August and the conversation with Bishop Starks a week prior, there was to be a short construction period to a 5 year plan. A digital map was displayed by Bishop Starks of the apartments. She did not see a service road next door to the property and thought there was only one entrance to the apartments and the church and school, not an additional service road. Ms. Williamson would like to have conditions placed as it is fearful hearing there could be 60 to 90 apartments that would be 2 or 3 stories right outside of her master bedroom. In August it appeared the apartments would be more on the northeast portion of the lot and they are now expanding across Glendale Drive. Ms. Williamson was trying to clarify what she was reading and seeing. Chair Holston inquired if there were any questions for Ms. Williamson from the Commissioners. Chair Holston inquired if there was anyone else to speak in opposition to the request. Hearing none, Chair Holston stated the applicant and opposition would now each have a combined 5 minutes for rebuttal and questions.

Bishop Starks stated the concern regarding the apartments stretching across the entirety of Glendale Drive was incorrect. The original document was gray-scaled. Bishop Starks stated the tree buffering was there to create distance between the residents and the proposed construction. Ms. Williamson lives in 1407 Glendale and Ms. Bernstein lives in 1409 Glendale. Residence number 1405 is closest to the proposed rezoning property that the church owns and there is a residence in-between both of those residents and the proposed construction. Mr. Engle asked if 1405 Glendale was the house that was part of the rezoning. Bishop Starks responded it was. Mr. Engle asked if there were no plans then to tear the house down at all. Bishop Starks stated there were no plans

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currently. To the left of the house is where the apartments would be. There is a resident in the home and there are no plans for it to be removed. Bishop Starks understood the desire for conditions and is not insensitive to their concerns. In terms of the concerns regarding traffic on Memory Way, Bishop Starks doubted the project proposed would compare to the volume of traffic that Wet and Wild may produce. Chair Holston requested clarification on the single family residences, and would they be zoned Office along with the rest of the tract. Bishop Starks responded the way the application is structured, that was correct. Chair Holston stated one of the homes was coming down and asked if a decision had been made. Bishop Starks responded a decision has not been made. Chair Holston asked if the 1405 Glendale residence was a buffer, so to speak, and adjacent to Ms. Williamson's home. Bishop Starks responded that was correct. Chair Holston asked if the service road shown on the illustrative drawing was on the digital image that Ms. Williamson saw but was in gray scale and may not have been as visible. Bishop Starks responded that was correct.

Chair Holston asked in if the Bishop would have used conditions or not to avoid concerns. Bishop Starks responded he did not anticipate this request being a concern of the residents in the way it has been presented. Bishop Starks stated in hindsight, he would have tried to accommodate those concerns. Bishop Starks stated he gave the residents his word they are not looking to build 423 housing units. He did not go with conditions as he did not think it was necessary and in speaking with city staff, conditions did not come up. Chair Holston asked if there were additional questions for Bishop Starks from the Commissioners. Mr. Rosa asked now that it is known it is an issue with the residents, was he willing to place conditions on it. Bishop Starks stated he was told in order to change he would start back at zero and was not comfortable starting at zero. Chair Holston inquired if there were additional questions from the Commissioners. Mr. Trapp asked if staff would address Bishop Starks comment that he would have to start from the zero to add conditions as he did not think that was the case. Mr. Kirkman responded it would be a new application to go from a straight zoning request to a conditional zoning request. If you start with a conditioned application, it can be continued to be adjusted. But to go from a straight zoning request to a conditional would require withdrawing the current application and then refile as a conditional application. Mr. Engle asked if an application was done tomorrow, when would it be heard by the Commission. Mr. Kirkman responded at this point it would not be heard until the November Zoning Commission hearing. Mr. Engle asked if someone were to be unhappy with the decision of the Commission at this meeting, either the applicant or the opposition, it could be appealed to City Council and drag out until at least October. Mr. Kirkman advised if someone appealed the decision, it would go automatically to the City Council at their October 20, 2020 meeting. Chair Holston inquired of additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston moved to those speaking in opposition for a combined 5 minute total for rebuttal.

Mr. Moser stated one of the points Ms. Williamson made was an image shown last week that did not include the service entrance to left of the subject property. That was a concern as it did appear to be the entire stretch of the property going across and only one entrance. A comment regarding Wet and Wild traffic was associated with if you expand the zoning to go to the entire tract, the traffic pattern would be too heavy for Glendale. The other exit strategy would be Memory Way. No study has been conducted. Mr. Moser stated the additional traffic was something he wanted to bring to Mr. Engle's attention as it impacted a decision in trying to sell the property across the street. Whether it is the same traffic flow of an exit strategy of Wet and Wild, if it's dangerous for them, and would be dangerous for putting more traffic on Memory Way as an exit strategy. Mr. Moser stated in this not about Bishop Stark's word. Mr. Moser believed what had been said and believed it was

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not an attempt to mislead anyone. Mr. Moser did not think Bishop Starks could say 5 years ago the plan was to put a 7 acre multi-family apartment complex right there. In the last meeting, there was a request was for a continuance and it was stated they were comfortable where they were at and could be there another 5 years. A lot can change in 5 years. Mr. Moser reiterated he would be in opposition and would appeal any decision made that would move forward with the entire property being rezoned when he heard Bishop Starks say the intention is 7 acres. Mr. Moser stated a contractual agreement of 7 acres would satisfy him.

Avery Bernstein quoted Bishop Starks statement of "this is all we are going to be doing". Most people in the present climate would make sure it is in writing and read what you are signing. The concern is this is not in writing and is an open-ended commercial office rezoning of 40 acres in the middle of a single-family residential neighborhood. Ms. Bernstein reviewed screen shots that she had of the digital copy regarding the apartments by Bishop Starks. It was zoomed in and all that was shown were the tree buffers. There was no picture of the side road. Ms. Bernstein stated her property is a strange cut and even though Ms. Williamson is her next door neighbor, between them are the Sanchezes; who are the renters at 1405 Glendale. Ms. Bernstein's property cuts around Ms. Williamson and so she is a direct property neighbor and is concerned where the service road would be along her property line and where the buffer would be. On numerous occasions, Ms. Bernstein asked city staff for buffers and a bigger plan. It comes back things can go sideways in the world that would have nothing to do with Bishop Starks intentions. There is a 39.47 acre parcel of commercial office zoned property next to her home. No matter what his intentions are, once this is rezoned it is fair game unless there would be a binding agreement such as PUD or conditions. That is the biggest concern.

Mali Williamson stated the screen shot indicates the corner of the lot where it angles off with the trees and a service road is not shown. The actual location of the apartments in reference to the lot has not been shown. Ms. Williamson would like to see the entire lot. If the Sanchez's will stay or not stay. Ms. Williamson appreciated the tree buffer but there is still a concern in not knowing what will happen to the rental home. Ms. Williamson's biggest concerns were where the service road will be located, how close will it be to the property line, and the lack of conditions. Chair Holston inquired if there were any questions from the Commissioners for the last 3 opposition rebuttal speakers. Hearing none, Chair Holston closed the public portion of the case and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a compatible scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of nearby uses. The proposed Office zoning district permits a variety of moderate intensity uses that are compatible with uses in the surrounding areas. Staff recommended approval of the rezoning request.

Chair Holston asked if the Commissioners had discussion or questions. Mr. Engle stated he had no doubt of Bishop Starks' honor and word. It appears that some of the vision had changed since owning this land and is their right to change. The Zoning Commission has to balance the rights of the surrounding property owners. There is a transition where the single-family home is located currently. If Mr. Engle had a proposal now that was a conditioned Office proposal, with the number of apartments planned and the other two uses, he would not have issues supporting it. That is not what is before the Commissioners. There are legitimate concerns regarding density, especially given the fact that the uses currently of 7 acres for apartments and add in another 20 acres for the other two uses and generously put in 3 acres for buffering That leaves 10 acres at some point that will

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not be disturbed in this process. The community needs to have some input at some point if it becomes denser than right now. Zoning would give that to most, if not all communities, in the Greensboro area and is why the Zoning process exists. Mr. Engle cannot support this request but was willing to support more density. Mr. Trapp stated it would be cleaner with conditions and he would like to see conditions. The one thing taken away from the staff report that states "The subject site's location is adjacent to two highways in the presence of industrial and heavy commercial zoning further to the west along Holden and support this request as a good transition with the immediate adjacent low intensity residential units". Mr. Trapp stated that statement and introducing new housing options in this area also provides support to the larger commercial and industrial areas and outweighed any of his concerns, to include staff did recommend approval of the Office Zoning request. Mr. Trapp stated he was in support of the rezoning. Conditions would have made it much easier and simpler.

Chair Holston inquired if there were any other Commissioners wishing to speak. Mr. Trapp offered to make a motion. Mr. Trapp moved in regard to agenda item Z-20-08-001, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 4019-R2 South Holden Road and 1311 Glendale Road from CD-PI (Conditional District-Public and Institutional) to O (Office) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of existing, adjacent uses. The proposed O zoning district permits uses that are compatible with uses present in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Alford. The Commission voted 4-4. (Ayes: Trapp, Bryson, Alford, and Jones. Nays: Chair Holston, Rosa, O'Connor, and Engle). Ms. Jones stated in accordance with the Land Development Ordinance the tie vote constitutes a denial, which may be appealed. Chair Holston stated zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals would be subject to a public hearing at the October 20, 2020 City Council Meeting.

**NEW BUSINESS:**

**Z-20-09-001 & PL(P)-20-12: An annexation and original zoning from County AG (Agricultural) to City R-5 (Residential Single Family-5) for the properties identified as 2126 and 2146 Scott Road, generally described as south of Scott Road and west of Summit Avenue (47.76 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman noted the Commission will be asked to make two motions on this particular item. One to recommend for or against the annexation of the property into the City's jurisdiction. The second to establish the original zoning as presented by the applicant to R-5. Mr. Kirkman stated there are no conditions with this request. Chair Holston inquired if there were any questions from the Commissioners. Hearing none, Chair Holston advised there would be a total of 15 minutes for the applicant and those in favor. Chair Holston requested the applicant to state their name, address, and their case.

Bob Dunston, on behalf of Charter Development Company, a subsidiary of National Heritage Academies, also introduced Dillion Smith, Civil Engineer with Valentine and Associates and Aimee Giacherio, Civil Traffic Engineer, with Wade Trim who may assist with any questions. Mr. Dunston stated they are in the process of



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zoning the 47 acre property into the City of Greensboro. The intent was to build a K-8 charter public school on the western half of the site. Mr. Dunston stated this is a family property consisting of the Sheehy family and the McCuiston family. There are 3 family members that still have properties adjacent to these two pieces. Mr. Dunston showed a rendering of the site and stated the blue line indicated buffers that are protected wetlands. He added the Army Corps of Engineers had been to the property and there are approximately 31 acres buildable out of 47 acres. Mr. Dunston advised there is approximately 800 feet off of Scott Road which slopes down to Summit Creek in the back of the property. He noted the physical building will be a single story ranch school and would be several feet away from their closest neighbor. Mr. Dunston advised they were engaged by the Summit Creek Charter School Board to build another K-8 and there are 3 other K-8 schools in the City of Greensboro; Greensboro Academy, Summerfield, and Gate City. This property has the right combination of highway access and the new Urban Loop and will be very accessible. The charter application for the school has been approved by the State Board of Education. The Charter Development Company has had a long standing relationship with some of the members.

Multiple comments have been received from TRC and have been addressed along the way. A TIA was submitted. One of the questions asked was from a zoning standpoint and after discussing it with staff, it was thought bringing it into the city under an R-5 was the lowest intensity use and married up with the Future Land Use. This particular site had a lot of positive attributes they wanted for the school. Approximately half of the site is still heavily wooded. City Services are nearby the site and the water main is located to the north and east and the public water system will be extended down Scott Road to service the school. They will have to partner up with PPW and have the water main installed. A sanitary line runs up the back of Summit Creek. Interaction was had with a few neighbors who called after the notifications were sent. Between Bob McCuiston and Mr. Dunston, there were approximately 6 calls clarifying if it would actually be a school. All the Charter Development Company does is build and operate schools. Chair Holston inquired if any of the Commissioners had questions for Mr. Dunston. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston asked if there was anyone to speak in opposition to the request.

Sherry Godfrey, 2162 Scott Road, stated the neighborhood is excited about the possibility of a charter school on their road. However, there were concerns regarding traffic as it already feels like the Indianapolis 500 and is used as a cut through road from Lees Chapel to Summit Avenue back and forth all day. Both 2162 and 2162A are on Scott Road where cars are coming out of the curve on Scott Road. Mr. Engle asked staff if a school were placed there, would it necessitate a school zone through GDOT. Something so the speed limit is lowered to 25 MPH or 35 MPH during school time. Mr. Tipton responded it would be requested by the school once it is there and based on population as far as only signage or flashers and those type of things. Mr. Engle asked if there was no school and it was built out to be something of a residential use, that would not necessitate a school zone. Mr. Tipton responded that was correct. Mr. Engle stated he was attempting to give the person speaking a potential to consider.

Ms. Godfrey stated there have almost been multiple accidents over the years because no one slows down coming out of the curve on Scott Road. Ms. Godfrey stated she did contact the City and asked if they would come and put a speed limit sign up so vehicles would slow down coming around the corner. A 35 MPH speed limit sign was placed directly in front of her home. There are soccer stadiums in spring, summer, and fall with a lot of traffic during those seasons. Ms. Godfrey asked if a study was done on increased traffic, how would it affect the residents. Mr. Tipton stated there has been a traffic study done and the applicant's consultant is

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present at this meeting and will be heard during the rebuttal. Ms. Godfrey asked if the annexation would be all of Scott Road. Mr. Engle stated the way the law works people have to petition to be annexed into the city. The applicants are looking at this from a utility standpoint to have access to city water. However, due to the current constraints of state law, the City cannot forcibly annex someone into the city. As a resident she would have to request to be annexed in. Ms. Godfrey was happy to hear that as they like their well water. Ms. Godfrey asked if homes would be built in that area as the letter spoke to single-family homes or only be a school built. Mr. Kirkman responded the request is to go to R-5, Residential Single Family and that zoning district allows both single family dwellings and the school use. Ms. Godfrey asked if the street would be widened, noting the homes at 2162 and 2162A in attempting to get out their driveways are in a bad way. The way people come around the curves is very unsafe and they do not slow down. Ms. Godfrey asked how they could be helped with that. Mr. Engle responded that was not this meeting and perhaps she could arrange to meet with Mr. Tipton of GDOT after the meeting and discuss the concerns regarding traffic. Mr. Engle stated once the school is put in, there would probably be a traffic zone that would have to be established. Chair Holston inquired if there was anyone else to speak in opposition to the request.

Leslie Branson, 2162A Scott Road, was opposed to additional traffic. Ms. Branson stated they take their lives in their hands just going to check the mail or driving to the grocery store. There have been several accidents at the curve coming down Scott Road. Ms. Branson asked if the school doesn't happen and it is rezoned, would houses go there. Ms. Branson was not opposed to the school but housing absolutely. Ms. Branson invited anyone to sit in her driveway to observe the traffic all day, every day. Chair Holston inquired if there were any questions for Ms. Branson. Mr. Engle asked staff if this was a city or county road and how would it be handled if this was annexed. Mr. Tipton responded this road was outside of the city currently. Mr. Tipton advised even when annexed, most of the road would be outside of the City and would be an NCDOT roadway until the city has both sides of the road. Chair Holston asked what the zoning around the property was. Mr. Kirkman responded it is a combination of Agriculture and RS-30, which is Residential Single Family. Mr. Engle stated there appears to be some conditional RM-12 in the area and asked if that was correct. Mr. Kirkman responded south and east of the site is property zoned CD-RM-12. Chair Holston stated it appeared some R-3 in the north east and some RM-12, Office, PI in the southeast. Chair Holston inquired if there were any additional comments from anyone wishing to speak in opposition to the request. Seeing none, Chair Holston inquired if the applicant wished to speak in rebuttal.

Mr. Dunston stated they always ask NCDOT to sign up for a school and help slow down speeding. In this case from a traffic standpoint, they are all NCDOT roads all the way through. Part of Lee Chapel Road is a city road. In front of the school where the entrance would be, the road would be widened and have a center turn lane. Mr. Dunston referred to a map indicating how the entrances would be for traffic. Ms. Aimee Giacherio, noted the picture depicted the frontage improvements and the intersection. Chair Holston inquired if there were questions for Mr. Dunston. Mr. Rosa asked if it does not become a school, would there be housing there. Mr. Dunston responded Charter Development Company does not build homes. Chair Holston asked if they would transfer that property to someone else who would build homes. Mr. Dunston responded it would not be a decision of his, it would be the Chairman and executive team. Mr. Dunston stated he has been with the company for 8 or 9 years and the company does not sell a lot of properties, especially those that are hard to find. This process started over a year ago looking for properties in this section of Greensboro to find the right site that would work. At this point, the company is not in the home building business. Chair Holston inquired if there were any

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additional rebuttal comments for those in favor of the request. Seeing none, Chair Holston inquired if there were any questions from the Commissioners. Seeing none, Chair Holston advised the opposition they had 5 minutes for rebuttal.

Ms. Branson stated she looked at the map where the road would be widened. Her concern is not in front of the school, it is on into the curve. MS. Branson would appreciate having signage placed in the curve as the signs in her mother-in-law's driveway did not help because no one can see their driveways from the curve. Ms. Branson stated her major concern is the curve and the traffic on their road. Chair Holston asked staff if this could be a conversation held later and those who are seeking relief on the roadway could have a conversation and share their thoughts. Mr. Tipton responded as far as widening the road or signage locations, that would be dealt with NCDOT and out of the Commission's purview. When the school is in place, the school zone may be done by the City but outside of that it will be NCDOT.

Ms. Branson asked how many students would attend the school. Chair Holston stated technically there are not conversations between the two parties and would have to come through the Commission. Ms. O'Connor asked how many students are anticipated to be enrolled. Mr. Dunston responded the application is 772 at full capacity. The school would open at K-5 and then in the following 2 years add a section and move to grades 6-7-8. Chair Holston inquired if there were additional comments. Ms. Branson asked if that would be roughly 500 additional cars on Scott Road a day. Mr. Tipton responded the traffic study addressed the am and pm peak hours and indicated an am peak hour of 929 total trips which would be arrival and drop off and count as 2 trips on that road. Chair Holston inquired if there were any additional comments, questions, or thoughts from the opposition rebuttal. Seeing none, Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's city wide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and maintains stable, attractive, and healthy places to live and raise families. The proposed R-5 request allows uses that are consistent with those existing in the surrounding area. Staff recommended approval of this request.

Chair Holston inquired if there were any thoughts or comments for a motion from the Commissioners. Mr. Engle stated he was comfortable with the request because of the RM-12 behind it. It's not on the same road but it is close enough to be consistent. There are no conditions, but given the amount of land that appears to be wetlands and otherwise, this is an appropriate amount of density for this plot of land and he is in favor of the request. Chair Holston inquired if other Commissioners had comments. Mr. Kirkman reminded the Commissioners a vote was needed on the annexation first and then the original zoning.

Mr. Engle made a recommendation to approve the annexation. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Mr. Engle stated that in regard to agenda item Z-20-09-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties located at 2126 and 2146 Scott Road from County AG (Agricultural) to City R-5 (Residential Single Family-5) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Lane Use map. The property proposed zoning change can accommodate a satisfactory transition to the existing scale and

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intensity of existing adjacent uses. The proposed City R-5 zoning district allows uses that fit the context of the surrounding areas. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal. Ms. Jones advised because this was an annexation, it will automatically go to City Council for final approval in October. The Commission was just making recommendations.

**Z-20-09-002 & PLP20-16: An annexation and original zoning request from County RS-40 (Residential Single Family) to City-R-3 (Residential Single Family-3) for the property identified as 1404 Youngs Mill Road, generally described as west of Young Mill Road and north of Waldrige Road, (1.66. acres). (Recommended Denial)**

Mr. Kirkman reviewed the zoning map for Z-20-09-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised Mr. Sosa was not logged in. Chair Holston inquired if there was anyone else wishing to speak in favor of this request. Mr. Kirkman stated the applicant does not have to be present for the zoning request but are encouraged to attend to answers questions and other things. Staff would attempt to provide the background on the request. Chair Holston asked Mr. Kirkman to provide any background he could and Mr. Carter to follow up with additional details.

Mr. Kirkman advised the request was to annex this piece of property to access City water and sewer services to the property to build a single family residence. Mr. Kirkman was unsure if the applicant intended to build more than one residence. The property could be subdivided for one additional lot but there would need to be a direct access and frontage to Youngs Mill Road. Mr. Kirkman stated it was his impression it was only intended to be one single family residence. Mr. Engle stated several people are in opposition and his challenge with remote meetings and no applicant was struggling to hear the case. Ms. Jones advised as Mr. Kirkman had stated, there is no requirement for the applicant to appear at the hearing but they do so at their own risk if there are questions by the Zoning Commission that cannot be adequately answered by staff. Mr. Engle noted if someone does have material things to offer in a case presented, Zoning is required to consider that at least 24 hours after the meeting. Ms. Jones responded that was correct. She added that this is a legislative hearing, consent to the remote meeting is not required as it would be in a quasi-judicial proceeding. Written comments may be submitted up to 24 hours after the public hearing. If comments are received, it is possible this request would come back to the Commission or those comments would be forwarded on to City Council, depending on the nature of the comments and whether or not it might constitute an appeal. Chair Holston advised he did not mind hearing the case since the applicant is not required to be present. Mr. Trapp stated he also had no problem hearing the case. Chair Holston requested Mr. Kirkman to continue with any information or if there were any questions.

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Chair Holston stated this is 1.66 acres and being zoned R-3 which is normally 3 plots per acre and inquired if there needed to be frontage? Mr. Kirkman stated when a new lot is created under single family residential zoning and called a subdivision, those lots have to have frontage and direct access on a public street. There is a minimum amount of frontage that must be done in the different zoning districts in order to create the lots. This lot is fairly deep, any lots created would have to have frontage on Youngs Mill Road and that would limit the potential for additional units on that property. Chair Holston asked how much frontage is there and what is the minimum per home. Mr. Carter advised when he ran the numbers, there was only enough road frontage for 2 lots. Mr. Kirkman stated in the R-3 district at least 75 feet of frontage is needed to create a new lot in that district. Chair Holston asked how much frontage this lot had. Mr. Kirkman advised staff did not have an exact figure. Chair Holston asked if it could be a flag lot on a standard lot or not. Mr. Kirkman stated every lot that is created now under the ordinance has to have the minimum lot frontage on the public streets. The option for the flag lot was taken out when the Land Development Ordinance was adopted in 2010 unless there are extreme circumstances with the lot that usually has to do with odd environmental constraints and more for the purposes of providing utilities or something else. Chair Holston asked if only one dwelling could be placed on the lot based on the frontage. Mr. Carter responded no. They have enough frontage to have two lots. It could look like a flag lot but would not be considered a flag lot because it has enough lot width to meet the minimum standards of the ordinance. Chair Holston asked if there was at least 150 feet of frontage. Mr. Carter responded that was correct and that he showed 170, enough to get two lots but not enough for three. Chair Holston asked if the houses could be stacked, one behind and one in front. Mr. Carter stated that would be one way or houses could be side by side. There are several different options available. Chair Holston asked if they were side by side in context to the neighborhood, would it be different than what is currently there. Mr. Kirkman stated when creating a lot in the R-3 district, there has to be a minimum of 10 feet on the side and 30 feet in the rear. Staff does not have the dimensions for the existing homes. If they meet those dimensions in setting up the lots and building houses, there could be several different configurations. Mr. Kirkman was not able to fully answer the question about what the existing context was from that level of specificity as staff does not have that information and was not sure if the applicant would have that information for what the existing use is. Mr. Engle asked if this was being done to hook to city utilities. Mr. Kirkman stated that was the purpose for this as they are asking for access to city services. By the City's water and sewer extension policy in order to get those, they have to be annexed into the city and if annexed have to establish some type of original city zoning. Chair Holston inquired if there was another designation that would be more expansive than R-3. Mr. Kirkman stated the R-3 district is the least intensive district. It has the largest minimum lot size and the largest side and rear setbacks of the residential single-family districts. Chair Holston inquired if anyone had questions for staff. Mr. Carter advised he had a survey of the lot. A survey was depicted that provided the lot dimensions. Given the lot width and the requirements for R-3 there was enough for two houses but not for three. Mr. Engle asked how deep it was. Mr. Carter stated 431 on the north side and 413 on the south side. Chair Holston stated it matched the other properties but there was only one structure on the other lots. Chair Holston inquired if there were any questions for Mr. Carter regarding the survey. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition and advised a total of up to 15 minutes was available.

Mr. O.J. Caldwell, 1406 Youngs Mill Road, stated his property adjoins the south lot. Mr. Caldwell stated Mr. Orland Pitman, who was with him, owns the property to the north addressed 1402 Youngs Mill Road. Mr.

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Caldwell stated the majority of the residents are in opposition to the rezoning. As a resident of Youngs Mill Road, Park Place, Hickory Tree Lane, and Candice Ridge Communities, he opposed the rezoning of 1404 Youngs Mill Road from County RS-40 to City R-3. Changing the zoning will change the character of the community. Currently there are spacious lots with no density. An R-3 zoning would change the density allowing three homes in that one small space. This request is completely out of character for the community and he asked the Zoning Commission to deny the request based on these points and the outpouring of the community. Youngs Mill Road is a very old and established community of folks who take great pride in their home ownership. Mr. Caldwell mentioned all of the neighbors who have lived there 40 to 50 plus years. Everyone in the community values the character of their community and want good neighbors. The neighborhood is not opposed to growth but do not want a developer to place something in their community and change the character of the community. Mr. Caldwell stated they have not heard anything regarding what the plan is. There are great concerns what the change of the zoning will do their properties and character of what is established.

Mr. Pitman, 1402 Youngs Mill Road, stated he appreciated the historical nature of the neighborhood and echoed the concerns spoken by Mr. Caldwell.

Mr. Lamar Rice, 1318 Waldridge Court, lives in front of Mr. Caldwell. To have someone build in that area right next to Mr. Caldwell is not the right thing to do. The value of the community would go down. Mr. Rice stated he and everyone on the street was opposed to the construction. Chair Holston inquired if there were questions for Mr. Rice. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed R-3 original zoning request allows uses present on adjacent properties. Staff recommended approval of the request.

Chair Holston stated in recognizing the applicant is not required to be at the meeting to present the case, this case has topics or issues that are not covered or need to be investigated more thoroughly and he was not able to support this request. Mr. Engle echoed Chair Holston and added a concern of his was no evidence of any outreach by the applicant. As a Zoning Commission they have always supported that and he was against the request. Mr. Engle stated he would make a motion unless someone else would like to. Ms. Jones advised community outreach is not required of the applicant. If they do it though, they are required to inform the Commission of that. Mr. Engle stated community outreach is strongly encouraged. Ms. O'Connor stated the Commission did not know of any other circumstances and was giving the applicant the benefit of doubt. When looking at the property across the street, it appeared this lot request would be similar to what is across the street in terms of lot size and having two houses possibly side by side or a different position. Ms. O'Connor stated knowing that this would be limited to two dwellings she was in favor. Mr. Engle inquired of staff if a road was built down the side of the property, could that happen and the 400 feet taken into account. Mr. Kirkman stated any road constructed would have to meet public street standards. Mr. Kirkman was unsure if there was enough space to make it work and how the access worked off of Young Mills to do that. Mr. Tipton stated there would have to be a public need for the street and then 26 feet is the minimum size; including rights of ways. Right of ways could go up to 40 feet. Mr. Kirkman advised the very minimum lot size in R-3 is 12,000 feet. If the

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applicant attempted to build a street, all of the right of way would be dedicated and the lots themselves would have to have enough depth to do that.

Mr. Trapp stated it is very difficult to surmise what the applicant is planning on doing without the applicant being here. He understood the applicant was not required to be there, but it is outside of the norm for the applicant not to be present in a situation such as this. Mr. Trapp would not be in favor. Mr. Engle stated what he has seen City Council do in situations like this is to continue the case. Chair Holston asked Ms. Jones if the annexation and the zoning are denied, what would happen. Ms. Jones responded the annexation would automatically go to City Council in October. Mr. Kirkman advised the Commission is only making a recommendation on both items. Mr. Engle made a motion to deny the annexation. Seconded by Mr. Rosa. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,).

Mr. Engle then moved that in regards to agenda item Z-20-09-002, the Greensboro Zoning Commission believes that its action to recommend denial of the original zoning request for the property described as 1404 Youngs Mill Road from County RS-40 (Residential Single Family) to City R-3 (Residential Single Family-3) to be consistent with the adopted GSO 2040 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 Comprehensive Plan's Future Built Form Map and Future Land Use map. The uses permitted within the proposed zoning district are not of a similar scale intensity, or off-site impact as existing nearby uses. The proposed City R-3 zoning district allows uses that do not fit the context of the surrounding area. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to neighbors and surrounding community and denial is in the public interest. Seconded by Mr. Trapp. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,). Both the annexation and zoning constitute an unfavorable recommendation and is subject to a public hearing at the October 20, 2020, City Council Meeting.

At this point in the meeting a 10 minute break was taken.

**Z-20-09-004 & PLP-2017: An annexation and original zoning request from County RS-30 (Residential Single Family) to City-R-3 (Residential Single Family-3) for the property identified as 3443 Randleman Road, generally described as east of Randleman Road and north of Wolfetrail Road, (.67 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised this is an original zoning and no conditions are related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Alberto Rodriguez, 3449 Randleman Road, adjacent to the 3443 Randleman Road subject property. Mr. Rodriguez stated he would like to access the city utilities for an existing house. Mr. Rodriguez advised he has lived on the property for 27 years and the well system is drying up. Chair Holston inquired if there were questions for Mr. Rodriguez. Seeing none, Chair Holston inquired if there was anyone else wishing to speak in favor of the request.

Doug Lewis, 3443 Randleman Road, stated he was in favor of the request for annexation. There is city water currently to the property and they need city sewer. Mr. Lewis was glad to see it being annexed.

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Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public portion of the meeting and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. This request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of similar and intensity and offset impacts as these existing uses. The proposed R-3 zoning does allow uses that are present on adjacent properties. Staff recommended approval of the request.

Chair Holston inquired if there were questions for staff. Mr. Trapp then made a motion to approve the annexation of 3443 Randleman Road. Seconded by Mr. Engle. The Commission voted 8-0. (Ayes: Chair Holston, Jones, Trapp, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Mr. Trapp then stated in regards to agenda item Z-20-08-004, the Greensboro Zoning Commission believes that its action to recommend approval for the original zoning request for the property described as 3443 Randleman Road from County RS-30 (Residential Single Family) to City R-3 (Residential Single Family-3) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed City R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Engle. The Commission voted 8-0. (Ayes: Chair Holston, Bryson, Jones, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised both actions constituted a favorable recommendation and are subject to a public hearing at the October 20, 2020 City Council Meeting.

**Z-20-09-008: A rezoning request from CD-C-L (Conditional District Commercial Low) to LI (Light Industrial) for the property identified as 3110 North Church Street, generally described as east of North Church Street and north of Charles Street, (3.76 Acres). (Approved)**

Mr. Kirkman provided the zoning map for Z-20-09-008 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised it did not appear the applicant was present. Ms. Jones advised the Commission can take cases out of order and move on to another case and then see if Mr. Johnson enters the meeting later. It is the Commission's prerogative to change the order of the agenda. Chair Holston asked the Commissioners if the order should be changed. Ms. O'Connor stated the difference may be the applicant on the previous time was he was told he did not have to be present. Mr. Kirkman stated staff does not tell applicants they do not have to be present. Staff does say they understand if something comes up but would prefer the applicants to be present. Usually staff is advised of any issues but on these two items no communication has been received. Mr. Kirkman stated staff does not have any other information. It is up to the Commission on how to proceed but it did not appear there was any opposition to this request. Mr. Rosa stated he thought the application should go forward as was done with the previous application. The Commissioners agreed.



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Mr. Kirkman advised the request is to rezone from Conditional District Commercial Low (CD-C-L) to Light Industrial (LI) and is 3.76 acres located east of North Church Street and north of Charles Street. North of the request is zoned Conditional District Commercial Low and Light Industrial, east of the request is zoned Light Industrial, south and west of the request are zoned R-5 (Residential Single Family). The property is vacant. North of the request is undeveloped land and single family dwellings, east of the request is undeveloped land, a self-storage facility and an electrical substation further east. South of the request are single family dwellings and undeveloped land, west contains a single family dwelling, retail establishment and a religious assembly use. Mr. Kirkman provided pictures depicting the subject parcel and surrounding area and noted there were no conditions associated with the request. Chair Holston inquired if there were questions for city staff. Chair Holston inquired if Mr. Johnson joined the meeting. Mr. Carter advised he had not. Chair Holston inquired if there was any additional information from staff on this case. Mr. Kirkman stated he could provide some further information based on his conversations with the applicant. This property is a portion of a larger parcel. The eastern portion of the parcel is currently zoned Light Industrial. Part of this was zoned Light Industrial previously and was rezoned to the CD-C-L. At that point in time there was a discussion to have some type of a retail use which is why commercial zoning was needed. That use did not materialize. The owner has come to the city with plans for an industrial building for a wood working contractor which is allowed in the commercial low district and is requesting a zoning change to Light Industrial to allow that use. Chair Holston inquired if there was anyone else to speak in favor, support or to provide information about the case. Seeing none, Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public portion and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are compatible with existing uses on adjacent properties. The proposed LI request is adjacent to a node of existing Light Industrial uses and is designed to not cause negative impacts on adjacent residential property. Staff recommended approval of the request.

Chair Holston asked the Commissioners for comments, thoughts, or a motion. Mr. Rosa stated the only reason he was voting for this request is because there was no one here against it. Ms. O'Connor agreed. Mr. Bryson was voting against for the main reason no one appeared to support it. In looking at the questions on the report with number 5 stating "all the uses permitted within the proposed zoning district of a similar scale, intensity is off site impact as existing nearby uses." Mr. Bryson stated he lives in the area and this particular use is not consistent with this area. The area is vacant except for the flower shop, and residential housing in that area. Mr. Bryson was not in favor at this time. Mr. Engle stated someone did reach out to him to explain sort of what they were doing prior to this meeting and he felt comfortable as it is already inside the city and not voting on an annexation. The surrounding use is zoned the same way. The plan was to do retail use in conjunction with the light industrial use that was there which did not materialize and went back to the primary purpose of the property. Mr. Engle supported the request for that reason. Chair Holston inquired if there were any further comments from the Commissioners. Chair Holston requested a motion be made.

Ms. O'Connor stated in regard to agenda item Z-20-09-008, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property described as a portion of 3110 North Church Street from CD-C-L (Conditional District Commercial Low) to LI (Light Industrial) to be consistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public

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interest for the following reasons. The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LI zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Alford. The Commission voted 7-1. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Rosa, Engle, and Alford. Nays: Bryson). Chair Holston advised the approval constituted a final action. Anyone may appeal within 10 days. The appeal would be heard at the October 20, 2020 City Council Meeting. Seconded by Mr. Holston. All adjoining property owners will be notified of any such appeal.

**Z-20-09-010: A rezoning request from R-3 (Residential Single Family -3) to AG (Agricultural) for the property identified as 3630 Lewiston Road, generally described as east of Lewiston Road and south of Scarlet Haw Drive, (19.25 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicants to state their name, address, and present their case.

Susan Lambert, 5625 Francisco Drive, purchased the Lewiston Road property several years ago with the hopes of maintaining some green space in an area under a lot of rapid development. Ms. Lambert stated she is a fiber artist and aware of the superior quality of Alpaca fiber. Her intention was to have an Alpaca farm to promote the idea of local textile production on a small scale, similar to the farm to table idea but with textile production. Ms. Lambert's business partner is Melodi Fentress who will speak to their intentions with the land. Ms. Lambert stated they want to be a farm. There was a meeting with TRC with the result being they would need to request Agricultural zoning. They would like to start with a small herd of Alpacas to do fiber production and use the Alpacas as therapy animals on a limited basis, There is a program titled Alpaca Grams, a business where trained Alpacas can go to birthday parties and children's functions. She noted this was a good way to preserve the land and have good use of it at the same time. One of the considerations neighbors may have had when hearing about farms and animals is perhaps the smell. Alpaca manure has almost no odor whatsoever and is good for gardens. Ms. Lambert is hopeful Gate City Harvest will create a relationship with them to use the Alpaca manure. Ms. Lambert did not anticipate any additional traffic on Lewiston Road and her request fits well into the Greensboro's 2040 Plan.

Melodi Fentress, 3630 Lewiston Road, was not able to play a video, but did show a number slides to walk the Commission through the request and how the Alpaca farm would work. Mr. Engle asked how many Alpacas would be on the property. Ms. Fentress responded 7. Mr. Engle asked if there was any sort of regulation the city or state had with an Alpaca farm. Ms. Fentress stated there is no ordinance for Alpacas. They have submitted an ordinance determination to make it the same as sheep as Alpacas have the same fecal and urine output as sheep. Mr. Kirkman stated there are standards in the ordinance that speak to the distance from property lines for all agricultural operations and structures associated with agricultural operations. Mr. Engle stated one of the things spoken was about manure and being sensitive to that, asked what does the City's ordinance or State regulations state regarding storing any sort of runoff or otherwise. Ms. Fentress stated Alpacas generate 1.5% of

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their body weight in fecal outputs. The average Alpaca is approximately 200 lbs. so that equals about four pounds of poop a day. Seven Alpacas would create about 21 pounds a day which is less poop per day than one horse would produce. Alpaca poop is often referred to as black gold in the Alpaca community because it is such good fertilizer and sells for a lot of money. The intent is to use the Alpaca poop in their garden and sell some to local farms. Ms. Lambert advised there is no odor with Alpaca poop. It is pelletized and does not run off. The video presentation would show their site plan, the pasture lines, and that the barn and things are well within the requirements on the property lines. Mr. Kirkman stated Zoning defaults to the State and County in terms of health regulations and other things. There is not a local ordinance specifically for this use. The previous questions are not necessarily tied to a land use, but are more of an operational question. Mr. Engle was sensitive to the issues because of the types of livestock farming in North Carolina and the intensity of the residential uses around it. Ms. Lambert stated it would not smell like a pig farm.

Ms. Fentress then presented additional slides and stated this request was a step forward in implementing Greensboro's new unique multi-faceted GSO 2040 Plan which focuses on place making. When voting yes to rezone the Lewiston Road, the Commission would be voting yes to honoring the plan, creating jobs, environmental stewardship, sustainability, wild life preservation, supporting Greensboro's autistic community, and honor Greensboro's textile industry. Ms. Fentress indicated a large amount of development surrounding their property. Wildlife has been displaced and this land would be a good place for the animals to go. Concerns expressed with other development have been population density, overcrowding of schools, and displacement of wildlife. On the new future land map, this site is in the urban general place type allowing for mixed use areas and in the noise cone which allows non-residential types of development. TRC recommended agricultural rezoning. Looking into the 6 big ideas of the 2040 Greensboro Plan, the request fits into the unique character of their neighborhood. Ms. Fentress referred to the riding stables on Lewiston Road and stated another barn would fit into the area. She noted Alpaca Grams was already a business in Charlotte which has been purchased and would be moving to Greensboro. Ms. Fentress stated they would be providing the Triad area with mobile Alpaca therapy relieving their customers of the need to use cars. This property is registered as a certified wildlife habitat and they were part of the million pollinator garden challenge. Being agriculture promotes environmentally beneficial patterns of land use and preserving forestry in the area will help to balance the light pollution from the airport, surrounding activities and combat the urban heat island effect created by the airport. Ms. Fentress stated rezoning to AG supported her ability to start a business and generate much needed income for her family and provide a better future for Greensboro. Alpaca's are a Camelid species, they are not camels but within the same family and considered to one of the lowest risk species in North America agriculture with respect to potential human exposure to pathogens or bi-products of the animal waste. The species seem to be ideally suited to urban farm settings. Animal therapy will be provided to autistic individuals by autistic individuals. The prevalence rate of autism is higher than elsewhere in the nation. Ms. Fentress stated having this property rezoned to AG and getting the business going will pull her family out of poverty. Local fiber mills would be able to utilize the alpacas to process their fiber and commission local artists to create items for the online store.

Ms. Fentress distributed fliers on Hickory Ridge Road. An article was placed in the Northwest Observer. People in the neighborhood have stated they loved the idea. Emails were provided indicating support of the request. Ms. Fentress stated voting yes to rezone will be honoring the unique vision of the new Comprehensive Plan in

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creating jobs, lifting her family out of poverty, environmental stewardship, sustainability, preservation of wildlife, supporting Greensboro's autistic community, and honoring Greensboro rich textile history.

Chair Holston stated the presentation was very interesting and helpful and then asked if outreach was posted on the Next Door app. Ms. Fentress responded she did post it on Facebook with 145 likes. Chair Holston inquired if there were letters or door knocking. Ms. Fentress stated the emails shown were a result of a flyer that was put out. She did not knock on doors due to Covid but placed flyers on 60 to 75 homes in the Hickory Woods neighborhood with responses from people stating they wanted to join the Zoom meeting but was too late for some of them. Ms. Fentress reached out on Facebook and the New Door App. Chair Holston asked if 7 Alpacas were a small herd. Ms. Fentress replied 7 is a small herd regarding Alpacas. They are herd animals and have to be together and the Alpaca Owners Association recommends having no less than 3 Alpaca. They are very docile, quiet, they hum, stick together and will not escape. Ms. Lambert stated they visited an Alpaca farm located in a residential area in Lexington, surrounded by houses on every border of the property. Ms. Lambert thought there were 60 Alpacas at that location which was approximately 10 acres. Ms. Lambert stated they do not intend to have that large of a herd as it would be more than they could manage. Ms. Fentress stated they are purchasing, four of the Alpacas from Alpaca Gram who have been in training as therapy animals and are in the process of becoming USDA approved therapy animals. The focus is Alpaca therapy, fiber production and the Alpaca Gram for parties. Chair Holston asked how many Alpacas could be on the land. Ms. Lambert stated half of the land is heavily wooded and would be cost prohibitive to clear and turn it into pasture. It was originally a horse farm and there are two areas that are closer to Lewiston Road currently overgrown with small pine, shrubs, and other things, that would be easier to clear and return to a pasture. A picture was depicted showing the field on the left side of the house. Ms. Fentress stated they are considering growing lavender as the soil is not great but very good for lavender. The idea of fiber farming and fiber shed would include growing the plants used to dye the fiber in an ecofriendly way. There have been talks for that side of the property to be used for planting. Right of the property would be cleared and house the Alpacas. Chair Holston inquired if it would be open to the street and those passing by. Ms. Fentress responded it would be fenced. Chair Holston inquired if it was buffered at all. Ms. Fentress stated not with any vegetation but the fence will be a good distance off the street. On the right there is a large tree buffer between this property and the neighbor's property. Ms. Lambert stated Alpacas are valuable animals. Depending on the quality of their fiber, it could be up to \$30,000 for a single Alpaca. Alpacas need to be kept in their pasture and kept safe. Chair Holston inquired if there was anyone else wishing to speak in favor of the request.

Jeff Mills, 3404 Hickory Woods Court, stated he was very much in support of the request. There were a number of horse farms in the area which have become housing developments. Mr. Mills lived at this location before Proehlfic Park came to be. Going back to this area's agricultural roots is nothing but a good thing, particularly with these animals that are smaller, manageable, and very friendly. As the first house in the neighborhood and this site right up against his home, Mr. Mills was all for it.

Janet Mazzurco, 5443 Winters Way, supported the request, but was concerned about the lack of conditions. This would be an Alpaca farm but with no conditions that would keep it an Alpaca farm. If the business were to fail with the zoning Agricultural in the city, what uses would be allowed under City Agricultural on the 20 acres of land. From the report of the water resource review everything looks good but also appears that the water runoff discharges directly into Horse Pen Creek and the northwest Greensboro water There are problems currently that are being managed with PFAs contamination and asked if the Alpaca farm would have any impact on the

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watershed. Ms. Mazzurco asked if there would be more TRC to go through as this request works through the process. Mr. Kirkman responded Agricultural zoning allows a variety of agricultural uses and would include growing crops, raising animals and all of the associated activities that would go with that and the storage of materials associated with those things. It is a broad category of agricultural development in the AG district. Mr. Kirkman was unable to speak to the water runoff question as there was no one from Water Resources present. Part of this will default more to the State. Ms. Fentress had stated during the TRC meeting it will be classified as a bona fide farm and some of the local regulations would not apply in that scenario. What will be built and how it is tied to the use of a bona fide farm would determine if TRC would become involved as it kicks in some of the local regulations out and would also go to county health and state level of regulations. Ms. Fentress stated this will be an all organic farm and will not be using any chemicals. There would not be any chemical runoff into the watershed. They are all about environmental protection and ensuring everything will be done for the environment. Ms. Lambert stated if the Alpaca farm fails, she receives calls at least once a month from developers asking if she would be interested in selling the parcel on Lewiston Road. The likelihood that someone would come along and buy that land with a different type of farm is unlikely. If the property were to become a different use, it would probably go to residential development as that makes more economic sense. It would perhaps be a better value for the land in dollar sense. Enriching the community and the national environment. Their choice is for an Alpaca farm as the better one.

Chair Holston asked if the question on the TRC was answered. Ms. Fentress stated they went through TRC. There was a lot of confusion and miscommunication initially because TRC thought they were starting a big commercial farm operation. The Alpaca Farm is a family farm. It will have a business aspect but all of the business would happen off site with the mobile Alpaca therapy and mobile Alpaca Grams. The public will not be allowed on the property. TRC concluded that since it will be a bona fide farm and not having the public on the property, there was no need for implementation of anything in the TRC review but they would review if that were to happen in the future. Ultimately doing that would go against the environmental stewardship. Ms. Lambert purchased this land for her children to inherit and it would be part of her legacy. This land would be kept clean, support wild life, and will have a few Alpacas for a fiber family farm. Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request.

Janet Mazzurco, stated she was also in opposition but would like to work it out. Ms. Mazzurco was concerned regarding conditions looking to the future. If it failed as Alpaca farm, what conditions could be imposed ensuring there would be another Alpaca farm or something more palatable. Ms. Mazzurco stated she lives next to the only other bona fide farm in the city of Greensboro and the City has basically no jurisdiction over that farm. The farm is regulated by the State and the county, but the county does not have jurisdiction when it comes down to it. There have been challenges over the years working with that property owner. The lack of conditions is a big concern for a lot of people in the northwest Greensboro area. Ms. Mazzurco supported the applicants and their business venture but without conditions it was troublesome. Ms. Fentress asked where did Ms. Mazzurco live and where that was in relation to the where their farm is. Ms. Mazzurco provided her address and advised where she was in relation to the farm. Mr. Engle advised Ms. Fentress that typically the Commission does not allow those in support and those in opposition to speak in both segments. This is all new for everyone, especially to have someone with experience speaking on both sides of an issue. Chair Holston asked Mr. Mills if he was in opposition.

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Mr. Mills responded he was not in opposition, and stated it was worth noting when he first moved to the area, the land was not overgrown, and it was vacant. The previous owners used it to ride four wheelers and that type of thing, which was more offensive than what the Alpacas will be. Chair Holston inquired if there was anyone else to speak in opposition to the request. Hearing none, Chair Holston advised the applicants or anyone else had a total of 5 minutes in rebuttal. Ms. Fentress stated in speaking to Ms. Mazzurco she understood the concern regarding what would happen if the Alpaca farm failed. Ms. Lambert stated they would not engage in something that they thought may fail. As everyone had seen within this past year, there are no guarantees. Ms. Lambert stated she could not imagine that someone would want to create a large farming operation with that land. Ms. Lambert did not know what the options are as far as placing conditions and restrictions about different types of farming such as large cattle, horses, pigs like that could be obnoxious to other residents in the area. Ms. Lambert stated she is open to conditions because their only interest is raising the Alpacas for fiber and as long as that would not be restricted, she did not see why there could not be a good way to please everyone. Chair Holston asked if Ms. Lambert was saying she would be open to conditions. Mr. Kirkman stated this is a straight zoning request and conditions are not applicable. Mr. Kirkman advised this was getting into a question of operation versus use and Zoning is not designed to address operation questions. Ms. Lambert stated the Alpaca industry is not a hugely profitable industry. That is why there is not one everywhere. There are tight margins to be successful as a business with that and having the agricultural zoning will help them with some of the taxing and things like that which would give them a better shot at being successful. Chair Holston inquired if there were any additional comments for those wishing to speak in favor of the request. Ms. Fentress asked the Commission to consider that Ms. Lambert purchased this land for her children to inherit and the likelihood of anyone trying to do anything other than the Alpaca farm on this property in the next 20 years is slim to none. Chair Holston inquired if there were any questions from the Commissioners. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition in rebuttal. Ms. Mazzurco asked staff if they could connect her with the applicants to get together and perhaps work through this a little bit. Ms. Fentress was in agreement. Chair Holston inquired if there was anyone else to speak in opposition. Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed AG zoning would allow uses that compliment those found on adjacent properties. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle advised the applicants they did a great job on their presentation and requested them to work with Ms. Mazzurco as he believed it was a win/win for what they are doing.

Ms. O'Connor stated in regard to agenda item Z-20-09-010, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described as 3630 Lewiston Road from R-3 (Residential Single Family-3) to AG (Agricultural) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed AG zoning district allows uses that are complimentary to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will

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benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Bryson, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal within 10 days. All such appeals will be subject to a public hearing at October 20, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-012: A rezoning request from R-3 (Residential Single Family-3) and LI (Light Industrial) to CD-LI (Conditional District Light Industrial) for the properties identified as 3316 near 3400, 3400YY, 3402, 3404, 3406, 3408, 3410, and 3414 Sandy Ridge Road, generally described as east of Sandy Ridge Road and south of West Market Street, (10.52 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and to present their case.

Amanda Hodierne, 804 Green Valley Road, attorney on behalf of the property owners and applicant Distribution Corporation, TCP Triad Drive, LLC and Little Santee, Sandy Ridge, LLC. Ms. Hodierne introduced two principals from the property owner group, Mr. AB Henley and Mr. Tom Townes. Ms. Hodierne stated through various entities the owner group operates numerous soft industrial or flex space uses across the Triad and many single tenant buildings. Ms. Hodierne referred to slides indicating the zoning map just presented by staff. This request is to square off the property owned by her clients into one uniform zoning designation. There is both R-3 and LI zoning because there are not only multiple parcels but also split zoning and old conditions that need to be cleaned up. The clients have developed and operated properties along Triad Drive, south of this site, for many years. They began putting together this particular assemblage about 16 years ago, bounded by West Market Street to the north, Sandy Ridge Road west and extends over to Little Santee Road on the east. Acquiring the 6 residential properties shown on the front of Sandy Ridge Road was the last piece of the puzzle and the owners closed on the last of those properties last year. Owners are looking to clean up the district that will appropriately capture the highest and best use for this property. Given the zoning pattern and the other surrounding uses of the area, Light Industrial is an appropriate district. This corridor is mostly industrial. There is easy access from the site to I-40 to go to all points east and west and plays a crucial role in why this corridor has developed into such an industrial pattern. A slide was shown depicting business types within the area such as heavy equipment, trucking type users, large distribution operations, and chemical manufacturers. What was not shown on the image because it is older is the newly developed use that her clients sold and developed to Professional Trailer Repair. A photograph looking south from the intersection of West Market Street down Sandy Ridge Road depicted their property to the left. Facing their property across on Sandy Ridge Road is the breath and intensity of the industrial use which is a manufacturing facility. Ms. Hodierne walked the Commissioners through a slide which indicated the appropriate use for the subject property assemblage is also industrial. Light Industrial captures all of the use types that would best serve this high profile corner which could house distributors, warehouses, manufacturing type users and would allow for the opportunity for all of the supporting type uses that an employment center would need. Light Industrial allows for daycare centers, restaurants, and office users. A conditional use has been applied for to prohibit the permitted use of amusement parks, water parks,

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and fairgrounds as those uses were not in keeping with the nature of the industrial corridor. If this request is approved, the unified zoning district of CD-LI for this assemblage will allow for the orderly and comprehensive development of the soft industrial flex space type user or a group of users that are compatible with the surrounding area and take full advantage of the strong transportation network in this location.

Ms. Hoderne noted that letters were sent to all of the property owners within 600 feet of the subject property. There was one response from Mr. Rodney Rice, who has a residential property to the south. Mr. Rice raised an issue in regards to storm water and drainage. Storm water management is an important consideration in development but not typically an aspect that would be discussed at this land use evaluation stage of the process. It will be fully scrutinized as one of the main components of the city's TRC review process and any eventual site plan would have to go through that process. It is a recorded plat and a recorded drainage with a pond maintenance agreement that contemplates a multi-parcel storm water facility indicated on the slide. In the middle of the plat there was a separate parcel for the storm water detention facility. It was put into the ownership of the Little Santee property Owners Association and in the recorded declaration governs the co-ownership of that facility and the maintenance and all of those things. This was contemplated, designed, and installed to handle this entire assemblage her clients put together. They did it because the Professional Trailer Repair site was developing and they wanted to think about this in the beginning instead of piece meal and ad hoc for each property that would come in. It has been in place for approximately a year. Ms. Hoderne indicated on a slide where the storm water pond was located and stated this was the best management practice for the treatment of quality and quantity of storm water generated by development back to a pre-development rate and then releases that from the pond at a flow that mimics the flow from before the site was developed. The pond does drain into a drainage channel that was pre-existing and does eventually traverse the Rice property but because of the pond facility, the flow into that channel is not any different that it was prior to development. When any further site plans come in as this site develops, calculations and engineering that show how this site drains to that facility and how that facility functions to manage the storm water would all be part of the TRC process that the city's water resources department looks at during the TRC process. Ms. Hoderne stated this request is very reasonable and logical at this location and will clear the way for this property to reach its highest and best use. Ms. Hoderne inquired if Mr. Townes or Mr. Henley wished to speak.

A.B. Henley, 1219 Westwood Avenue, High Point, stated Ms. Hoderne did a good job summarizing their request. Mr. Henley added since the letters have gone out, there have been phone calls with neighbors mainly regarding what was going to be done and what would be there. All the calls were favorable. The letter received from Mr. Rice came to him out of left field and he did not know how to best respond, if at all. One of the comments in the letter in his mind somewhat disparaged some of the small wood frame residential homes. There are six in total along Sandy Ridge Road, 3400 to 3410 Sandy Ridge and Ms. Rice disparaged them as low income housing. Mr. Henley give a shout out to the Greensboro and Colfax Fire Departments. They have been working with them pre Covid on the notion of 3 of the houses being used to do fire department training, particularly through the GTCC program and now have a calendar date to do that at 3402, 3404, and 3406. The folks at Greensboro kicked it off and delegated Mr. Henley to GTCC and Colfax have been great to work with. Mr. Henley stated our men in uniform need shout outs as often as possible.

Chair Holston inquired if there were any questions from the Commissioners for Mr. Henley. Seeing none, Chair Holston inquired if Mr. Townes was going to speak.



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Mr. Tom Townes, 801 Sunset Drive, business partner of Mr. Henley. Mr. Townes did not have any further remarks, but was available to address any questions that arose. Chair Holston inquired if the Commissioners had any questions. Seeing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Hearing none, Chair Holston closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and the Western Area Plan designates this site as West Market Street Village, Commercial Mixed-Use Planning area. The request is consistent with the Comprehensive Plan because the use is permitted within this district and are of a similar scale and intensity and offsets the impact as existing nearby used. The proposed CD-LI zoning request is consistent with surrounding uses, mostly zoned both LI and HI and allows for the continued use in the future expansion of existing industrial uses on the portion of this property that is already zoned LI. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any questions, thoughts or discussion. Mr. Engle stated he had a motion if Chair Holston would like for him to make it. Chair Holston asked if any of the Commissioners had any comments before the motion. Hearing none, Chair Holston advised Mr. Engle to proceed. Mr. Engle stated in regard to agenda item Z-20-09-012, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties located as 3400, 3400YY, 3402, 3404, 3406, 3408, 3410, and 3414 Sandy Ridge Road and 3316 near Sandy Ridge Road from R-3 (Residential Single Family-3 and LI (light Industrial) to CD-LI (Conditional District Light Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested CD-LI district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal within 10 days. All such appeals will be subject to a public hearing at the October 20, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

A five minute break was taken at this point in the meeting.

Upon return from the break Chair Holston thanked everyone for staying with the meeting and noted there are not normally 10 or 11 cases. It is an unusual evening with a lot of discussion and he appreciated all that have stayed and they would attempt to as efficient and as they possible can be for the cases going forward.

**Z-20-09-014: A rezoning request from R-7 (Residential Single Family-7) to CD-O (Conditional District Office) for the property identified as 201 Leftwich Street, generally described as north of Leftwich Street and east of Magnolia Street, (16. Acres). (Denied)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any

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questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Stephen E. Robertson, 201 Leftwich Street, presented a slide presentation depicting the home Mr. Robertson lived in and also functioned as a law office. Mr. Robertson did not originally intend to have his law office at the home but down sized and started his practice from his home. The plan was to maintain the historic character of Fisher Park and he had his business sign custom made to fit in with the character of the neighborhood. Mr. Robertson stated he does family law, domestic violence victims, child custody, child support cases, and some guardian work. There is a staff of two, a paralegal and a legal assistant. An intern worked with him over the summer. There is never more than 5 people in the office at any one time. Zoning on the property should be conditioned on use only for an office and specifically a law office or a residence. Mr. Robertson stated his home is one of the two nicest homes on Leftwich Street that he would like to keep in his family and to continue to operate the law office at this site. Anyone could rezone it in the future, but as long as this Conditional Zoning attaches, it cannot be used for other uses. Mr. Robertson stated the rezoning would not change anything. The driveway can fit 4 vehicles and there have never been more than 2 client vehicles on the street at one time. Client interactions have been remote even before the pandemic. Zoom meetings are held with clients frequently. The flow of people and traffic should not change. Mr. Robertson stated as long as he lives on this property, he can operate his office from the property. Mr. Robertson stated he attended a Historic Commission meeting to advise of the plans and the proposed use was approved by the Historic Commission. The slide presentation currently displayed was sent out to approximately 80 of the neighbors. Mostly positive feedback was received from all but one of his immediate neighbors and received emails from other parties, one being Sanctuary House who was in support of the proposal and advised some of their residents could benefit from their work in guardianship. Mr. Robertson asked for approval of the zoning from the Commissioners.

Mr. Engle asked Mr. Robertson to speak regarding parking given how narrow Leftwich is. The one law office Mr. Engle has seen is off of Church Street and with parking behind their building. Mr. Robertson stated the house is 1900 square feet, with 3 bedrooms, two of which are very small. There is no room for a larger law practice in the house. The lot is .19 acres and there is no place to make a parking lot. The car could be driven down the driveway into the back yard to park but is not practical. The only empirical evidence regarding parking is that in two years, Mr. Robertson has had zero complaints and did not anticipate any parking problems in the future. Mr. Robertson has not had any issues on his own and did not anticipate any parking problems in the future. Chair Holston asked if the no more than 5 people in the office at one time were employees or clients. Mr. Robertson responded it would be 5 total people. Two staff members, himself and clients. There is no waiting room. Clients are not booked to overlap and not many clients actually come to the office. They did not before the pandemic and certainly not since the pandemic. Chair Holston asked if when the clients come now, if they park on the street if available. Mr. Robertson responded that was correct. Chair Holston asked if that was also in the driveway. Mr. Robertson responded the driveway may or may not be available. As a practical matter, sometimes the driveway is available and sometimes not. Chair Holston inquired if there were any other questions for the applicant. Ms. O'Connor asked if the applicant had guidelines or restrictions that would need to be followed to convert it to office use if rezoned to office and was there anything that would restrict him from affiliating more attorneys, particularly if no longer living there. Mr. Robertson responded he had another attorney working with him and could affiliate another attorney but the house would not accommodate more than 2 attorneys. Ms. O'Connor asked if there would be handicap access. Mr. Robertson has had preliminary discussions with Tom

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Monroe, an architect, who provided guidance on what may be necessary by way of accessibility. The front door and a bathroom door would probably need to be reframed. The threshold would be 0 and a ramp accommodation likely built. There have been preliminary discussions but expected to be able to meet all ADA accessibility requirements. Mr. Robertson stated he was told by TRC he would need to perform measurements on load bearing for the upstairs portion of the house. Chair Holston inquired if there were other questions from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston advised to move to the opposition and stated Jim Halsch, Cheryl Pratt, Marsh Prause, Megan Callahan, Tim Hyde, and Barbara Maddox would speak in that order and had a combined 15 minutes to divide. Chair Holston requested the speakers to provide their name and address.

Jim Halsch, 812 Elm Street, Board President of the Fisher Park Neighborhood Association, stated the Board opposes the rezoning application for 201 Leftwich Street and it would set a dangerous precedent allowing any area home owner to change from residential zoning to conditional district office zoning. The Fisher Park Board met virtually with Mr. Robertson in August to discuss the rezoning request. Neither Mr. Robertson nor any Board member could identify a single reason that this rezoning would be beneficial to Fisher Park or Greensboro. Mr. Robertson stated he recently rebranded his practice and the Leftwich house suited his brand and field. The Fisher Park Board voted not to support the rezoning as they want to preserve the neighborhood character, avoid more traffic problems, and maintain the family environment. Parking is an existing problem. The Board was told at the meeting there were two attorneys, two paralegals working at the office, and others who worked remotely. With more space available, more people could work on this site and parking could be more on demand and dangerous to the neighborhood. Even if Mr. Robertson does not increase his firm size, the next person could. As an office, this residence could easily go 8 to 10 total people, plus additional clients as they come in. Fisher Park is a charming historic walkable neighborhood. Historically zoning a single lot in a residential block is not done in most states and municipalities. It appears to be spot zoning and harmful to the entire Fisher Park community. More detailed discussions on these issues was submitted to the Commissioners for the record. This is Fisher Park and do not want to be an office park. The Fisher Park Board requested the Zoning Commission to deny this rezoning application.

Cheryl Pratt, 910 Magnolia Street, stated her opposition to the rezoning from residential to commercial is based on parking. Parking is a daily concern and never taken for granted. The majority of the houses in east Fisher Park are different from west Fisher Park. There are shared driveways or no driveways at all. Everyone parks on the street. Parking is premium and it is not unusual to park several blocks away or several houses away to unload groceries' or pets, children and then move your car in front of your house when you can. That is exacerbated if anyone has repair people, renovation going on, or family visiting. This problem has increased during the pandemic as everyone is working from home. Everyone is here and the cars are all here. Any trades people or anything comes in there is nowhere to go. To change 201 Leftwich from an owner occupied residence to a small business with one or two employees to commercial office with several employees will strain parking on Leftwich with parking only on one side of the street. Several of the homes have no driveway. On Magnolia Street there are several homes there that have no access to off street parking at all. To the former neighbors Mr. Robertson is leaving behind, it will be untenable. There are many no rezoning signs displayed all over Fisher Park currently. This is a neighborhood concern; this is where they live. It is where a lot of people work, where they play, and want to maintain a live/work/play neighborhood. Ms. Pratt requested the Commission to deny the rezoning and turned the discussion over to Marsh Prause.

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Marsh Prause, Attorney for the Fisher Park Neighborhood Association, 516 Woodlawn Avenue and law office at 380 Noland Street in Winston-Salem, stated beyond all the factors heard from the speakers based on their living in the neighborhood, there is a distinct legal reason calling for the rejection of the proposed rezoning that applies on top of the conventional rezoning analysis. The proposed rezoning would be illegal spot zoning as defined by North Carolina's Appellate Courts in multiple decisions. The majority of states in the United State prohibit all spot zoning. Explanation usually given is spot zoning amendments are those which by the terms single out a particular lot or parcel of land usually small in relative size and place it in an area where the land use pattern, of which is inconsistent with the small lot of parcels in place, projecting an inharmonious land use pattern. Such amendments are usually triggered by efforts to secure a special benefit for a particular property owner without proper regard for the rights of the adjacent land owners and is why the majority of jurisdictions in the United States absolutely prohibit spot zoning per se. North Carolina is in the minority in that it does recognize that spot zoning is not invalid per se, but is still highly suspect and can be found illegal in some circumstances. Under North Carolina jurisprudence, the first thing to be assessed is whether what Mr. Robertson is proposing is indeed spot zoning. He noted there are many cases going back to the Blades City of Raleigh case in 1972 that set out the definition used by North Carolina courts stating "spot zoning is a zoning ordinance or amendment which singles and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned as to impose upon the small tract greater restrictions than those imposed on larger areas or so as to relieve the small tract from restrictions to which the rest of the area is subjected.

Mr. Engle asked if it would have to be inconsistent with the Land Use Map for it to be considered spot zoning. Mr. Prause responded Mr. Engle was jumping to the second prong. Looking at that definition and applying it to this case, Mr. Prause did not think anyone would seriously contest that this is spot zoning as Commissioner Engle alluded to. The bigger issue is whether it is an illegal spot zoning based on a number of factors under the Kristman case decided by the North Carolina Supreme Court in 1988. This is a single parcel, owned by a single person that is only 16/100 of an acre. It is difficult to imagine a rezoning could become smaller than that unless someone was to rezone their front yard. It has been mentioned the rest of the surrounding area is restricted to residential only zoning. For purposes of moving forward, assuming this is spot zoning, under the Kristman case, the zoning cannot be legal unless there is a clear showing by the proponent of a sufficient reasonable basis for the rezoning. The Kristman case sets out the four factors to be considered. One is the size of the property in questions, 2 is the compatibility of the proposed rezoning within an existing comprehensive zoning plan, 3 is it analysis to the benefits and detriments for the petitioner, their neighbors and the surrounding community, 4, is how the new uses under the rezoned use would relate to the uses currently made on the adjacent parcels. The Court in Kristman was particularly persuaded by the degree of public benefit and the similarity of the proposed use. Here there is no public benefit. There is a lot of office space available currently. In the Kristman case, the Court found the public benefited because 88 neighbors signed a petition in support of the spot zoning and only one in opposition. In this case, the neighborhood has submitted 125 signatures opposing the rezoning on a petition. A 2014 case from the Court of Appeals was referred to where there was not overwhelming public support for the rezoning that would be necessary to establish that it was beneficial to the surrounding community. Here, there is an absence of overwhelming support. There is clearly demonstrated overwhelming opposition to this request. For personal reasons, the petitioner has decided he wants to go beyond operating a law practice and wants something more which is an office land use and is the only benefit associated with this

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request and is only for him. The applicant could get the benefit by buying a commercial office building in another location already zoned and would not have negative impacts in the middle of an historic residential neighborhood. There is no public benefit or demand issue in terms of social utilities. It is not about the provision of legal services. It is an illusory public benefit. It is making a commercial investment opportunity available to a single person. A residence has people living in it, an office has people working in it, customers and vendors parking their vehicles. In terms of long term residential neighborhood vitality, there is no substitute for people actually living, sleeping and waking in a house. That is the fundamental principal. With this kind of rezoning, the residences would be out of downtown and the concern is Fisher Park will become a Fisher Office Park.

Megan Callahan, 705 Magnolia Street, stated she owned Cardinal Law Partners, a small law firm in Greensboro at 529 College Road. Ms. Callahan stated the applicant currently lives in the house. His family comes in on the weekends. He plays music and is an integral part of the neighborhoods. Asking for this rezoning is a selfish request and is not a benefit to the community or neighborhood. It is for the applicant to have his law firm which can have more than one lawyer, it can have two and once he moves out can have many more. Her office is looking for other commercial space and knows how expensive commercial space is. Ms. Callahan lives 3 doors around from the applicant. Granting the applicant the rezoning, there would be many other lawyers thinking of the same thing and now that it is known everyone can work from home, attempting to think to convert their homes, rezone it, and do it exactly what the applicant has done. Throw a sign on the front door and run their law practice out of it. Ms. Callahan advised she has one law partner and two paralegals. She left a big firm just like he did and is a board certified specialist, like he is. It starts a problem that would envelope the neighborhood. The applicant stated he talked to neighbors, he did not talk to her and did not talk to two of his adjoining property owners beside him. That is concerning regarding his representations. There is commercial space right behind her property on Elm Street. If the applicant wants something here on the block, his law office can be moved right there on the block that is already zoned and there is parking. As a lawyer who has been in domestic court, Ms. Callahan's concern is he is running a family law practice in their back yard and representing domestic violence individuals, 50Bs and 50Cs. The American Bar Association journal and West Law Fine Law have had articles that family lawyers face disproportionate amounts of threats and violence over other lawyers. They are dealing with the most volatile time in people's lives. This applicant is running that type of law firm in our backyard. Nothing has happened yet but not to say nothing could not happen. The applicant can become a landlord in this situation and allow other law firms to lease that property and could be any kind of law firm with any number of young lawyers. This is a neighborhood that enjoys the historic environment with a lot of individuals living here and is not a slippery slope that this Commission or City wants to see take over Fisher Park with such a cherished neighborhood that is there. If so, obviously she could be one of the first people on your next agenda asking for the same thing. It's not about money, not about law. It's about doing what is right in a residential neighborhood. Ms. Callahan asked the Commission to vote no. Chair Holston advised the 15 minute time was up and asked if there were any questions from the Commissioners. Ms. O'Connor asked staff if there were concerns for this being a historic neighborhood and zoning it as office. Mr. Kirkman responded the historic district does not necessarily dictate the use within the structure. It will depend on how the site is developed and how it maintains the character as part of the historic district or reinforces aspect of the historic district. The actual use inside the structure is not regulated by the historic district regulations. Chair Holston advised Mr. Robertson he had up to 5 minutes for rebuttal.

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Mr. Robertson stated Leftwich Street is in shambles. There are low lying one story multiple brick apartment complex two doors down, the house next to him has been abandoned for several years, most every house on his side of Leftwich and down the other side has been divided into rental units. He was not a land developer, was not an opportunist, had been very transparent and plain about what he is doing and why he was doing it. The land use pattern is not inconsistent. Professional offices are allowed in Fisher Park. The reality is professionals can have offices and do have offices throughout Fisher Park. The use proposed is extremely compatible and will maintain the integrity of this property on Leftwich Street. It is not inconsistent with the Land Use Plan. Having a law office in the Fisher Park neighborhood would be consistent with the historic practice throughout the years and is convenient for people. Mr. Robertson stated his reasons were very transparent and he was not looking to grow or make this something it is not; it is simply what Mr. Robertson has represented it to be. Chair Holston inquired if there were any questions for Mr. Robertson. Hearing none, Chair Holston requested Mr. Hyde to speak in opposition rebuttal and advised it is a combined 5 minutes

Thomas Hyde, 202 Fisher Park Circle, is not only a resident but the current Vice President of the Fisher Park Neighborhood Board and the Chairman of the Park Committee. The Fisher Park Neighborhood Board represents the owners and residents of approximately 700 households and businesses in the downtown neighborhood. They are committed to preserving the residential character of Fisher Park, one of Greensboro's most beloved communities for over a century. The streets are lined with many historic residences and architecturally significant homes. Two homes within the neighborhood are listed on the National Register of Historic places. Mr. Hyde stated in the 1980s the Fisher Park Historical Society was formed in response to the rapid commercial development of private homes along North Elm Street. Since then, maintaining the residential makeup of the neighborhood has been an ongoing mission for all who call Fisher Park Home. Mr. Hyde referred to Exhibit 4 depicting the blocks of the neighborhood. The blue areas zoned for offices located inclusively along major thoroughfares that form the boundary of the neighborhood or along the North Elm Street corridor that intersects it. All of the commercial buildings have adequate off street parking, clear signage, and predictable traffic patterns away from residential structures and narrow streets. Within the boundaries there are two exceptions, Guilford County School Administration Building and its parking lot and Faith Action.Org, a non-profit organization located across the street from the First Presbyterian Church. Spot zoning a private home on a small street in the interior of the neighborhood as a commercial office, will erode the desired residential character of Fisher Park and the value of each and every residence. In preserving the charm and character of this neighborhood will result in higher property values and higher tax revenues for the city. Mr. Hyde requested the Zoning Commission to deny this rezoning request.

Barbara Maddox, owner of Databar Properties, LLC, owns the low line brick building Mr. Robertson complained about in his rebuttal. Ms. Maddox provided the background of her parent purchasing the properties. Ms. Maddox intends to pass them to her son and stated these homes constitute almost half of her income. Ms. Maddox stated she is opposed to the rezoning because once the commercial aspect is introduced, there is no stopping and it will evolve. Her apartments are located at 205 and 207. Chair Holston inquired if there was anyone else to speak.

Marsh Prause quoted to the Commissions from a North Carolina Supreme Court ruling which has jurisdiction over the City of Greensboro. In 1998 it was said, "Significant disturbances such as the rezoning of a parcel in an old and well established residential district to a commercial or industrial district would clearly be objectionable". The Supreme Court said if you endorse this rezoning tonight, it will be contrary to North Carolina law. Mr.

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Prause stated that people are shocked that the City is arguing that somehow this spot zoning is justified by the brand new Connections 2040 Plan. That plan is ambivalent about whether this property should be commercial or residential. Under those circumstances, that is only one of the four factors. There is no clear showing of a sufficient reason for spot rezoning and will constitute an illegal spot rezoning if approved. Chair Holston closed the public portion of the meeting and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan because it does encourage mixed use, walkable infill development, and ensure revitalized sites are of high quality and complement existing neighborhood character. The proposed CD-O district, as conditioned, ensures that the use of the property will limit any potential negative impacts on surrounding properties. Staff recommended approval of the request.

Chair Holston inquired if there were any questions for staff or if any Commissioner would like to speak. Mr. Engle stated this request took a lot of time for him to evaluate and look at. There was a lot of communication regarding the request. Mr. Engle stated to Mr. Robertson that he had no doubt that his intent was pure. For Mr. Engle, he was struggling and trying to see how it would work in relation to how close the interior of the neighborhood is as opposed to Church Street. The small size of the parcel was an issue as Mr. Engle did not see a way for the Commission to overcome the potential of a parking issue. Mr. Engle stated he was not in favor of this request. These situations are difficult and had no strong stance other than he could not support the request. Chair Holston asked if any other Commissioners wished to speak. Mr. Engle stated he was willing to make a motion, if no one else wished to speak.

Mr. Engle stated in regard to agenda item Z-20-09-014, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for the property described as 201 Leftwich Street from R-7 (Residential Single Family-7) to CD-O (Conditional District Office) to be consistent with the adopted GSO 2040 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 Comprehensive Plan's Future Built Form Map and Future Land Use Map. The requested CD-O district, as conditioned, would permit uses that are not complimentary to those existing in the surrounding area. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It would be a detriment to the neighbors and surrounding community and denial is in the public interest. Seconded by Ms. O'Connor. The Commission voted 7-1. (Ayes: Chair Holston, O'Connor, Bryson, Jones, Rosa, Engle, and Alford. Nays: Trapp). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-015: A rezoning request from C-H (Commercial High) to C-M (Commercial Medium) for the property identified as a portion of 4631 (4653) West Market Street, generally described as south of West Market Street and west of Montrose Drive (0.43 Acres of 12.88 Acres) (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there

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were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Chaz Kumar, 8204 Bradley Trail, stated they are requesting a rezoning from commercial high to commercial medium. This site has a restaurant they have been operating for the past two years. The purpose of the rezoning would be because they are in the process of buying the property. In order to purchase the property, it has to be subdivided. This property was an individual unit in the past but when the shopping center was acquired, everything was combined. Chair Holston inquired if there were any questions for Mr. Kumar. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public meeting and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed C-M zoning district permits uses that are compatible with the surrounding uses on adjacent tracts. Staff recommended approval of the request.

Chair Holston inquired if there questions for staff. Seeing none, Chair Holston inquired if there were any comments, questions, thoughts, or a motion. Mr. Trapp stated in regard to agenda item Z-20-09-015, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described as a portion of 4631 (4653) West Market Street from C-H (Commercial-High) to C-M (Commercial-Medium) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested CD-O district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-016: A rezoning request from R-5 (Residential Single Family-5) to CD-RM-8 (Conditional District Residential Multifamily-8) for the property identified as 2905 Holmes Road, generally described as west of Holmes Road and south of East Cone Boulevard, (.19 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston advised this is the applicant who had depart due to an emergency and Mr. Kirkman will provide the information.

Mr. Kirkman stated the request is limited to a daycare center use and similar to the use located directly north. This will be a separate operation but the two properties have a relationship in terms of partners working together. These would be separate operations from each other. The intent is to keep the existing residence and



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convert it into a daycare center use. Chair Holston inquired if the standard notification did go out to the neighbors. Mr. Kirkman stated that was correct. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone in opposition. Ms. O'Connor asked if it was any type of daycare such as children or adults. Mr. Kirkman stated it could be either but felt the intent was to do a child daycare center. Chair Holston asked if this building was already a daycare. Mr. Kirkman advised the house at the corner of Cone Boulevard and Holmes is an existing daycare center and was the next property up from the subject property. Chair Holston asked if the subject property itself was already a daycare. Mr. Kirkman did not know if it was operated as a home base center currently. There is an option for a home base occupation and that may have been the case but this would effectively allow for a commercial operation. Chair Holston then closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed C-M zoning district permits uses that are compatible with the surrounding uses on adjacent tracts. Staff recommended approval of the request.

Chair Holston asked the Commissioners for any questions, comments, or a motion. Ms. O'Connor stated in regard to agenda item Z-20-09-016, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property described as 2905 Holmes Road from R-5 (Residential Single Family-5) to CD-RM-8 (Conditional District Residential Multifamily-8) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested CD-RM-8 district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner, and surrounding community. Approval is in the public interest. Seconded by Mr. Bryson. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**STREET CLOSURE:**

**PL (P) 20-18: Proposed street closing for Caindale Drive Exit 110 NC 68 south to its terminus. (Recommended Approval)**

Mr. Carter stated street closure requests were something that was a Planning Board duty and have now been transferred to the Zoning Commission. This is new for most of the Commissioners except for Mr. Bryson who was a former Planning Board member. The Commissioners will be making a recommendation to City Council who will have final action. This is a street closure for Caindale Drive on Exit 110 off of NC-68 to its terminus. The right of way associated with Caindale Drive closure is approximately .6 miles. The City must make two determinations for a street closure. One, closing the street to vehicular traffic is not contrary to the public interest. Caindale was a street that had access to another portion of Caindale. When the loop came into being,

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that access was cut off. Nothing is using the street. Two, no property owner in the vicinity is deprived of reasonable means of ingress or egress. It was staff's determination that no properties would be denied access as a result of this closure.

A motion was made by Mr. Trapp to approve the street closure; seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0).

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Engle inquired how many cases for the October meeting. Mr. Kirkman responded currently there were 11 cases for the October meeting.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Ms. Jones advised she has been offered a position with another jurisdiction and will be leaving Zoning and stated it has been a pleasure working with everyone. Congratulations were sent to Ms. Jones.

**ABSENCES:**

Chair Holston advised Mr. Collins was an excused absence.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 10:58 p.m.

Respectfully submitted,

Hugh Holston, Chairperson

HH/cg

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneously on the City of Greensboro's web site October 19, 2020, beginning at 5:30 p.m. Members present were: Chair Hugh Holston, Sandra O'Connor, Raymond Trapp, Richard Bryson, Zac Engle, Michael Jones, James Rosa, Tony Collins, and Vernal Alford. Present for City staff were Luke Carter, Mike Kirkman, and Russ Clegg, (Planning Department), Chris Spencer (GDOT), Alan Andrews and Andrea Harrell, (City Attorney's Office).

Chair Holston welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Holston advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format. Attorney Harrell advised pursuant to Session Law 2020-3, adopted by the General Assembly, anyone may submit written comments between now and 24 hours after the public hearing closes on each of the identified items. Ms. Harrell requested that any comments to be submitted to Planning staff. Chair Holston performed a roll call of the Commissioners present and all Commissioners were present. Chair Holston then also welcomed recently appointed Commissioner Tony Collins.

**APPROVAL OF THE SEPTEMBER 21, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the September 21, 2020 minutes, seconded by Mr. Trapp. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, Collins, and Jones. Nays: 0). Chair Holston stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCE**

There were no request for continuances or withdrawals provided to staff prior to the meeting.

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**Z-20-09-011: A rezoning from R-3 (Residential Single Family-3) and R-5 (Residential Single Family-5) to CD-RM-26 (Conditional District Residential Multifamily-26) for the properties identified as 1414, 1509, 1511, and 1515 West Cone Boulevard and 2111 through 2117 Cleburne Street, generally described as south of West Cone Boulevard and west of Cleburne Street, (23.30 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman advised of the new conditions provided by the applicant for the request. Mr. Engle stated in looking at the diagram and new conditions if he was correct that item 1 would equate to 3 stories, 2 would equate to 4 stores, and 3 would be equated to 5 stories. Mr. Kirkman responded that was not an exact comparison as building height depends on both the elevation of the land, the height of each individual floor and the pitch of the roof to determine max height. He further noted that the height of the building is measured from the base of the structure to the top of the roof. Ms. O'Connor asked if some of the construction below grade would be considered a story. Mr. Kirkman responded unless that was specified separately, maximum height would be measured from the finished grade to the top of the structure and if there is a variation in the grade, the average is used to calculate the base number. Mr. Engle stated these conditions are always enforced by the city and he was trying to understand how the city evaluates it more so than the applicant, because the City will ultimately be the ones responsible for enforcement. Mr. Kirkman responded the current language was a result of staff's evaluation because the applicant had originally offered different wording for building height. Mr. Engle then moved to

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accept the new conditions, seconded by Mr. Trapp. The Commission voted 9-0 to accept the new conditions. (Ayes: Chair Holston, Collins, Jones, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None.) Chair Holston then requested everyone wishing to speak on the case to provide their name and address for the record. Chair Holston also advised that the Commission had been presented with information outlining the preferred order of speakers for each side and stated each side would have a combined 15 minutes to present their case to the Commission.

Donald Vaughan, Attorney for some of the opposition, requested the record be noted that many opponents did not have a chance to speak on the new conditions and he had raised his hand and there was no opportunity to speak for them. He noted that the new conditions were submitted shortly before the meeting and that was not fair to those who did not have an opportunity to read the conditions or a chance to speak on the conditions. Chair Holston stated the Commission had voted to accept the conditions. Mr. Engle stated normally conditions have to be offered by the applicant. They can bring them in and opposition can speak on them during the time you speaking for or against the request. Mr. Vaughan reiterated the opponents received the new conditions at 3 minutes to 4:00 that afternoon and they have not been looked at or evaluated. There are many people not on the Zoom meeting he is representing and he would have liked to have had the opportunity to speak on the additional conditions and time to evaluate them. Mr. Vaughn stated it was not fair to those who opposed this request.

Michael S. Fox, Attorney for applicant, responded what was said was a misstatement. Mr. Vaughan was advocating for his clients, but these conditions were presented to them over two weeks prior to the meeting. What was sent this afternoon were revisions after feedback was received regarding better ways to word the conditions do staff could enforce them. The substance of the conditions was essentially the same as what had been provided to Mr. Vaughan two weeks prior. Mr. Fox stated he agreed with Commissioner Engle regarding the process. It is not true that Mr. Vaughan has not seen these conditions before this meeting. Mr. Vaughn responded they were received officially from City staff 4 minutes before 4:00 that day and he spoke to Mr. Kirkman regarding this. Many people in opposition did not receive the new conditions and he requested consideration from the Chairman.

Chair Holston responded historically the Commission has accepted conditions at the beginning of cases. In this case, unless there is direction from City staff, the Commission would go ahead and accept the conditions as approved by the Commission, move forward with the case and hear comments or disagreements during the case presentations. Mr. Kirkman advised it was the purview of the Commission to accept the conditions provided by the applicant. The Commission is welcome to have that discussion and decide if that would be appropriate. If the Commission is comfortable with moving forward, Mr. Vaughn could state his objections as part of the opposition time. Attorney Harrell concurred with Mr. Kirkman. Chair Holston inquired of the Commissioners if they wanted to move forward. Mr. Engle stated if the opposition is requesting a continuance, it could be requested if they feel they are not prepared. Mr. Vaughan responded that at 4 minutes to 4:00 he was sent 5 pages of conditions. He would not be doing his job as a lawyer if he did not object. Chair Holston responded the options placed on the table were for the Commission to make a decision to move forward or not. Chair Holston asked Mr. Vaughan if he was requesting a continuance. Mr. Fox asked Mr. Kirkman if he had the email the applicant sent to both staff and Mr. Vaughan with the draft conditions that are 98% the same as of a couple of weeks ago. Mr. Fox stated it would be a miscarriage of justice to not go ahead and hear this case tonight. Mr. Vaughan stated by Mr. Fox's own admission, the conditions were revised and he did not know which version they received. Chair Holston then stated there was a request for a continuance from Mr. Vaughan for the Commission to consider. Mr. Vaughan

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requested an opportunity to review whatever was presented before the meeting, in fairness to the neighborhood. Chair Holston inquired if there was anyone else wishing to speak in favor of the request for a continuance.

Mr. Kirkman asked Mr. Vaughan to clarify if he was asking for a 30 day continuance. Mr. Vaughan responded it could be two weeks, he only wanted to read what was presented and was trying to do his job for his clients. Mr. Kirkman advised the Commissioners the next Zoning Commission meeting was scheduled for November 16, 2020. Chair Holston advised there was no one else to speak in favor of the request to continue if there was anyone to speak in opposition to the request. Mr. Fox stated that immediately after the last continuance of this request, Mr. Fox and his clients reached out to Mr. Vaughan and to a number of individual neighbors. Koury Corporation wanted to work with Mr. Vaughan and the neighbors on developing conditions that would address all concerns. The original draft of the conditions was substantially the same as what was presented to the Commission tonight; the only difference is wording to address concerns from City staff. Mr. Fox stated they were sent to Mr. Vaughan and a meeting was requested with Mr. Vaughan and his clients. The meeting was cancelled and to date there has not been any further feedback from Mr. Vaughan on those original conditions sent to him two weeks prior. In contrast, his clients had approximately 20 individual calls from neighbors who provided feedback and explained to those neighbors what the conditions were that were offered. The only changes made from what was originally submitted and what was shown now was wording at the behest of City staff or setbacks increased at the request of the neighbors. His clients did not go backward at all and went forward in terms of making the conditions more restrictive. Mr. Fox stated he did not know of any reason Mr. Vaughan needed more time as nothing substantially changed. This case should be heard and is likely headed to Council regardless of the outcome from this meeting. To add another 30 days to this timeframe Mr. Fox felt was a stall tactic being employed by the opposition. His client's presentation is ready and nothing would be changed based on the minor wording adjustments with these conditions. Mr. Vaughan reiterated the time he received the document before this meeting. He noted he and his clients had not seen the document. He was not trying to stall, but only to read the documents presented to the Commissioners in fairness to his clients.

Chair Holston asked Mr. Kirkman and Attorney Harrell if the conditions were subject to the public hearing law stating they must be published 30 days in advance. Attorney Harrell responded no, not that she was aware of and Mr. Kirkman concurred with Attorney Harrell. The conditional process allows for conditions to be added up through the public hearing as long as those conditions are more restrictive than what was publicly advertised and do not duplicate any requirement of the Land Development Ordinance. Chair Holston inquired if there were any additional questions from the Commissioners. Mr. Collins stated because there could be conditions added through the course of the meeting, the applicant can make changes as long as they are more restrictive. Mr. Kirkman stated staff does try not to have any conditions added during the meeting itself as staff needs the opportunity to make sure whatever conditions are offered can be applied equally and enforced. Staff does try to turn around information to all parties as quickly as they can once they have the final agreed upon wording. Mr. Vaughan was correct that he did not receive the final version until late this afternoon and it was forwarded to Mr. Vaughan as soon as staff had the final approved version from the applicant. Mr. Vaughan stated he did not fault City staff because they received the new conditions late, but again stated it was not fair. Mr. Fox advised he has practiced before the Zoning Commission for 20 years. If a continuance was granted because a condition was modified at the meeting, Zoning would be going against 20 years of precedent that he has experienced. While not preferred by the staff, it is not prohibited for applicants to add a condition during the meeting. The Commission could choose to accept them or not. The process Mr. Vaughan is trying to impose is not required, is not the

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normal process, and is outside the practice of the Zoning Commission. Mr. Fox requested the Commission to deny the continuance. Mr. Vaughan responded fairness is being able to read the black letters on the white paper and is important to his clients. Chair Holston closed the public input on the continuance request and sought discussion from the Commission.

Mr. Trapp advised he was not comfortable with the way the continuance was brought up. Attorney Vaughan said that he wanted it noted that they objected but did not ask for a continuance and he was comfortable with moving forward. Chair Holston stated he asked Mr. Vaughan if he was requesting a continuance to which he replied yes. Mr. Engle advised it had been allowed in the past. However, Mr. Engle moved to deny the continuance request and move forward with the case, seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Chair Holston, Collins, Jones, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None). Chair Holden advised again of the 15 minute combined time for both sides.

Michael Fox, Tuggle Duggins representing the Koury Corporation, introduced Richard Vanore, of Koury Corporation; John Davenport, Davenport Engineering; Kelly Harrill, Grandover; Nathan Duggins, Tuggle Duggins; and Luke Dickey with Stimmel. Mr. Fox stated Mr. Beard, Ms. Saunders, and Mr. Brown, neighbors to the project, would also be speaking. Mr. Fox stated Koury would like to develop a high end signature multi-family community on the 23 undeveloped acres owned by them for over 60 years. The anticipated investment would be around 80 million dollars and increase the local tax base, provide while also providing infill and density on a major thoroughfare. Mr. Fox stated this is the right project for this location due to the sloping terrain and natural buffers that allow Koury to comply with the Comprehensive Plan and make this denser project fit into the surrounding residential neighborhood. Koury will use neighborhood sensitive architecture to build buildings in keeping with the residential style in the area. Most of the parking would be located underground and will improve the environmental aspects of the project. Slides were presented depicting what the project may look like and what Koury is looking to build. Photographs of existing buildings and interior entrances were also shown that may be a design inspiration for Koury. A draft site plan was shown for illustrative purposes and Mr. Fox noted the conditions submitted reduced the site plan from what could be built and required smaller buildings on the site plan. Significant buffers and scaled building heights would also be implemented.

Mr. Fox noted approximately 8 acres of the 23 acre site would be protected woodlands and buffers. Koury plans to place the tallest building on the lowest end of the property at Cone Boulevard and use the lower building heights nearer to adjacent single family residences. The topography will ensure building heights are similar to the heights of the surrounding residences. A slide was presented depicting the amount of buffering with the pink areas being undisturbed areas, and the different widths of the green area were buffers specific to the needs for those neighbors that Koury has worked with. On the north end of the site was approximately a 42 foot elevation drop from the homes currently there to the ground level near Cone Boulevard which would help Koury build a community that would fit in with the neighborhood. A slide was shown depicting the required city setbacks for different building heights. The setbacks are not huge but are what the city code calls for. A slide was shown depicting the setbacks pursuant to the conditions that were submitted. Mr. Fox stated it is Koury's intention that 60 feet will correlate to up to 3 stories, 70 feet to up to 4 stories and 80 feet up to 5 stories. Koury may not build to those heights, they are the maximum. Mr. Fox referred to a square box in the middle of the drawing and stated that was the only place 5 story buildings could be built, toward Cone Boulevard and the center of the property. Mr. Engle asked how big the box was. Mr. Fox responded he did not have the specific acreage but would guess it

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could be up to 6 acres out of the total 23. Mr. Fox stated the next ring could be up to 4 stories. A slide was then presented that combined the previous two slides displaying the setbacks that are larger than what is required which came about by having productive conversations with the neighbors to accommodate their concerns. A slide was presented representing all that has been accomplished. Koury Corporation has worked hard to listen to the concerns and focused on those closest to the site as they may be the most impacted. As a result of those talks, 9 new conditions were introduced. Mr. Fox also noted Zoom meetings were held with approximately 80 plus attendees. Individual calls and meetings were also conducted with approximately 100 neighbors. Mr. Fox presented a slide depicting the result of the conversations which included increasing buffers, reduced and scaled building heights, greater setbacks than are required, limited access to Cone Boulevard, and significantly reduced density from potentially 600 units to 480, a 20% decrease. The 480 units translates to around RM-20 or closer to RM-19 as opposed to RM-26. Koury Corporation feels the Comprehensive Plan supports infill development such as this and works with the surrounding neighborhoods to do appropriate setbacks, buffers, and the right scale.

John Davenport, John Davenport Engineering, 119 Brookstown Avenue, Winston-Salem, stated his firm was retained to conduct a traffic impact analysis for this site in collaboration with the City transportation staff. Staff identified the intersections they felt could be impacted by the project, Davenport performed the analysis and City staff reviewed the analysis, all of which was done for the project. There are two proposed entrances, a right in/right out only western entrance and a full access eastern entrance. There would also be an emergency vehicle access which was not considered in this analysis because it will not be open to the public. Seven off site intersections were analyzed and he indicated that when the new development's traffic was added, the overall level of service would not be significantly impacted. With the right in/right out, a right turn lane will be placed on Cone. Additionally, the full access on Cone would allow the traffic to go through Cone and not affect neighborhoods.

Richard Vanore, President of Koury Corporation, 1807 Nottingham Road, stated Koury Corporation has owned and paid taxes on this property for 60 years. Numerous offers were declined by developers for the property. Koury Corporation held on to this land poised for the right opportunity to bring an outstanding development to Greensboro when they felt it was needed by the city. Koury is proud of what they have accomplished in Guilford County over the last 68 years. Mr. Vanore stated 100% of Koury Corporation development activities have occurred in Guilford County, specifically Greensboro. Mr. Vanore pointed this out to highlight their commitment and dedication to Greensboro. Koury is passionate about their developments and how the company is run. Koury is confident they have made a positive mark on Greensboro and fully intend to create another landmark property with this proposed development. Given its location to downtown Greensboro and many local conveniences, Koury Corporation believes this particular development tract could be an outstanding infill location for the proposed upscale community, which is exactly what they intend to build. He stated this is planned to be a top tier multi-family project and aimed to attract all age levels. It will have all the amenities, and a gated community with one, two, and three bedroom dwelling units ranging from 600 square feet to over 1,500 square feet. The buildings will be fully commissioned with elevators and state of the art features. Rent rates are expected to range from \$1.70 a square foot to north of \$2.00 per square foot. Rough estimates on development cost falls in the 80 million dollar range and would be a substantial investment. Mr. Vanore stated they hold Greensboro's best interests at heart and are proud they did not rush into building on this land with a lesser development and one that would not serve the growing needs of the community. Koury Corporation is confident in their ability to pioneer this infill

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site with a first class project that would be an asset to the surrounding neighborhoods, increases Greensboro's tax base and provides Greensboro with an asset for luring companies and industry.

Richard Beard, 2908 Round Hill Road. Mr. Beard lives in the neighborhood and has many friends, neighbors, and former neighbors listening and watching this meeting. Mr. Beard stated he lived on Rockford Road when many were opposed to the Philadelphia Lake townhouse development across Cone Boulevard from the subject property. The 23 acre site is also located in a very affluent area with superior access to an underutilized major thoroughfare, Cone Boulevard. This property will be developed at some point. It is not a matter of if, but when. Its location and access could accommodate many uses including commercial uses that would be more detrimental to the surrounding neighborhood. Plans for an upscale apartment complex would be a good infill development for the community and a major goal of Greensboro's Planning Department. Mr. Beard would much rather have a local developer with a track record of creating and operating successful attractive developments than this property being controlled by a developer with no local ties and not knowing what type of development would be on the property. Mr. Beard stated he had no doubt Koury Corporation would deliver a great development that compliments the surrounding neighborhood. Mr. Beard hoped this rezoning request would be supported.

Vicky Vanstory Saunders, has worked as a realtor for years and is in support of the Koury project. The area is underdeveloped and the addition of new apartments will unite Browntown, New Irving Park, and Irving Park. It will be a visual transition and a luxury addition to the neighborhood. The traffic proposal, the new lane across Cone, and signage enforcement of the 35MPH speed limit are also components. As stated previously, it is not a question of whether this property would be developed but when and how. This project will be a true asset for everyone.

Mr. Engle asked Mr. Davenport if he agreed with the recommendation to not have a traffic signal with the development and what would the benefit or attractions if there was a traffic signal. Mr. Davenport stated they did look to see if the volume from the development would warrant a traffic signal. In this particular case the traffic volumes are low enough where Davenport did not recommend the installation of a traffic signal. The turn lanes are sufficient to provide safety and sight distance. A lot of time was spent in looking at sight distance in this particular area. This development is intended to be gated and the flow of traffic in and out would not be the same as a typical intersection. Usually you would not signalize a gated intersection because of interrupted flow and traffic could likely back out in the roadway if there was a signal there. Chair Holston inquired if there were additional questions for the applicant from the Commissioners. Hearing none, Chair Holston moved to the opposition led by Attorney Vaughan.

Don Vaughan, 612 West Friendly Avenue, representing neighbors and others in the city opposed to this development as presented. He noted there is a petition with 2,922 names on that was circulated among the neighbors around this site. This proposal is too dense, too tall, and not enough buffers for this particular neighborhood that is one of Greensboro's most established neighborhoods. Mr. Vaughan advised Gayle Fripp would be their first speaker.

Gayle Fripp, 1400 Colonial Avenue, stated her and her husband moved to this neighborhood because of its charm, affordability, wooded lots, nearby schools, and a child friendly park. The medium listing price of houses in the Kirkwood area is \$249,000, a large increase over the \$7,000 the first houses sold for in 1947. Ms. Fripp stated she



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had learned much about the amenities that would be offered to the development's residents, but little regarding the impact on adjacent properties. The Koury Corporation could have shown the elevation, photographs of proposed buffer areas, fencing and lighting instead of conceptual sketches and the photographs shown to the Commission. The topography was described as flat in the staff report, when it is filled with ravines and the slope along Colonial Avenue is approximately 18 feet. Her lot is almost level with the Koury land behind her. Under the impact policy analysis, it states that rezoning would allow land uses compatible with the general character of the area. The Koury site is surrounded on three sides with R-3 and R-5 zoning districts. One side of the site faces Cone Boulevard, and according to the 2040 Future Lane Use Map, development should be oriented to the corridor to avoid negative impact to adjacent residences. This project is simply too big for the site and must be scaled back. The proposed large building is located closest to Colonial Avenue and Medford Lane with other large story buildings on Colonial. The buffer behind her house is deceptive because it includes a Duke Power utility easement that must be kept clear of trees. Ms. Fripp made several comparisons of the Koury project to the 2040 Comprehensive Plan and advised the out of scale housing development proposed by Koury does not meet the goals of the 2040 Comprehensive plan and would not be complimentary to the surrounding area. Ms. Fripp stated the housing built should not be detrimental to the surrounding area. This project is not compatible with the existing neighborhood.

Wendy Heise, 2109 Cleburne Street, stated her side and rear property lines border the proposed Koury development. Her family relocated from out of state to the Cleburne address and her home was purchased on May 19, 2020. Renovations were completed at a cost of over \$70,000 plus for exterior and interior improvements before learning of the Koury project. If the project proceeds, there will be little chance of recovering their investment. The feel, privacy, and the value of their property are uncertain. Ms. Heise has met with many of her neighbors who shared their history and memories of living in this neighborhood. Ms. Heise was impressed by how fast the neighborhood pulled together to face this challenge, gathering information, taking action, and seeking comfort from one another. There is a universal fear and alarm on how this proposed development will forever change the character of this neighborhood which many have lived in for years. Ms. Heise stated there was consideration in making this development more compatible in scale with the neighborhood and is aware Koury has been a quality developer in this area for many decades.

Douglas Stone, 308 Timberly Drive, referred to the larger Browntown neighborhood map and stated the area highlighted in blue included an area of 500 acres with 1,000 individual residential units. The Koury project is proposing 50% of that number in just 23 acres and does not fit with the area. Mr. Stone advised they have lived in their house for 32 years. It has no sidewalks but was a safe place for walking and children to ride their bikes in the street. Mr. Stone was very concerned it will change if Koury is allowed to develop 500 apartments nearby. The Zoning Commission is considering whether it makes sense to rezone 23 acres from R-3 to R-26 and increase the current density by a multiple exceeding 8 times. It is radical, drastic, and unprecedented in Greensboro. The Koury proposal is building 500 living units in an area currently zoned for 69 and could result in an additional 800 to 1,000 residents in close proximity to their neighborhood. This project would completely change the character of the neighborhood and was not consistent with many aspects of the 2040 Land Use Plan. Those living on Cleburne Street, Colonial Avenue, Medford Lane, and Berkshire Lane will have imposing 4-5 story buildings rising as high as 80 feet to look at. Koury is proposing 20 foot setbacks for a 60 foot building and 70 feet of setback for four story buildings that are 75 feet high. Any semblance of privacy will disappear from the neighborhood. There will be increased traffic, parking lots, and noise levels and home values will drop. This proposed project infringes on the rights of the existing homeowners to enjoy their property.

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Mr. Stone then noted he had obtained the 309 page Davenport traffic report. The negative impact on traffic in their area will be significant. Davenport predicted in their summary there will be nearly 4,000 daily trips generated by the development. The capacity analysis stated due to high volume of additional traffic turning east on Cone Boulevard they recommended a 100 foot storage lane. The study also indicated with higher traffic volume, drivers on Cleburne may be prevented from turning onto Cone Boulevard to go west and be forced to make a right turn on Cone and then do a U-turn at the traffic signal. Since the traffic on Cone is close to 50 miles an hour it does not make sense to make people do that. The Davenport report does not adequately address additional cut through traffic that would occur on Kimberly Drive and Lafayette Avenue, which is already a problem. A significant number of the 8,000 additional new drivers in the area would discover the time saved of cutting through on these streets. People and children will be at significantly higher risks with the probability of a serious accident increasing substantially. One of six big ideas from the 2040 plan is becoming car optional. The City plans to install sidewalks on Cone Boulevard but there are no grocery stores, restaurants or shops within a mile and a half of the proposed project. Cycling on Cone Boulevard is currently dangerous with the high volume of fast traffic. There is no bus service. The only option would be cars. There is passionate and universal opposition to this proposed project due to the extremely high density and the scale of the buildings. City Publication subtitle 71 states that the purpose of zoning is to balance the rights of property owners to use the properties desired while not infringing on rights of adjacent property owners to do the same. This proposed project infringes on the rights of property owners in numerous ways and fails to address key goals in the Comprehensive Land Use Map. Mr. Stone urged the Zoning Commission to deny the rezoning request.

Chair Holston inquired if there were any questions for Attorney Vaughan or the others who had spoken in opposition. Hearing no questions for the opposition, he advised there is a 5 minute rebuttal period for each, side, starting first with Mr. Fox. Mr. Fox requested for Chester Brown to speak in rebuttal.

Chester Brown, 1211 Hill Street, speaking in favor of the zoning. Mr. Brown stated higher density infill development should be encouraged as it is a useful tool in City Planning by leveraging existing infill infrastructure to limit suburban sprawl. The Urban Land Institute, American Institute of Architects, National Multi-Housing Council, and the Sierra Club asserts “ample evidence suggests that well designed, high density development property integrated into an existing community can become a significant community asset that adds to the quality of life and property values for existing residents, while addressing the needs of a growing and changing population.” The multifamily market is increasingly being driven by renters of choice who desire higher end finishes and amenities. The Koury development will do just that and add to the quality of life and property values while addressing the needs of a growing and changing population. The Koury Corporation has been instrumental in the growth of Greensboro and the proposed development will follow the standard the Koury family has set over the past 60 years. The Koury family lives in the community, works in the community and invests their capital in the community and should be commended for the quality developments and commitment to Greensboro. Mr. Brown asked the Zoning Commission to vote in favor of the zoning request.

Mr. Fox then referred to the map Mr. Stone had shown. Mr. Fox pointed out the top left hand corner indicates a little jag which is multi-family apartments. Mr. Fox found it interesting that the neighborhood chose to base their analysis on only single-family homes and specifically excluded that multifamily development. Mr. Fox stated on Cone Boulevard east and west of the site are multi-family units and commercial development. The Koury development is entirely focused on Cone Boulevard. There is no connection to any of the neighborhoods, no

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entrances, and there will not be a negative traffic impact on the neighborhood as a result of the project. In responding to the Duke easement there, that is something controlled by Duke Energy and the intention is to plant the buffer just on the Koury side of that easement so it would effectively buffer Ms. Fripp's home from the development. Mr. Fox stated there are many neighbors in support of this project, a few have been heard but there were many others. Mr. Fox requested the Commission to be aware there were a lot of other voices in support and this is a project that meets the Comprehensive Plan. The Comprehensive Plan says setbacks, building orientations, building materials, height, and the scale are to be considered within the existing neighborhood context and diversity of housing should be promoted. The way this site sits with the topography the way it is, the natural buffer that is there, and the conditions Koury has agreed to, meets the criteria and would allow this particular development to peacefully coexist on Cone Boulevard with the surrounding neighborhoods and be an asset to the neighborhoods. It will provide an opportunity for people who want to continue living in the neighborhoods but may not want to maintain a yard and a single family house anymore, a chance to move close and rent instead of having a commitment of home ownership in the event they decide they want to move or are transferred with their job. There could be more flexibility in doing that. This project fulfills a need and is promoted by the City's Comprehensive Plan for infill development.

Chair Holston stated the Commission heard in opposition from Ms. Fripp who lives at 1400 Colonial and asked where her property was on the map and what the fall is from her property down toward the 5 story buildings. Mr. Fox responded in looking at the bottom left corner of the Koury property, there is a large parcel there owned by the City. Going up Colonial toward Cone, Ms. Fripp is the first house on the right. There is not very much of a slope there and is about 18 feet, not flat but sloped. The concerns Ms. Fripp stated in what she would see is reflected on the buffer exhibit. The largest buffer shown was in the south west corner and will remain undisturbed on the other side of the creek. There are some topography issues and there is no interest in developing that area and will remain undisturbed. As part of a condition, a thicker buffer could be placed to address Ms. Fripp's concerns about what she might see. Chair Holston asked what kind of buffer was proposed for there. Mr. Fox responded it would be a 50 foot average width type C buffer. Chair Holston asked if that was with Evergreens. Mr. Fox responded Evergreens are not there currently but is something Koury would be happy to talk with Ms. Fripp about, if she would like. Chair Holston asked what type of buffering would be on the Cleburne side. Mr. Fox responded there will be an enhanced 25 foot wide Type B buffer yard with Evergreens planted 10' on center to create a continuous screen, resulting in a screen of evergreens in addition to the required buffer plantings that a Type B requires. The normal setback on a street like that would be 10 foot and the buffer will be 25'.

Chair Holston asked with the way the buildings have now been sited and planned, it appears closer to a 20 units per acre density project. Mr. Fox responded that was correct. The 480 units round out the math to 20.8 units per acre. The reality is that would be the maximum that could ever be built and is likely to be less even if approved at that amount because that number does not reflect some of the changes that were made to the heights of the building. Realistically to what can be built is very close to RM-18. There was not enough time to work with their engineers to determine exactly what the number was and obtain a new site plan to show that. Chair Holston asked what would RM-18 be. Mr. Fox responded RM-18 is 414 units on 23 acres. Chair Holston asked if currently it was 486. Mr. Fox responded that was correct. The project cannot be 486 units with the conditions they imposed on themselves as they limit the height of the buildings. There is a large stream going through and each side of the stream has required mandatory buffers limiting what can be developed. Chair Holston asked if they were closer to RM-18 but not ready to make a condition for RM-18. Mr. Fox responded not at this time because they want to

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talk with their civil engineers and site planners to determine fully what can be built. Chair Holston inquired if the other Commissioners had any questions.

Mr. Engle referred to a height restriction slide and stated he hiked through the property. In the center section, it is above Cone Boulevard and appears to be where the highest amount of buildings will be built and asked Mr. Fox if that was correct. Mr. Fox responded Mr. Engle was correct. Mr. Engle asked if the intention was the building heights would be essentially at level with Cone Boulevard. Mr. Fox responded they would be slightly below. When building begins the site will have to be leveled somewhat and the 80' would be the maximum built within that square area and would be the 5 story portion of the development. Mr. Engle stated he tried to find other 80' buildings around the area and could not find them. Mr. Engle asked Mr. Fox to speak to why Koury feels it would fit in this area when the neighborhood has a great concern about it. Mr. Fox responded the key is Cone Boulevard which is a major thoroughfare, a four lane divided road, and capable of handling more traffic than is on it. It is on both types of thoroughfare that you see denser development typically. There are denser developments, more commercial. They are not proposing commercial for this project, but there is an opportunity to do something special on this site. This a challenging site from the topography and developers are unable to get the numbers in there that would be needed. The consequences of that would make the various neighbors unhappy as well. If single family homes were placed there, the city would require to connect to Medford, and Kimberly, and possibly through the city land to Colonial. For all those reasons this site requires more density and at the same time achieve minimum impact on the surrounding homes. To achieve that requires more density and more height up toward the front of Cone Boulevard. Thus a Cone Boulevard focused development and is not a neighborhood development. Some of the challenges are actually beneficial to use as a buffer for the neighbors. The key is to have the right area and make it fit with buffers and setbacks.

In response to the critical question of why you need this type of development the simple answer is North Carolina is growing. In 2010 there was about 7 ½ million people living in the state and now roughly 10 ½ million and is projected to go up approximately 4 million more people in the next 15 years. It would be good for Greensboro to offer this type of product appropriately done in a high quality fashion to be able to fill that market. Chair Holston inquired if the Commissioners had any more questions.. Ms. O'Connor stated she heard concerns from neighbors about water and flooding problems and asked how the water would be managed when there were downpours. Mr. Fox responded that is another good reason for heavier density as it helps manage the storm water. It is required by federal, state, and local law to manage and control their storm water. There cannot be any more water put off from their property than what is already currently located there and is the standard they are held to. Engineers will determine how to achieve that. It is planned to have the water runoff underground and build structures that contain the water when the flow is more than normal. The structures will collect the water and then slowly release it out in a normal fashion so it does not cause flooding anywhere else. Water cannot be put on any other person's property. It is Koury's obligation to deal with the storm water. Chair Holston inquired if there were any further questions for Mr. Fox or those in favor of the request. Seeing none, Chair Holston advised Mr. Vaughan of the 5 minute rebuttal period.

Mr. Vaughan referred to Mr. Stone's map and asked Mr. Stone if there were any 5 story buildings anywhere near the proposed development. Mr. Stone responded not that he was aware of. The apartments near the intersection of Cone and Lawndale are 4 story buildings and over a mile away. Mr. Stone stated it is at least 1 ½ miles from the proposed site to the shopping center. Mr. Vaughn asked if there were any multi-family apartments close by. Mr.

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Stone responded there are at the intersection of Lawndale and Cone which is at least a mile away. Attorney Vaughn asked if a person could walk to a grocery store or anywhere else. Mr. Stone responded it is a least 1 ½ miles to the shopping centers at Lawndale or Golden Gate. There is a proposed sidewalk with this development but no one would use it. Attorney Vaughan asked Mr. Stone if his opinion was this would not be a good place for a 5 story multi-family apartment complex. Mr. Stone responded no; it is completely out of character with the whole area and does not fit. All of the neighbors would be looking at 60, 70, and 80 foot walls Attorney Vaughan asked Ms. Tripp how long she has lived in the neighborhood. Ms. Tripp responded since 1965. Attorney Vaughan asked in her opinion was this site a good place for 500 apartments. Ms. Tripp responded she did not think so. There are problems in Kirkwood with the apartments at Lawndale and Cone. This gated community would not be like that but would have more residents in the neighborhood and in a district that cannot accommodate it. Mr. Vaughan asked if there were any 5 story buildings in her neighborhood. Ms. Tripp responded absolutely not. Mr. Vaughan stated they would argue this development is not compatible with the rest of the neighborhood. There is no walkability to services and it is way too dense. The current zoning is R-3 and R-5 at 3-5 units per acre. It is not compatible with one of Greensboro's most established neighborhoods and will certainly change the character of the neighborhood. Attorney Vaughn, on behalf of the neighborhood, asked the Commission to vote no to the proposal. Chair Holston inquired if there was anyone else wishing to speak in rebuttal opposition. Mr. Stone stated in addition to the cut through traffic on Kimberly Drive, Lafayette Avenue extends between Cone and Cornwallis Drive and experiences tremendous amounts of cut through traffic. There are no sidewalks in that area whatsoever with foot and bike traffic. It is unsafe now and will only become worse. Ms. Tripp stated her house has 3 stop signs at the intersection.

Mr. Carter advised Chair Holston there were people who had their hand raised the entire time and did not have an opportunity to speak in opposition. Chair Holston asked staff if there were options or if they were confined by the rebuttal periods that have already expired. Mr. Kirkman responded it was the purview of the Commission to take additional information. The time periods are used to make sure there is equitable time between the two parties for a zoning case. Chair Holston asked the Commissioners if anyone was in favor of allowing additional time for the hands that were missed. Mr. Collins suggested time could be extended but those speaking need to understand the Commission needs to hear new information and does not need to rehash what has been said by previous speakers. Mr. Engle agreed with Mr. Collins

Elliot Voelker, 1510 Colonial Avenue, stated there are three RM-18 zonings one mile away and a RM-26 is 1/ ½ plus miles away. Ones that are 5 stories or higher are beyond the 2 mile radius of the proposed site. Mr. Voelker asked why the plans were not dropped from RM-26 to RM-18.

Caitlyn Mahoney, 1510 Colonia Avenue, stated they bought this property in May because of the nature of the neighborhood. Dr. Mahoney expressed concerns that an apartment building could look into her bedroom window. Dr. Mahoney stated the area behind Ms. Fripp's house is different from the area behind her home and requested to know exactly what is planned for the border and the distance of that.

Chair Holston asked city staff to reiterate relative to the buffer question what the buffer would look like that is proposed by the applicant. Mr. Kirkman stated based on the conditions, it references properties along Colonial Avenue from 1506 through and including 1514 would be a 25 foot average width, type C buffer planting. Mr. Fox

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referenced the buffer slide and indicated where it became narrower but where the greatest topography change is. From the first floor of those properties, it was 42 feet higher than the ground under the hill near Cone Boulevard.

Nancy Lamb Cranford, 2605 Dellwood Drive, stated she has lived there 62 years and had apartments go up and half of them are empty because they are not affordable. The last group of high rise apartments, possibly 3 stories, are at the corner of Lawndale and Independence. Ms. Cranford asked how these apartments would be filled and why are there so many. Something beneficial is needed for the people who have lived generations and raised children here. Ms. Cranford asked if it did not matter and only people who have never been here are important.

Paul Polakowski, 1507 Lafayette Court, stated he purchased his property in 2019 because of the mature trees, established neighborhood, and the ability to walk on the streets, kids riding bikes, and is a quiet residential area. Mr. Polakowski expressed his concern with not having an environmental impact statement, a soil erosion form, a water runoff plan and associated impact, and especially a habitat study. Mr. Polakowski asked about the established species of either plant and wildlife within this 23.3 acre property that has been there for years and has heard nothing regarding a habitat study.

Chair Holston asked if the Commissioners had questions for Attorney Vaughn and others in opposition. Ms. O'Connor asked if there was any kind of middle ground in speaking with the neighbors to see if residential multi-family 12 or 18 would be more acceptable or if there was so much objection it could not be entertained. Attorney Vaughn stated they have not seen the revised conditions. If they had had time, possibly something could have been done. Attorney Vaughan stated this was a very vocal and diverse neighborhood and needed to see all the conditions associated as there are four different neighborhoods around this project. Mr. Stone responded they were not opposed to all builders but were opposed to this particular R-26 with 5 story buildings. The neighborhood would entertain conversations of density significantly lower. Two-story buildings and something in the range of townhomes, smaller and lower scale. Mr. Stone expressed concern regarding children on bicycles and the cut through traffic. A 25 foot buffer does very little behind an 80 foot building. Ms. Tripp stated Koury does have the right to develop this property and have a certain financial gain. The neighbors likely would be very much in favor of reduced density.

Chair Holston inquired if there were additional questions from Commissioners. Hearing none, Chair Holston closed the public hearing and requested to hear from staff for a recommendation. Mr. Trapp asked since there was more time added to opposition, was more time needed to be added for the applicant. Mr. Kirkman advised Attorney Harrell would speak to that but part of the issue was there had been people who wished to speak and all happened to be in opposition. Attorney Harrell stated there was not a requirement and was set up to be equitable in the essence of time. If the Commission felt they heard from additional opposition and wanted to hear more from those in favor, there was no requirement not to hear them. Mr. Collins asked if as Commissioners can still ask questions of people that were presented even though the public hearing was closed. Chair Holston responded that was correct. Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale and intensity of existing uses. The proposed CD-RM-26, as

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conditioned includes measures to decrease the negative impacts on the surrounding neighborhood. The zoning request is consistent with surrounding uses and staff recommended approval of this request.

Chair Holston inquired if there were questions for city staff. Seeing none, Chair Holston inquired if there comments, or thought from the Commissioners. Mr. Collins asked Chris Spencer attached to the traffic study for clarification if the entrance at Cleburne Street was part of this rezoning. Mr. Spencer of the City's Transportation Department responded they did ask the consultant to study that intersection but it was not a recommended improvement. The developer would not be required to build that. City Transportation wanted the study if in the future there would be a need for some type of access management there. If it is decided to do a study on access management there, there would be further follow-up and public involvement. There are no plans to require the developer to build that in association with this primarily because of full access and the way things are designed in the traffic study will handle the traffic going in and out of the site and put a negligible amount of traffic through the existing intersection. Chair Holston requested clarification on the western and eastern entrances and adjoining roads. Mr. Spencer responded the western entrance is a right in/right out access with a right turn lane. The eastern entrance is a full access allowing left turns both in and out, also potentially with a right turn lane and left turn lane westbound. Because there is a wide median, there would be a section built in the median, a two lane section between eastbound and westbound lanes. Similar to what is seen at other intersections along Cone and Lafayette. Mr. Collins asked if there was any chance that if this was approved and the applicant placed a condition of an emergency entrance only on Cleburne, would there be any chance the city would add an entrance off of Cleburne. Mr. Spencer if it is a condition, it would not be allowed to have a driveway. Chair Holston asked how the emergency only access on Cleburne would be controlled. Mr. Spencer responded typically it is with a gate, a Knox box and be worked out at the site plan stage. Fire would have access to unlock the gate but no one else would.

Mr. Collins stated one of the concerns appears to be the possibility of traffic being re-routed through other areas and asked Mr. Davenport if there was anything he looked at or any comments regarding that. Mr. Davenport responded one of the main reasons why the site entrances were all on Cone was to minimize cut through traffic. Cone is the major facility in the area that goes both east and west and to the major roads that go north and south. Going downtown to all the retail and points of interest are along Cone and the reason why the site was designed to have those two access points. There are other streets in the area but do not provide primary connection to the points of interest. Mr. Engle stated when he googled how to get to Target or the Lawndale shopping center from 1515 Cone Boulevard, it told him to make a right onto Cleburne and asked Mr. Davenport if he thought that would change or would it be an issue because Cleburne is a street that has no sidewalks and would be used as a cut through. Mr. Engle understood what Mr. Davenport said of people going north or out towards Brian Boulevard but asked about the areas of Lawndale Shopping Center, Target, Panera, Harris Teeter. Mr. Davenport stated Cleburne was analyzed and it was assumed that there would be some traffic. They are not saying there will not be any traffic, just not the primary route. Out of four or five trips in a day, the grocery store may be a couple of times a week but you would be going to work every day, there are schools, other trips associated with the development. They have looked at all of that and there will be some traffic on Cleburne and some traffic in the area overall. A development cannot be built of any size and restrict where people would go without giving them no access to a public street. A lot of traffic will not be added to the residential streets because of the way this development is designed. The City asked Davenport to look at eliminating the potential for traffic to cut through on Cleburne. Chair Holston inquired if there were any additional questions. Mr. Collins stated there appeared to be quite a bit of sidewalk going on in the City of Greensboro and asked Mr. Spencer if any of that was slated for

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the Cone Boulevard corridor at any time in the future. Mr. Spencer responded there is a section of sidewalk under design for Cone Boulevard and scheduled for 2022. East of Elm street a sidewalk is scheduled.

Chair Holston asked for any additional questions. Mr. Trapp stated they have heard about height of the buildings; Kirkwood Commons is across from the Target and asked if city staff or someone could advise how tall that structure was. Mr. Engle responded he did not know how tall it was but it was 4 stories. Mr. Trapp asked if the multi-family or structures in the area are over 2 or 3 stories. Chair Holston asked if the 4 stories included retail to which Mr. Engle responded that was correct. Mr. Trapp stated they have heard about multi-family in transition and multi-family that was empty and asked if anyone, staff or Koury, knew what the occupancy rate was in the city for multi-family developments. Mr. Vanore responded Greensboro ranked 18<sup>th</sup> nationally for quarterly growth, 30<sup>th</sup> nationally for second quarter 2020 growth. The market dropped in occupancy a little bit in the first quarter of 2020. The average over the second quarter since 1996 was 93% occupancy and is very strong. Mr. Trapp stated for him this was infill development and is the way of the future. Infill development combats urban sprawl. The Zoning Commission likes to see transition of land use and this provides that. The number of conditions on this are by far the most conditions he has ever seen on any zoning application. Mr. Trapp felt for the neighbors and surrounding neighborhoods and thought there was time to still talk and see where they are going. As presented, Mr. Trapp could not find a reason not to support this. That is what Zoning is here for, to discuss land use. Mr. Trapp stated he could not see a land use reason to deny the request and would be in favor.

Mr. Engle stated this is one of the more difficult cases that he has looked at during his 2 year term. Mr. Engle was also a fan of infill development. Koury Corporation has owned the land since 1959. They have paid property taxes on the land. Looking at this and having spent time in the Kirkwood neighborhood, the neighborhood would be very unhappy with single family homes if they were built in that area. They are not going to be what the neighborhood is today and Koury is correct that basketball goal at the end of Medford would probably be torn down to build a road. One way or another trees and wildlife cannot be saved. That was all decided years ago when the land was purchased by the Koury Corporation or its predecessor and zoned for residential. Mr. Engle differed with Mr. Trapp with the traffic concerns and in looking at RM-26 would like to see that from a transitional land use perspective something with less density. Mr. Engle stated from his perspective, this is a multi-family. It's not 20 units an acre and Mr. Engle had definite concerns about the height. If there was less density and was not 5 stories, he could support it. Mr. Engle provided this feedback as it will go on to City Council and stated he was not in support of the request. Ms. O'Connor agreed with Mr. Engle. To have a developer the caliber of Koury and the thoughtfulness put into this with the buffers, the turning zones, the underground water retention, all of that struck many chords and checked a lot of boxes, but she could not get pass the two obstacles of height and density. Ms. O'Connor agreed it should be infill but there needed to be a different solution. Five stories were a bit much even in a restricted area and the density was a lot for that small piece of land compared to the rest of the neighborhood. Ms. O'Connor's hope was to find a solution that is slightly different and was not in support.

Chair Holston inquired if there were any further comments from Commissioners. Chair Holston stated this was a very tough decision and really struggled with it. There are pros and cons on both sides. Chair Holston went through the neighborhood itself and appreciated the bonding the neighborhood has done and whether they win or lose, it was very impressive to see that type of commitment and perseverance in a neighborhood. Chair Holston stated his concern was the density. If this application was an RM-18, he would be very open to it, but with RM-26, he was not in support of the property. Mr. Collins agreed with what was said but his concern was does the



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Commission strive for mediocre in what will be done for a special site like this. Greensboro does not need regular apartments there and would not benefit anyone. Mr. Collins is a developer/builder and developers have been trying to look at things that other cities have done. In looking at Sharon Road in Charlotte, high density is on the main road and residential behind it, but this project does not have walkability. Mr. Collins did not want to see these as regular apartments. Koury does not want to sell it and will do something there to have income producing property and that is the reality. They will not sell as single-family home, lots, or as condos. Mr. Koury had a long view on everything and a long view on this property. The family is attempting to bring in a high quality development. Mr. Collins was opposed to this until recently. There is a lot to be sorted out between now and the Council date. Mr. Collins shared the same concerns with density. The applicant was not asking for RM-26, it has to be asked for to allow for flexibility. Mr. Collins did not want to see 3 story apartment buildings on this lot at regular market rate because this is a special piece of property. It should be thought of as Cone facing and not thinking neighborhood facing. Mr. Collins stated he thinks of the need for the corridor there. For that reason, Mr. Collins was in support.

Mr. Rosa agreed with Mr. Collins and with Mr. Trapp. Mr. Rosa walked the property. This still has to go to City Council and there is 30 days to continue working on this between the communities and Koury. Mr. Rosa stated he was in support of the application. Mr. Alford stated he thought this was a slam dunk and there was no way that this property should be used as proposed until seeing the conditions. These conditions indicated to him the developer does want to help the community and listened to the community in what they were saying. Mr. Alford stated he was in support. Mr. Bryson stated he listened to both sides speaking and walked on the property. Mr. Bryson stated he heard the concessions but on the opposition end, the only concession heard was they didn't like it. Mr. Bryson advised he is a real estate appraiser dealing with facts only and basing their opinion on what the facts say. Mr. Bryson stated he was in favor of the proposal due to the willingness of Koury Corporation to have so many concessions and reaching out to the community. They did say RM-26 but it was because of the statute rules. Chair Holston responded if Koury wanted to go to a less intensive zoning, they could do that without having to reapply and Mr. Bryson's point was well taken. Mr. Bryson stated this is a process, a give and take, and the opposition side is not giving anything. Mr. Bryson received a lot of letters and emails, read through most of them and understands the angst and lives in this area. There was talk about growth in the city and now we're talking about stopping growth. It cannot be both ways. Mr. Bryson is in support of the proposal. Mr. Engle stated there is another option here that was not taken that was available and that was PUD. There are different ways to lay this out that would have been different for the people around it and without having to do all these conditions because it would have been on the site plan. Mr. Jones echoed and felt the amount of conditions that the applicants were willing to make, supported his decision to approve the proposal.

Chair Holston asked if there was a motion. Mr. Trapp stated that in regards to agenda item Z-20-09-011, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties described as 1414, 1509, 1511 and 1515 West Cone Boulevard and 2111, 2113, 2115 and 2117 Cleburne Street from R-3 (Residential Single Family-3) and R-5 (Residential Single Family-5) to CD-RM-26 (Conditional District Residential Multi-family-26) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The property proposed for rezoning can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The CD-RM-26, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes

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of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 6-3. (Ayes: Trapp, Rosa, Alford, Collins, Bryson, and Jones. Nays: Chair Holston, Engle, and O'Connor.) Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

A break was taken at 8:07 and the meeting resumed at 8:21 pm.

Chair Holston advised those remaining the first case was approximately 3 hours long and thanked those remaining for their patience. Chair Holston also thanked City staff and the Commissioners. It was a tough case with a lot to consider and appreciated all the thoughtfulness went into coming up with the decision. Chair Holston stated in recognition of the time already spent, the Commission will move expeditiously but also judicially on the remaining cases.

**NEW BUSINESS:**

**Z-20-09-005 A rezoning request from O (Office) to CD-C-M (Conditional District Commercial Medium), for the property identified as 2713 Pinedale Road, generally described as south of Pinedale Road and west of Benjamin Parkway, (.58. acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Henry H. Isaacson, 804 Green Valley Road, attorney representing Dr. and Mrs. Lewis Benitez. Dr. Benitez is a partner in the firm of Lutins and Benitez who are constructing the new building on Pinedale, next to the subject property. The subject property is located at 2713 Pinedale Road, leased to Dr. David Sullivan. Dr. and Mrs. Benitez recently purchased the 2713 property to ensure that in the future the character on Pinedale Road would remain the same. It is a small street connecting Battleground Avenue and Benjamin Parkway, comprised primarily of offices, a small retail establishment, and a child care facility. The same zoning conditions for this request were approved in 2017 for 2715 Pinedale Road where the new building is under construction. If this rezoning is approved, it will help protect the property under construction and the remainder of the properties on Pinedale Road. According to the staff report, staff was comfortable with the change as are the neighbors. Mr. Isaacson stated 83 letters were sent out. One person responded and his letter of support is in Tab 5 of the booklet provided to the Commission. Mr. Isaacson noted it was his practice to provide a physical booklet to Zoning Commissioners and City Council but due to the virus Mr. Kirkman will assist with showing the booklet and contents. Tab 1 was the zoning conditions; Tab 2 was two zoning maps; Tab 3, were photographs of the subject property; Tab 4, photographs of construction of building being built and the parking lot; photograph of retail store, photographs of child care facility. Mr. Isaacson read the letter of support into the record provided by Jimmy Sipsis and portions from the staff report recommending approval.

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Chair Holston inquired if there were any questions for the applicant. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Hearing none, Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-C-M zoning request permits uses that are compatible with uses in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if there were any questions, comments, or a motion from the Commissioners. Ms. O'Connor moved that in regard to agenda item Z-20-09-005, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property described as south of Pinedale Road and west of Benjamin Parkway from O (Office) to CD-C-M (Conditional District Commercial Medium) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-C-M zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Chair Holston, Trapp, Jones, Rosa, Bryson, O'Connor, Alford, Engle, and Collins. Nays: None). Chair Holston stated this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-006: A rezoning request from R-5 (Residential Single Family-5) to RM-8 (Residential Multifamily-8) for the property identified as 822 Holt Avenue, generally described as east of Holt Avenue and south of Lombardy Street (.25 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Mr. Alford asked if it was being said the building on this property now is nonconforming with the current zoning. Mr. Kirkman responded that was correct. There are two units in the building, established a number of years ago. The current owner is interested in rezoning so it can be brought into conformance. Chair Holston asked if there were additional questions. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case.

Thomas J. Shimeld, 1129 Allman Ridge Road, Morganton, NC, representing JRTS Solutions is one of the owners of the property and stated this property was purchased in August of 2019. It was transitioned as a duplex over 20 years ago and he would like to continue the use as a duplex and bring it into compliance. It is listed as 822 and 822 B in the official Greensboro zoning address database.

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Chair Holston asked what was the impetus for requesting the zoning to RM-8. Mr. Shimeld responded they received a fine for non-compliance and that is what prompted them to look into further detail regarding the zoning. They are 3 doors down from RM-18 zoning and they only want to use the property as a duplex as purchased. With no other questions from the Commissioners, Chair Holston inquired if there was anyone else to speak in favor of the request. Chair Holston noted originally Kyrie Henniger had signed up to speak but Ms. Henniger advised she was speaking on another case and not this one. Chair Holston inquired if there was anyone else speaking in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. This request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and maintains stable, attractive, and healthy places to live and raise families. The proposed RM-8 request is intended to accommodate low to moderate intensity residential uses and allows uses that are consistent with those existing in the surrounding area. Staff recommended approval of the request. Chair Holston asked if going to RM-8 zoning and Mr. Shimeld tore the duplex down, could he put in an apartment complex. Mr. Kirkman responded two units is the largest it could be based on the size of the lot. Mr. Engle asked if there were any other uses available in RM-8 that would not be available in single family residential. Mr. Kirkman responded there are other uses such as a day care center, but the site is so small required parking and landscaping buffers could be provided for a non-residential use.

Chair Holston inquired if there were further questions or a motion. Mr. Engle stated in regard to agenda item Z-20-09-006, the Greensboro Zoning Commission believes that its action to recommend approval for the original zoning request for the property described as 822 Holt Avenue from R-5 (Residential Single Family-5) to RM-8 (Residential multi-family-8) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The property proposed zoning change can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The proposed RM-8 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Chair Holston, Bryson, Jones, Rosa, Trapp, Engle, Alford, Collins, and O'Connor. Nays: None). Chair Holston stated this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-007: A rezoning request from CD-LI (Conditional District Light Industrial) and O (Office) to CD-LI (Conditional District Light Industrial), for the properties identified as 4206, 4210 and 4218 Hilltop road, generally described as north of Hilltop Road and west of West Gate City Boulevard, (1.8 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any

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questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case.

William P. Benjamin, 301 North Elm, Suite 800, represented the Demolition and Asbestos Restoration, Inc, owners of this property. Mr. Benjamin stated they are attempting to align the current use of the property with the zoning. The zoning currently is limited to production and sale of utility buildings. A letter was sent out to all of the names provided by staff and identified as being within the 600 feet. People were invited to either a Zoom or in person meeting. Three people responded. One was a phone call from the landlord for Taco Bell expressing concern about a fence which was worked out. The other two were on Studio Lane and only wanted to know what was going on. They visited the building and were satisfied and advised they did not have a problem the request. This request came about as a result of a violation notice that was received and they are now attempting to get back into compliance by having the property zoning appropriately for what it is being used for.

Chair Holston inquired if there were questions for the applicant from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-LI zoning request is consistent with surrounding uses and allows for the continued use and future expansion of existing industrial uses on the subject properties currently zoned CD-LI and O. Staff recommended approval of the request.

Chair Holston inquired if there were questions for staff, discussion, comments, or a motion. Mr. Engle stated in regard to agenda item Z-20-09-007, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property described as 4206, 4210 and 4218 Hilltop Road from CD-LI (Conditional District Light Industrial) and O (Office) to CD-LI (Conditional District Light Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed CD-LI zoning district allows uses that are complimentary to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, Jones, Rosa, Trapp, Engle, Alford, O'Connor, Bryson, and Collins. Nays: None). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the November 17, 2020 City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-009: A rezoning request from R-3 (Residential Single Family -3) to PUD (Planned Unit Development) and approval of an associated Unified Development Plan for the properties identified as 4465**

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**through 4485 Old Battleground Road, generally described as south of Old Battleground Road and east of Pageland Drive, (16.919 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman read new Condition 2, Limited to a maximum of 320 dwelling units into the record. Mr. Engle made a motion to accept the conditions, seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Chair Holston, Jones, Rosa. Trapp, Engle, Alford, O'Connor, Bryson, and Collins. Nays: None). Chair Holston stated the motion to accept the conditions was approved. Chair requested the applicants to state their name, address, and present their case. The applicant and those speaking in favor were reminded of the 15 minute time limit to speak.

Marc Isaacson, 804 Green Valley Road, representing Yearns Properties, a local real estate developer and builder in business for more than 30 years. Mr. Isaacson introduced Mr. Bill Yearns, a principal of the business and his son Will. They are here requesting this rezoning to allow the development and construction of a high quality multi-family community on this property. Mr. Isaacson presented a site plan for illustrative purposes, that CPT Engineering prepared and noted this was a PUD, (Planned Unit Development) rezoning request. The primary reason for the PUD zoning request is this property and others within the area are heavily regulated by what is known as Watershed Tier 3 regulations which means only 30% of this property, 17 acres, is available for improvements that include impervious surfaces and there are 2 retention ponds required by the city's regulations. The site plan showed the layout of the buildings, a clubhouse and a pool on the property. This will be a high quality multi-family community, if approved. The net density of the PUD request came out to 18.9 units per acre, similar to the Landon Creek development to the west that is zoned RM-18. Their proposal is consistent with and compatible with the property to the west and other properties within the area.

Attorney Isaacson noted there would be two access points into and out of the property designed in connection with a traffic impact study performed by Davenport Engineering that was reviewed and approved by GDOT. The traffic impact study reflected very few improvements were required on Old Battleground Road. Dionne Brown, the engineer from Davenport was present to answer any questions. Mr. Isaacson stated the only access points for this project would be on Old Battleground Road and none of the properties to the south, along Brookfield, would be impacted by any access or traffic from this project. The site plan reflected a 50 foot natural setback area south. Their PUD plan calls for a substantial setback and buffer area for properties to the south. An aerial photograph showed the subject property and the Landon Creek development to the west. Yellow highlighted all of the other multi-family properties in the immediate area. At the intersection of Battleground and Old Battleground, is a large shopping center anchored by Harris Teeter, Starbucks, a pharmacy, and other goods and services across the street. Mr. Isaacson noted will be a requirement to install a sidewalk along Old Battleground for the project. The Battleground area is various retail and other commercial establishments mixed with multi-family. Horse Pen Creek Road, west of the commercial node is a multi-family community and adjoining on the west, a single family community. Multi-family and single-family can peacefully coexist together and has become a very common planning pattern embraced over decades in the City of Greensboro. This is a very classic and conventional development pattern for the city with a very walkable area. Mr. Isaacson stated when developers look at projects and project sites, they look for retail support, walkability, and consistent and predictable development patterns. This project meets all of that criteria.

In conversations with people in the neighborhood it was stated there was not a need for more apartments and some apartments in the area have vacancy rates. Mr. Isaacson presented a study of the occupancy level indicating

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this area could handle more multi-family dwelling units and that there is a demand and need for mixed housing and would be well received. He also noted the building would have elevators, stone and hardy board siding, high quality, and onsite management. Approximately 91 letters were sent out explaining the purpose of the project and they heard back from two neighbors in the area, Ms. Linder and Eric Clamage expressing concern regarding the pond. Mr. Isaacson also received an email from the head of the HOA in Landing Creek advising they were fine with this proposal and believed the project “would not affect Landing Creek beyond some increased traffic on Old Battleground.”

Mr. Isaacson stated this project has been guided by the Comprehensive Plan and the market conditions meets all of the criteria set out in the newly adopted 2040 Comprehensive Plan; specifically the policy of filling in the framework, higher density, mixed use, and walkable infill development. This project is across the street from a large retail center with a grocery store, coffee shop, restaurants, State employees credit union and other services. Up and down Battleground Avenue is a mix of uses that would fit well with what is proposed. This project will accommodate the need for more quality multi-family homes in this area as seen in the published reports on occupancy levels. The proposed project complies with the requirements limiting impervious surfaces to no more than 30%. Recent changes to Battleground Avenue and the addition of the new outer loop immediately south of this area and an interchange at Battleground, will significantly and positively affect the traffic and transportation and demands in this area. Mr. Isaacson addressed the concern of a domino effect of more multi-family down Old Battleground Road. This request is consistent with the adjoining properties and will be consistent with the mix of land uses in this area. It is supported by all of the principles of the new 2040 Comprehensive Plan. The project respects the environmental issues in accordance with the watershed regulations. For those and other reasons previously outlined, Mr. Isaacson submitted the application for Commission approval.

Chair Holston inquired of any questions for the applicant. Mr. Collins asked if 93-94% was considered full capacity in an apartment because it is not always fully leased due to turnovers. Mr. Isaacson responded they believed it is very close to full capacity but there are turnovers. The leases are typically signed for no less than 1 year at a time. With no additional questions, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston moved to opposition to the request and advised the combined time was 15 minutes.

Jan Linder, 4309 Stable Court, speaking on behalf of White Forest Farms vehemently opposed the rezoning proposal. There is a petition on Change.org with 334 signatures. Ms. Linder read some of the comments from signers on the petition with traffic congestion being the immediate concern. The opening of the loop connection on Battleground and the poorly designed and closure of Old Battleground Road through the park area created a lot of congestion on Battleground. Adding an apartment complex this large here would have a detrimental effect on traffic flow. All of the trails intersect and cross over this portion of Old Battleground Road. The lack of traffic planning to address these issues in advance is a disgrace to the city. Residents are demanding any future road expansion plans to alleviate traffic concerns be discussed prior to the approval of a zoning proposal. Infills are an important discussion for the Zoning Commission. Infill with a multi building apartment complex is not appropriate. One side of the proposed property is a multi-family zoned property and is not fully constructed at this time. The other three sides of the proposed property are single family homes and rezoning of this property would immediately diminish the property values of the single family homes on Brookfield Road and Old Battleground and the communities of White Horse Farm, Highway Meadows, Notting Hill and Brant Ridge. Mr. Isaacson failed

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to mention the new complex going in on Horse Pen Creek with over 300 units and currently under construction. There is a greater need for single family homes, not more apartments. Overcrowding this area with apartment complexes will lead to a decrease in the quality of life. Conservation of these natural areas is imperative to Greensboro. The quality of life will be further negatively impacted when schools in this area are maxed to capacity with the influx of apartment complexes. The additional resources necessary for the school system, fire, police, and emergency personnel will exceed the ability to remain a quality of life in northwest Greensboro. Mr. Engle asked was there a letter from a principal or anybody saying that schools cannot support this kind of density in this area. There has to be something from somebody that from a professional standpoint that may support the claims made. Ms. Linder responded she works in the school system as the Finance Director at Noble Academy. It was something to get into if there was time but there was no time to retain an attorney. They did not feel there was enough notice to address issues at this meeting. The neighbors are willing to fight it all the way to City Council.

Chair Holston asked if they met with the applicant and if so, how did those conversations go. Ms. Linder stated she reached out to Mr. Isaacson. There was a very choppy Zoom virtual meeting, hard to hear and felt she missed half of what was said because the connection was so poor. Basically they were told exactly what was cited in the letter that was mailed out. The neighborhood did not have a traffic study to look at and the metrics were not shown. The neighbors do not know how far back the setbacks are. They do not have any of that information.

Jason Anderson, 4909 White Horse Drive, stated his concern addressed the impact of 8 large multi-family units and football fields of asphalt having a negative effect on the existing watershed that would affect the recreational use of the natural areas already existing and existing wildlife habitats. Mr. Anderson stated the residents have seen the negative impact that excessive multi-family additions have had on traffic on Horse Pen Creek and additional traffic will occur and may result in diminished property values for existing home owners. Mr. Anderson expressed his concern to the Commission regarding the watershed and traffic impacts that this planned development may have. Chair Holston asked if there was something in particular regarding the retention ponds and asked what that was. Mr. Anderson responded he was concerned about the effect that the placement of a retention pond might have on the watershed area. Mr. Engle stated the only thing decided at this meeting is the land use and whether apartments could be built or not built. There is a Technical Review Committee that meets to go through issues. TRC will be the ones looking at the water displacement issues and the requirements for whatever is built there, single family homes, apartments, or whatever. If there are issues with drainage, the Zoning can hear that but it will be another department at the City that deals with that through TRC.

Mr. Gregory Corbett, 5226 Michaux Road, stated his concern regarding traffic. Exiting out of Michelle Road can be tricky at times during peak periods to make a right turn toward Harris Teeter. 200 more vehicles in the area will travel that way to get on the urban loop. The concerns of in and out and down Old Battleground will be more traffic. Mr. Corbett was concerned the traffic study was not showing very much wrong. Traffic lights may be needed to exit both Michelle and White Horse Drive because some people will never get out of there if there is a long line of people making a right onto Old Battleground and they want to make a left out of White Horse Drive and will be complicated.

Ms. Tanser Corbett, 5226 Michaux Road, stated one of the primary concerns for Greensboro was using infill to prevent the creation of urban sprawl is very prominent on the planet. These apartments would not be consistent with the environment of this area. Hampton Downs is an excellent example of how infill can happen appropriately



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and expertly done on Michaux. They are perfectly in character with the area and introduced multi-family homes. Having multi-family homes in the area is completely possible and doable but the massive apartments are not the correct type of multifamily homes. The neighborhood understands this land will be developed but how it the right type of housing is introduced in an area to preserve the environment, the feeling and character, and all available amenities is very important. Development is going to happen and multi-family development does need to come in but there is a way to do it that would be conducive to molding into the single family home already there.

Ms. Jennifer Carter, 5106 White Horse Drive, stated her concern was the traffic issue. Ms. Carter was told the traffic study had been conducted and did not indicate any additional need for any change to the road. White Horse Drive and Michaux is hard enough as it is to get in and out. They live here and know the realities of how difficult it is. So to read a traffic study that states it is not a problem, undermines the residents who live there who care about their safety. By adding such density to the area is in fact going to have an impact no matter what the traffic study may say. It has also been mentioned how difficult it is to turn left from Old Battleground onto Battleground.

Alexander Martin, 3508 Brookfield Drive, stated the apartment complexes already existing in the area have created multiple noise issues and they are much further back. The Greenway blocks one and multiple trees and buildings blocking the other apartment complexes. Mr. Martin stated leaving a field of land undeveloped or with a single family home would better fit with the urban feel and would put less stress on Lake Brandt, the water drinking reservoir. Their road is actually on wells within the city and the increased runoff from the parking and the retention pond overall is going to negatively impact their wells here. This project will be across two major running trails that connects across Old Battleground with the Greenway. Mr. Martin has not seen the traffic study but was curious to see how that affected pedestrian traffic in the area. With 320 new drivers, it could be very unsafe.

Eric Clamage, 3502 Brookfield Drive, stated he was unaware that there was an option of an underground water retention system. Water runoff is a big problem and he has had runoff in his front yard. Mr. Clamage looked at the first project from this meeting and what Koury had proposed and if this proposal looked like that with a luxury rental gated community, he would be more inclined to go ahead with the proposal. Mr. Clamage has seen other work of Yearns that are beautiful houses and wished he had taken the time to do the same thing on this property as well.

Chair Holston inquired if there were questions from the Commissioners for anyone who spoke in opposition. Mr. Bryson requested to let Mr. Bobby Ross have an opportunity to speak since he had his hand raised. Chair Holston stated what he will do is have questions from the Commissioners and come back to start with Mr. Ross in the 5 minute rebuttal period. Ms. Ellen Flueckiger would also be in the rebuttal. Chair Holston inquired if there were additional questions from the Commissioners for those speaking in opposition. Chair Holston then moved to rebuttal and advised Mr. Isaacson and those in favor they had 5 minutes of rebuttal.

Mr. Isaacson stated the applicants have heard the neighbors do not want more apartments or growth which was hard to respond to. The independent market report he earlier presented indicated there is still a demand for multi-family. Mr. Isaacson appreciated the interest of folks in the area not wanting apartments but as a Commission, the City, and citizens are charged with following the planning professionals, transportation professionals, and the

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2040 Comprehensive Plan. The responsibility of decision makers is to look 20 years down the road to see what Greensboro will look like. The introduction of the Outer Loop and widening of Battleground Avenue and other developments in the area make this a walkable community. Retail support is directly across the street and up and down Battleground Avenue. This proposal is very conventional and classic planning in the City of Greensboro. The complaints regarding traffic will be addressed by the transportation specialists who prepared the study in conjunction with the requirements from GDOT. The report indicated some changes are required and will take its course during the site plan review. The applicants are ready to do anything GDOT requires to facilitate traffic flow in the area and acknowledge they want to be a good partner with the community and with GDOT to make it accessible as possible.

Dionne Brown, 4600 Marriott Drive, Raleigh, licensed practicing engineer for NC. Davenport. Ms. Brown stated there was coordination with NCDOT and GDOT on this project. All of Davenport's accounts were made accessible to GDOT and time was spent on negotiations and coordination. Davenport did account for the opening of the loop and what the loop will look in the future. GDOT agreed with Davenport on the scope of the project and the base volumes used for the project. With that methodology and the trip generation model and other models that were used, it was concluded the intersection of Old Battleground and Battleground currently functions at a D level and will continue at a D level. That quadrant has developed growth and is probably maxed out of what can be done with signal timings there as far as adding lanes and things like that as it is built out in each quadrant. The access points are supposed to be aligned across Steeple Chase and White Horse. It was mentioned about a possible signal with this development coming into play. More than likely it will not trigger a signal because there are two access points to exit. Mr. Isaacson added the traffic study indicated the level of service would change from B to C at those access points and the delay would be no more than 10 seconds at any of the access points. Ms. Brown concurred with that statement.

Chair Holston asked what the buffering was going to be for the Brookfield community. Mr. Isaacson stated the buffering at the nearest point was no less than 50' from the corner of the nearest building to the property line south and a natural area above. The applicants will comply with any noise ordinance. Mr. Isaacson felt the applicants have established communication and will respond to concerns. Letters were sent approximately 30 days prior to those registered with the planning staff. Only two responses were received. The applicants stand ready to communicate thoroughly with anyone who is interested or has concerns, now and going forward. Chair Holston inquired if there were additional questions for Mr. Isaacson or Ms. Brown. Mr. Engle stated this may be the first PUD being approved since the Planning Board was disbanded and asked Mr. Isaacson if a plan was submitted that they are bound to. Mr. Engle referred to Article 4 Review and Approval procedures and asked what the developer was bound to. Mr. Isaacson responded this is a new process for the Zoning Commission. The plan does go through the Technical Review Committee for approval but the Zoning Commission was now responsible for reviewing and approving the PUD plan itself. The plan covers the basics and is not a full-fledged site plan. It is essentially a use plan showing the boundaries, setbacks, ponds, things that are required under the ordinance are shown on the plan. Staff may have a better way to describe. His experience on being on the Planning Board was the plans are reviewed several times to ensure they complied with the ordinance requirements. That is the essential function on the PUD plan. Chair Holston inquired if there were additional questions for Mr. Isaacson or Ms. Brown. Ms. Bennett stated she had a question for Mr. Isaacson, Chair Holston advised any questions the public have would need to be directed to the Commission. The Commission was about to move to the rebuttal period for those in opposition. Two people were in front of her and she would be the third. The question has to be

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directed to the Commission or staff, not the applicant. Chair Holston moved to the opposition rebuttal and advised of a combined total of 5 minutes for all speakers.

Mr. Bobby Ross, 3500 Brookfield Drive, stated only recently became aware of the project and did not know what discussions had ensued. Mr. Ross felt most everyone accepted that eventually something would happen with the land. Mr. Ross echoed the comment regarding the wells. Brookfield Drive is one of the few streets still on well water and he would like to understand more about what would happen during construction phases with water quality and the long term effect of run off in the area.

Blaine Berkowitz, 3003 Graystone Point, Unit L, stated he was against this request. Mr. Berkowitz asked if 4656 Battleground would become apartments. Mr. Engle responded the Commission can only consider what is presented at this meeting and the surrounding uses as they stand. Until it is presented to the Commission, it cannot be considered. Mr. Kirkman stated the property referenced is 4501 Old Battleground Road, currently zoned office and he was not aware of any specific plans currently. Staff had not seen any proposals. Chair Holston requested Ms. Bennett to speak.

Martha Bennett, 5005 Whitehorse Drive, stated her concerns having an exit from this apartment complex directly across the street from the Whitehorse Drive. If there are 320 apartments, there will probably be 600 drivers as most single family homes have two drivers. Traffic definitely needs to be considered and the school districts that will be overburdened. Ms. Bennet preferred townhomes to be built instead of apartments.

Chair Holston asked if Ms. Ellen Flueckiger was available. Ms. Flueckiger was not on the call. Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity or off-site impact as existing nearby uses. The proposed PUD zoning request allows uses complimentary to those existing on adjacent properties. The request would also increase the range of choices and supply of housing. Staff recommended approval of the request. Mr. Kirkman advised the Commission will be making a decision on the PUD zoning itself and also on the associating unified development plan.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle spoke to the difference between this case and the first multifamily zoning case heard. In this case Mr. Engle was in support because of the proximity it has to other multi-family and commercial. Mr. Engle believed the applicants will continue their communications with the community and for those dissatisfied with the decision from this meeting, it will go to City Council which would provide more time for further communication. Mr. Engle stated the Corbett's did a great job advocating their position. Ms. O'Connor made a motion and stated in regard to agenda item Z-20-09-009, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the properties described as 4715 Rear Pageland Drive and 4465-4485 Old Battleground Road from R-3 (Residential Single Family-3) to PUD (Planned Unit Development) to be consistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public

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interest for the following reasons. The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The property proposed for rezoning can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The PUD, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Bryson. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Bryson, Rosa, Engle, Collins, and Alford. Nays: None). Ms. O'Connell then moved approval of the associated Unified Development Plan. Seconded by Mr. Bryson. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Bryson, Rosa, Engle, Collins, and Alford. Nays: 0). Chair Holston advised the Land Use and PUD are both approved and approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at November 17, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal. Chair Holston thanked all of the speakers.

A 10 minute break was taken at 10:18 pm and resumed at 10:28 pm.

**Z-20-09-013: A rezoning request from R-3 (Residential Single Family-3) to CD-RM-5 (Conditional District Residential Multifamily-5), for the property identified as 4708 Mitchell Avenue, generally described as north of Mitchell Avenue and west of Muirs Chapel Road, (.33 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and to present their case.

Kyrie Henninger, 12133 North Highway 150, Suite F, Winston-Salem, Kennerly Engineering Design, speaking on behalf of Guillermo Toledo and Toledo Homes. She noted Mr. Toledo was requesting a rezoning for this property on behalf of Mr. Toledo to build a 2 unit with 2 bedrooms in each unit of the duplex building. It would have the same floor plan as one Mr. Toledo was building on Cox Road. Notifications were sent and no emails, calls or concerns were received. There should not be a traffic impact for this rezoning. Chair Holston inquired if there were questions for the applicant. Seeing none, Chair Holston inquired if there was anyone else to speak in favor or opposition to this request. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested will increase the range of choice and supply of housing. The proposed CD-RM-5 zoning district, as conditioned, limits uses to a duplex or a single-family dwelling which are compatible with existing uses in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if there questions for Mr. Kirkman. Seeing none, Chair Holston inquired if there was discussion, comments, or a motion. Mr. Engle stated in regard to agenda item Z-20-09-013, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property

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described as 4708 Mitchell Avenue from R-3 (Residential Single Family-3) to CD-RM-5 (Conditional District Residential Multifamily-5) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The property proposed zoning change can accommodate a satisfactory transition to the existing scale and intensity of existing, adjacent uses. The proposed CD-RM-5 zoning district allows uses that fit the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-10-001: A rezoning request from R-3 (Residential Single Family-3) to O (Office) for the property identified as 4215 Hilltop Road, generally described as southwest of Hilltop Road and west of West Gate City Boulevard (0.65 Acres. (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Felecia B. Price, 4215 Hilltop Road, owner of the property, stated the purpose for the request is to bring it in line with the existing daycare facility. If approved it will provide additional office space and an open gym space for the children. There were no drawings but if approved they will stay within the restrictions of the zoning criteria for Office. Chair Holston inquired if there were any questions for the applicant. Hearing none, Chair Holston inquired if there was anyone to speak in favor or opposition to the request. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed O zoning district is intended to accommodate office, institutional, supporting service and other uses. This request would allow uses that are compatible with existing uses in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if there were any questions for staff, comments, discussion or a motion. Ms. O'Connor stated in regard to agenda item Z-20-10-001, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the property described as 4215 Hilltop Road from R-3 (Residential Single Family-3) to O (Office) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed O zoning district allows uses that are complimentary to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions and other attributes of the area. It will benefit the property owner and surrounding

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community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Bryson, Jones, Rosa, Engle, Trapp, Collins and Alford. Nays: None). Chair Holston advised the approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-10-002: A rezoning request from R-3 (Residential Single Family-3) to LI (Light Industrial), for the properties identified as 3307 and 3309 Sandy Ridge Road, generally described as north of Farrington, west of Sandy Ridge Road, and southeast of Cider Road, (13 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case.

Dixon Pitt, 2990 Bethesda Place, Winston-Salem, Williams Development Group, stated the property is under contract and if approved, the intent was to build a 36,000 square foot building for a local maintenance and repair shop for commercial vehicles. Mr. Pitt advised this property is off of Farrington, not Sandy Ridge Road. Notifications letters were sent out on September 17, 2020 and currently no one has responded in any way. Mr. Pitt stated he did have a site plan if the Commission wanted to review it.

Chair Holston inquired if there were any questions for the applicant. Hearing none, Chair Holston inquired if there was anyone else to speak in favor or opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and the Western Area plan designates this site as employment area. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LI zoning district permits uses that are consistent with the surrounding uses. Staff recommended approval of the request.

Chair Holston inquired if there questions for staff or comments, discussion or a motion. Mr. Engle stated in regard to agenda item Z-20-10-002, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described 3307 and 3309 Sandy Ridge Road from R-3 (Residential single family-3) to LI (Light Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested LI district would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Ms. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department

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within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-10-003: A rezoning request from CD-C-H (Conditional District- Commercial - High) to CD-RM-18 (Conditional District – Residential Multifamily -18), for the properties identified as 6109 and 6115 Landmark Center Boulevard, generally described as east of Landmark Center Boulevard and north of Bridford Place, (6.33 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to speak and provide their name and address.

Marc Isaacson, 804 Green Valley Road, stated the property is currently zoned currently Commercial High, which was the Shopping Center zoning under the old ordinance. Mr. Isaacson was representing Mission Properties from Charlotte. This will be their first project in Greensboro but Mission Properties has been building multi-family communities around the state for a number of years. Retail is changing and there is a lot of investment and infrastructure in Greensboro. There are new planning concepts from retail to residential. He noted this is a walkable area for services and goods with restaurants and other things there. The property is next to the Ice House and would be a good fit. Slides and photographs were shown indicating what surrounded this property. Illustrative photographs of other properties Mission has built in Charlotte and elsewhere were also shown. This project will feature some unique and interesting designs that will fit in well with the area. Letters were sent out to those on the city's notification list. There was one call in response who asked if Mission wanted to acquire her property. No other communications were received and were unaware of any concerns, questions, or opposition.

Chair Holston inquired if there were questions for Mr. Isaacson. Seeing none Chair Holston asked if there was anyone to speak in favor or opposition to the request. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The CD-RM-18, as conditioned, ensures that the building materials are durable, sustainable, and contribute to the character of the public realm. Staff recommended approval of the request.

Chair Holston inquired if there were questions for staff, or comments, thoughts, discussion, or a motion. Mr. Engle stated in regard to agenda item Z-20-10-003, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the properties described as 6109 and 6115 Landmark Center Boulevard from CD-C-H (Conditional District – Commercial High) to CD-RM-18 Conditional District – Residential Multifamily-18) ) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested CD-RM-18 district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is

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reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Ms. O'Connor. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-10-004: A rezoning request from R-3 (Residential Single Family -3) to LI (Light Industrial), for the property identified as 8507 Cider Road, generally described as south of Cider Road and west of Sandy Ridge Road, (2.04 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Mr. Engle asked if Zoning had just recently approved the rezoning of the houses up the road. Mr. Kirkman indicated where CD-LI was on the map. He noted the change was not yet in effect when the original map for this meeting was done. Chair Holston requested the applicant to state their name, address and case. Chair Holston advised of the 15 minute time limit.

Britton Lewis, 235 North Edgeworth Street, Carruthers & Roth, on behalf of Reaves Drywall, was requesting a rezoning for this property they purchased. There will be an office and a pre-fab warehouse for storage of materials. Due to the surrounding properties, it was felt a straight rezoning was appropriate for Light Industrial as there were also heavy industrial facilities in the area. This fits clearly within the 2040 Comprehensive Plan.

Chair Holston inquired if there were questions for Mr. Lewis. Seeing none, Chair Holston inquired if there was anyone else in favor or in opposition. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as Employment Area. The request is consistent with the Comprehensive Plan because the uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The uses permitted in the proposed LI zoning district are consistent with the surrounding uses. Staff recommended approval of the request.

Chair Holston inquired if there were any questions for staff, or comments, discussion or a motion. Mr. Bryson stated in regard to agenda item Z-20-10-004, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described as 8507 Cider Road from R-3 (Residential Single Family-3) to LI (Light Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested LI district would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Jones. The



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Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-10-005 & PL(P) 20-21: An annexation and original zoning request from CU-RS-40-MH (Conditional Use-Residential Single-family-40- Manufactured Housing Overlay District) to R-3 (Residential Single-family-3) for the property identified as 4636 South Holden Road, generally described as west of South Holden Road and north of Harris Drive, (1.1 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston asked given the frontage and the square footage, could more than one dwelling be placed on the property. Mr. Kirkman responded the way land was configured; it could not have more than one dwelling without a variance. The applicant is looking to connect to city services for the existing dwelling. Chair Holston requested the applicant to state their name, address and present their case. Chair Holston advised of the 15 minute time limit.

No applicant was present and Chair Holston noted the applicant was not required to be present. Chair Holston inquired if there was anyone to speak in favor or opposition to the request. Chair Holston asked if Mr. Kirkman could provide anything else from his conversation with the applicant. Mr. Kirkman stated he thought this was a request to connect city services because it is within Growth Tier 1. The property can be annexed and it is a requirement under the city water policy. The original zoning needs to be established and R-3 is the least intense zoning residential classification in Greensboro and is consistent with the existing zoning on the property of the surrounding area.

Chair Holston inquired if there was anyone to speak in favor or opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed R-3 zoning district allows uses that are similar to existing uses in the surrounding area. Mr. Kirkman reminded the Commission there needed to be a motion on the annexation and also a motion on the original zoning request. Staff recommended approval of the request.

Chair Holston inquired if there were any questions, comments, discussion or a motion on the annexation. Ms. O'Connor made a motion to approve the annexation, seconded by Engle. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Ms. O'Connor stated in regard to agenda item Z-20-10-005 and PLP-20-21, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property described as 4636 South Holden Road from CU-RS-40-MH (Conditional Use-Residential Single Family-40 – Manufactured Housing Overlay District) to R-3 (Residential Single Family-3) to be consistent with the adopted GSO 2040 Comprehensive Plan

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and considers the action taken to be reasonable and in the public interest for the following reasons. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed City-R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston advised the approval constituted a favorable recommendation and is subject to a public hearing at the November 17, 2020, City Council Meeting.

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT:**

Zoning, Planning, and Development Text Amendment: Amending Sections 30-3-7.4(B), 30-4-1.6(B), 30-4-12.4(K), 30-3-16 and Table 3-1 of the Land Development Ordinance related to appeals from the Historic Preservation Commission in granting or denying a Certificate of Appropriateness being appealed to the Superior Court.

Mr. Kirkman stated that ordinance text amendments is one of the items that came over from the Planning Board to the Zoning Commission and will be new to the Commissioners. This request is amending sections of the Land Development Ordinance and the Commissioners will be asked to make a recommendation to City Council to either approve the text amendment as proposed, approve with changes, or to recommend denial. Mr. Kirkman deferred to Mr. Clegg to speak to the substance of the request.

Mr. Clegg stated this is requiring a vote on a recommendation to City Council regarding an amendment to the Land Development Ordinance. The amendment will change the venue for appeals of decisions made by the Historic Preservation Commission. Currently appeals go to the Board of Adjustment. This text change would allow for appeals to go directly to Superior Court instead. The final decision on this amendment will be made by City Council currently scheduled to hold a public hearing to consider the item at their meeting on November 17, 2020.

Mr. Clegg stated the Historic Preservation Commission is a quasi-judicial board, just as the Board of Adjustment is. They review proposed changes to the exterior structures in their three local historic districts. The districts are College Hill, Fisher Park, and Dunleath. Appeals are infrequent from the Historic Preservation Commission and this is a request to go from the Board of Adjustment to Superior Court. The cost would be slightly lower at Superior Court. A person can have an attorney present at either one of the venues. According to previous attorney Terri Jones, about half of the people who appealed in Zoning and Board of Adjustment cases did employ attorneys. The filing deadline has a quicker turnaround with the Board of Adjustment. The standard used is the same for both venues and would look at the record of Historic Preservation Commission. Superior Court can remand if there is a procedural error or a failure to make a required finding of fact. Superior Court can remand and issue or deny to revoke the COA if the decision was unsupported by competent, substantial, and material evidence. The Board of Adjustment can reverse or affirm, wholly or partly, a decision by HPC. Board of Adjustment can modify the decision and can make any order, requirement, decision, or determination that in their opinion should be made in the case. The Board of Adjustment has slightly more latitude than Superior Court. The Historic Preservation Commissioners discussed this amendment at length at their August meeting and felt strongly Superior Court was the best venue for hearing appeals and was more experienced in reviewing the

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process than other Boards. The HPC voted unanimously in September to support this amendment. The Board of Adjustment members were also asked about the amendment recently via email and responded in favor of the amendment but no vote was taken. Staff checked with the state Historic Preservation Office and their response was that it was standard for appeals of a Historic Preservation Commission to go to the Superior Court instead of another Board. Mr. Clegg asked if there were questions regarding the amendment. Mr. Engle asked if the Zoning Commission should just move to approve it. Mr. Russell responded his answer would be yes. Mr. Kirkman stated the action of the Commission is just to approve, approve with changes or to deny it. Mr. Engle made a motion to approve the amendment as presented. Second by Mr. Rosa. The Commission voted 9-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, Collins, and Alford. Nays: None). Chair Holston stated the text amendment has been approved as submitted and the recommendation that will go on to City Council for final action.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised currently there were 5 cases currently for the November meeting. Mr. Kirkman thanked the Commissioners as this had been a long couple of months with numerous cases.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Chair Holston expressed his appreciation for everyone attending the meeting. Ms. O'Connor stated Chair Holston did a great job and the Commissioners appreciated it.

**ABSENCES:**

Chair Holston advised there were no absences.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 11:24 p.m.

Respectfully submitted,

Hugh Holston, Chairperson

HH/cgs

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneously on the City of Greensboro's website November 16, 2020, beginning at 5:30 p.m. Members present were: Chair Hugh Holston, Sandra O'Connor, Raymond Trapp, Richard Bryson, Zac Engle, James Rosa, Tony Collins, and Vernal Alford. Present for City staff were Luke Carter, Mike Kirkman, and Steve Galanti, (Planning Department), Noland Tipton, (GDOT), and Alan Andrews, Chief Deputy City Attorney.

Chair Holston welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Holston advised of the policies and procedures in place for the Zoning Commission and how the meeting would be conducted using the online format.

Mr. Andrews advised pursuant to General Assembly Session Law 2020-3, anyone may submit written comments between now and 24 hours after the public hearing closes on each of the identified items. Mr. Andrews requested each item be identified for comments to be made on and submit the comments Planning staff

Chair Holston performed a roll call of the Commissioners present. Chair Holston advised Commissioner Jones was not present.

**APPROVAL OF THE OCTOBER 19, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the October 19, 2020 minutes, seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Collins. Nays: 0). Chair Holston stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES**

**Z-20-11-06: The City of Greensboro is proposing a change to the Airport Overlay District to establish a Zone 1 (AOD-1) and a Zone 2 (AOD-2) in accordance with the proposed new Airport Overlay District map. (Continued)**

B. Zoning, Planning, and Development Text Amendment: Amending Sections 30-4-14 (Mailed Notice, 30-4-8.7 (District Boundaries, 30-7-8.2 (District Standards), and 30-13-9.2 (Owner's Associations) of the Land Development Ordinance related to the Airport Overlay District.

Mr. Kirkman advised there was a request to continue item 4B, a map and text amendment for the airport overlay district. Chair Holston inquired if there was anyone present wishing to speak in favor of the continuance.

Michael Fox, Tuggle & Duggins, 100 North Green Street, representing land owners potentially impacted by this ordinance requested a 60 day continuance to allow further discussions with staff and representatives from the airport regarding the changes. Mr. Fox advised based on correspondence from airport staff, they did not object to a continuance and based on conversations with the Planning Director, staff did not object to a continuance. Having more time to discuss these changes would result in a better product at the end.

Chair Holston inquired if there was anyone else to speak in favor of the continuance request.

Tom Terrell, Fox Rothschild, 230 North Elm Street, representing Piedmont Triad Airport Authority advised the airport authority did not object to a continuance.

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Chair Holston inquired if there was anyone else to speak in favor of the continuance request. Hearing none, Chair Holston inquired if there was anyone in opposition to the continuance request. Mr. Engle made a motion that this item be continued for 60 days to the January 20, 2021 Commission meeting. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated item number Z-20-11-06, item 4B, was continued until the January 20, 2021 Zoning Commission meeting.

Chair Holston inquired if there were any other withdrawals or continuances. Mr. Kirkman responded there were not.

**PUBLIC HEARINGS:**

**Z-20-11-001 and PL(P) 2020: An annexation and original zoning from County RS-20 (Residential Single-family) to R-3 (Residential Single-family-3) for the property identified as 162 Birch Creek Road and a portion of the Woodhollow Road right-of-way from Birch Creek Road extending westward for approximately 200 feet, generally described as west of Birch Creek Road and south of Woodhollow Road. (0.83 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if there were questions from the Commissioners to city staff. Seeing none, Chair Holston requested to hear from the applicant.

Eric Olbera, 162 Birch Creek Road, on behalf of Miquel Hernandez, stated they were requesting an annexation for 162 Birch Creek Road to gain access for water and sewer in order to continue the construction of the property for a house. Chair Holston inquired if the Commissioners had questions for the applicant. Seeing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear staff's recommendation.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Exurban, which would then convert to Urban General upon annexation, on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale and intensity of existing, adjacent residential uses. The proposed R-3 zoning allows uses that are similar to existing uses in the surrounding area. Staff recommended approval. Mr. Kirkman reminded the Commission there were two action items associated with this request; the recommendation of the annexation and the recommendation for what zoning to be apply if the property is annexed into the city.

Chair Holston inquired if there were questions for city staff. Seeing none, Mr. Engle made a motion to recommend annexation; seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised the motion passed 8-0 on the annexation. Mr. Engle moved that in regard to agenda item Z-20-11-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property described 162 Birch

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Creek Road and a portion of the Woodhollow Road right-of-way from Birch Creek Road extending westward for approximately 200 feet from County RS-20 (Residential Single-family) to R-3 (Residential Single-family-3) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The uses permitted within the proposed zoning district are of similar scale and intensity for off-site impact of the existing nearby uses. The proposed city R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated these approvals constituted a favorable recommendation and are subject to the public hearing at the December 15, 2020, City Council Meeting.

**Z-20-11-002 A rezoning request from RM-12 (Residential Multi-family-12) to CD-C-M (Conditional District – Commercial – Medium) for the property identified as 3757 Oakwood Drive, generally described as west of Oakwood Drive, south of West Gate City Boulevard, (0.62 acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request that was submitted and read into the record the following new condition:

Prior to site plan approval, 3757 Oakwood Drive known as parcel number 49598, shall be combined with the property identified as 3803 West Gate City Boulevard and identified as parcel number 49600.

Mr. Engle moved to accept the new condition. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised the condition passed. Chair Holston requested the applicant to state their name, address, and present their case.

Marc Isaacson, 804 Green Valley Road, on behalf of 5 Star Real Estate Holding Company, referred to the booklet presented to the Commissioners within their packet and advised the Oakwood Drive property was zoned for multi-family but is approximately 2/3 of an acre and not suitable for development for multi-family purposes. The Oakwood Drive property is under contract to be acquired along with the 3803 West Gate City Boulevard property. If this property was rezoned, the properties would be combined to allow one new car wash facility to be developed facing Gate City Boulevard. An illustrative site plan was depicted for the Commissioners providing a visual of how it might be laid out. Mr. Isaacson stated access to the property would be from Oakwood Drive; the side street. There would be two lanes for vehicles that would come through the pay station and then through the car wash tunnel, exiting onto West Gate City Boulevard. The reason for the condition to combine these properties is to make this one parcel to function together. Mr. Isaacson advised under the development standards there would be a 25 foot landscape buffer area from this property to the multi-family property. Photographs were depicted indicating the buffer location and the pattern flow for the car wash facility. Mr. Isaacson advised letters were sent to everyone on the City's notification list describing the purpose and providing background on how the facility would operate. Mr. Isaacson did not receive any communication, nor did city staff as of this meeting. Mr. Isaacson stated this meets the criteria for the Comprehensive Plan and staff recommended approval.

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Chair Holston inquired if the access to the property would only be off of Oakwood. Mr. Isaacson responded that was correct. Chair Holston inquired if that was an exit also or only an entrance. Mr. Isaacson responded it was only an entrance. The facilities are designed to accommodate vehicles as they go through the pay station and move forward to the tunnel that exists onto West Gate City Boulevard. There would be no exit on to Oakwood. Chair Holston inquired if there were separate bays for vacuuming. Mr. Isaacson stated they would be located outside, along West Gate City Boulevard. All the heavier commercial activity is on West Gate City Boulevard. Oakwood is only to provide a lane of access and a buffer. A certain setback had to be met and his client would have preferred everything to be on Gate City Boulevard but are required under the city ordinance to establish this property as presented. Chair Holston asked if the vacuum bays would be furthest away from the residential. Mr. Isaacson responded that was correct. Chair Holston inquired if there were additional questions from the Commissioners. Hearing none, Chair Holston inquired if there was anyone to speak in favor of the request or was there anyone to speak in opposition to the request. Hearing none, Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map. The property is also designated Urban (Mixed-Use) Corridor and a High Frequency Transit Service Corridor on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a compatible scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of nearby uses. The CD-C-M zoning district, as proposed, permits uses that are compatible with uses in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if there were any questions, comments, or a motion from the Commissioners. Mr. Alford stated he was looking at car washes and the prohibition for drive throughs under the conditions and asked if that would be a problem or was there an exception. Mr. Kirkman responded the prohibition was for other types of drive through uses. Car washes would be allowed but the condition prohibition would apply to things such as banks or restaurants with drive throughs.

Mr. Engle moved that in regard to agenda item Z-20-11-002, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties described as 3757 Oakwood Drive from RM-12 (Residential Multi-family-12) to CD-C-M (Conditional District Commercial Medium) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The uses permitted in the proposed CD-C-M zoning district are consistent with existing uses found on nearby properties zoned C-M and C-H. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: 0). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the December 15, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

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**Z-20-11-003: A rezoning request from R-3 (Residential Single Family-3) to CD-R-7 (Conditional District Residential Single-family-7) for the properties identified as 5601-5603, 5609, 5611, and 5615 Summit Avenue, generally described as north of Summit Avenue, north of Scott Road, and west of Rudd Station Road), (17.403 acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman stated both conditions into the record; noting that condition number 2 was a new condition offered by the applicant.

1. Maximum density shall not exceed four (4) dwelling units per acre.
2. Except with a required sewer easement a minimum of a 50 foot wide undisturbed buffer shall be established and maintained along the common property lines with the parcels identified as 5838 Rudd Station Road, known as parcel number 78610 and 6104 Corporate Drive, parcel number 78567.

Mr. Engle made a motion to accept the conditions. Seconded by Mr. Bryson. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: 0).

Chair Holston requested the applicant to state their name, address, and present their case.

Chuck Jones, 3705A West Market Street, stated the intent is to develop 17 acres with 4 units per acre similar to the adjoining neighborhoods and will be quality homes for quality people. Chair Holston inquired if there were questions for the applicant. Mr. Engle asked if it was 17 acres. Mr. Jones responded that was correct. Chair Holston asked if there was anyone wishing to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Planned Industrial on the Future Built Form Map and Industrial on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's citywide network of unique neighborhoods, offering residents of all walks of life a variety of quality housing choices and maintains stable, attractive, and healthy places to live and raise families. The proposed CD-R-7 zoning district limits to density to a maximum of four (4) dwelling units per acre, making this request generally compatible with existing residential uses in the surrounding area. Staff recommended approval of the request. Mr. Engle requested clarification on whether the rezoning was for 2 acres or 17 acres. Mr. Kirkman responded it was 17.4 and the 2 acres was an error in the staff report. Mr. Engle asked if there was a R-3, Residential Single-family zoned auto repair use adjacent to the subject property. Mr. Kirkman responded that was the existing use and is a non-conforming use.

Chair Holston inquired if there were further questions or a motion. Mr. Engle stated in regard to agenda item Z-20-11-003, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the properties identified as 5601-5603, 5609, 5611, and 5615 Summit Avenue from R-3 (Residential Single Family-3) to CD-R-7 (Conditional District – Residential Single-family-7) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed CD-RM-7 zoning district fits the context of the surrounding residential areas and is



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oriented towards these residential uses. The request is reasonable due to the size, physical conditions and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated this approval constituted final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the December 15, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-11-004: A consideration of a UDP (Unified Development Plan) for a previously approved PUD, (Planned Unit Development) zoning district for the property identified as 523 North Spring Street, generally described as west of North Spring Street and east of North Cedar Street, (2.694 acres). (Approved)**

Mr. Kirkman advised that the approval of a Unified Development Plan is a responsibility that was previously addressed by the Greensboro Planning Board and is now under the Zoning Commission's purview. The Zoning Commission was being asked to approve a UDP which is the third step in the process of doing a PUD zoning. The initial step was for a Concept Plan that provides general information to ensure there are adequate public facilities available to serve the property. The Planned Unit Development zoning has been approved and established uses and relevant conditions. The third step is the Unified Development Plan to establish the development standards that go with it and covers things such as building setbacks, minimum landscape requirements and those types of things that are standard in other zoning districts but are unique to each Planned Unit Development district. The previous zoning is in place and was not part of the discussion at this meeting. The discussion will be focused only on the Unified Development Plan document.

Chair Holston inquired if there was anyone to speak in favor of the request.

Marc Isaacson, 804 Green Valley Road, advised with a Planned Unit Development, this type of Unified Development Plan goes through the channels of city staff and comes before Zoning for approval and is recorded at the Register of Deeds. All of the terms and conditions are binding on the property, run with the land, are there for public notice, governed by the terms of the development, and set out the standards and conditions. It is a public notice and a document everyone can rely upon, to include the applicant, lenders, and anyone else with an interest in the property. Mr. Isaacson advised Jim Marshall and Seth Marshall were present at this meeting to answer any questions.

Chair Holston inquired if there were questions for the applicant from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public portion of the hearing and requested to hear from city staff.

Mr. Kirkman stated this Unified Development Plan was reviewed and recommended by the Technical Review Committee and met all the minimum requirements for the PUD zoning district. Staff is in favor of the approval of the Unified Development Plan. Mr. Engle moved to approve the request. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays:

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0). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the December 15, 2020 City Council meeting.

**Z-20-11-005: An original zoning request from County AG (Agricultural) to City CD-R-3 (Conditional District – Residential Single-family-3) for the properties identified as 2126 and 2146 Scott Road, generally described as south of Scott Road and west of Summit Avenue, (47.76 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions associated with this request. Chair Holston inquired if there were questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case.

Bob Dunston, National Heritage Academies, 3850 Broadmoor Avenue, SE, Grand Rapids, Michigan, introduced Dillon Smith, Civil Engineer with Valentine & Associates and Aimee Giacherio with Wade Trim, Traffic Engineer to address any questions of the Commissioners. Mr. Dunston stated they were before the Zoning Commission previously for this site and were approved for R-5 zoning and then went before City Council. City Council was concerned with the potential of too many single-family homes so that application was withdrawn and resubmitted with R-3 zoning and added conditions. Mr. Dunston depicted a photograph of the school proposed to be built. It is K through 8 and is approximately a 44,000 square foot ranch style building located on the western parcel. Mr. Dunston referred to items shaded in blue indicating stream buffers and wetlands that are not buildable acreage. The entire site is approximately 47 acres with a net buildable site of approximately 31 acres and with the R-3 conditional zoning if single family homes were ever built on the other piece, the net acreage is less than 15 acres. The site is heavily wooded and the closest residential homes are located at the northern corner, approximately 600 feet from the school building. Landscape, lighting, and building plans have been submitted to TRC. City Services are nearby the site. The water main is located to the north and east and the public water system will be extended down Scott Road to service the school. They will have to partner up with PPW and have the water main installed. A sanitary line will be run up the back of Summit Creek and sidewalks will be constructed along Scott Road. The intent is to have this school open in the fall of 2021. Mr. Dunston stated the Summit Creek School Board hired and engaged National Heritage Academies. Mr. Dunston expressed his sincere thanks to both Mr. Kirkman and Mr. Carter who were essential in helping them coming back to the Zoning Commission. Chair Holston inquired if there were questions for the applicant from the Commissioners. With no additional questions, Chair Holston inquired if there was anyone else to speak in favor of the request.

Karen Martin, 2121 Scott Road, stated during the City Council meeting a question was asked how the rest of the neighbors felt. Ms. Martin stated her driveway will be almost directly across from the entrance of the news school and will be greatly affected but they are in favor of the school because it is in the best interest of the neighborhood and the best use of the land. The property will be sold and change will come to the area and houses will be built. Traffic is bad but the school will help traffic. Twice a day there may be more traffic but any school traffic should be moving slower. Slow traffic is what the neighborhood wants because cars are going too fast in this area and with a turn lane and a school zone, it will be better. If the other part of the land is sold for housing, it would not be very many houses compared to what is being built and would not affect traffic that much. Everyone is concerned about traffic on this road but if the school is not approved and the 48 acres becomes housing, it would have a

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major impact on the neighborhood. The school is wanted by a lot of people in the neighborhood and the Martins fully support it.

Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential of the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of healthy places to live and raise families. The proposed CD-R-3 request allow uses that are consistent with those in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle made a motion and stated in regard to agenda item Z-20-11-005, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the properties described as 2126 and 2146 Scott Road from County AG (Agricultural) to City CD-R-3 (Conditional District-Residential Single-family-3) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed CD-R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval was in the public interest. Seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: 0). Chair Holston stated this constitutes a favorable recommendation and is subject to a public hearing at the December 15, 2020 City Council meeting.

**Z-20-11-06: The City of Greensboro is proposing a change to amend Flood Damage Prevention Regulations. (Recommended Approval)**

**ORDINANCE TEXT AMENDMENT:**

A. Zoning, Planning, and Development Text Amendment: Amending Sections 30-12-2 (Flood Damage Prevention), 30-4-26 (Permits and Certificates), 30-13-32 (Flood Damage Prevention), 30-4-26 (Permits and Certificates), 30-13-3 (Minimum Building Area), and Article 15 (Definitions) related to changes being made to the Flood Damage Prevention Regulations for the City of Greensboro.

Mr. Kirkman advised Virginia Spillman, of the City Water Resources Department, will be speaking to the particulars of the request and advised the Commissioners there were 3 options related to the text amendment; (1) Recommend approval as presented. (2). Recommend approval with changes. (3). Recommend denial of the amendment. Mr. Kirkman stated this amendment will automatically go before City Council.

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Virginia Spillman, Assistant Director of Water Resources, presented the text amendment for the Flood Damage Prevention Requirements. Ms. Spillman stated Greensboro is part of the National Flood Insurance Program and the Community Rating System and advised these proposed improvements to the program will allow city residents to receive additional discounts on their flood insurance premiums. Ms. Spellman advised some of the changes will help the city achieve more resiliency and improve flood damage prevention. The ordinance is being updated to meet the newest model ordinance and be a positive impact for the community. The community rating system is currently a Class 8 and by moving to a Class 7 the City would receive an additional 5% adjustment for flood insurance coverage. Currently it is 10% and would increase then to 15%. Ms. Spillman stated one of the significant changes is the increase of the base floor of the basement or the finished floor of the structure from 1 foot to 2 feet. The substantial damage and improvement will change from 50% to 49%. Both changes will improve the handling of the requirements of flood damage and will provide additional savings for the citizens.

Mr. Engle asked regarding the floor elevation from 1 foot to 2 feet, if there were adjustments made on how to get there and were citizens allowed to use filler as a means. Ms. Spillman responded the changes would allow fill dirt and that was not one of the changes being proposed. Hopefully in the future there will be other changes that will be more proactive with flood hazards. Ms. Spillman stated there are more technical changes also being made due to the model ordinance and went through each of the sections and changes for the Commissioners. Ms. Spillman stated their goal was to go before City Council and present this presentation sometime in January of 2021. Mr. Engle requested a summary of changes regarding elevation certificates. Ms. Spillman responded some of the changes were asking for more requirements on an operation plan. All of these changes are attempts to be more proactive and help residents have more information if a flood were to occur. Mr. Engle asked if it changed the way in which people could obtain information. Ms. Spellman responded it does not change how people obtain materials. There are minor data and FEMA elevation certificate changes. The main changes are the operational plan and the inspection maintenance plan which will be more proactive for residents to have and provide more knowledge. Mr. Engle stated he wanted to fully understand as this vote will impact residents. Ms. Spillman stated the Zoning Commission is required to hold a public hearing to receive public comments and determine the changes are not contrary to public interest. Mr. Engle inquired if there was anyone else for public comments. Seeing none, Chair Holston closed the public hearing.

Mr. Engle made a motion to approve the text amendment as presented. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated it is a favorable recommendation and subject to a public hearing at the January 19, 2021 meeting at the request of City staff and other stakeholders.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman advised currently there were 9 cases scheduled for the December meeting.

**ABSENCES:**

Chair Holston advised the absence of Michael Jones was excused.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 6:58 p.m.

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Respectfully submitted,

Hugh Holston, Chairperson

HH/cgs

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The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneously on the City of Greensboro's web site December 21, 2020, beginning at 5:30 p.m. Members present were: Chair Hugh Holston, Sandra O'Connor, Raymond Trapp, Richard Bryson, Zac Engle, James Rosa, Tony Collins, and Vernal Alford. Present for City staff included Luke Carter and Mike Kirkman (Planning Department), Noland Tipton (GDOT) Andrea Harrell, (City Attorney), and Alan Andrews, (Chief Deputy City Attorney).

Chair Holston welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Holston advised of the policies and procedures in place for the Zoning Commission and how the meeting would be conducted using the online format.

Mr. Andrews advised pursuant to General Assembly Session Law 2020-3, anyone may submit written comments between now and 24 hours after the public hearing closes on each of the identified items. Mr. Andrews requested each item be identified for comments to be made on and submit the comments to Planning staff

Chair Holston performed a roll call of the Commissioners present. Chair Holston advised Commissioner Jones was not present.

**APPROVAL OF THE November 16, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the November 16, 2020 minutes, seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Collins. Nays: 0). Chair Holston stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCE**

**PL(P) 20-26 & Z-20-12-006: An annexation and original zoning from County AG (Agricultural) to City CD-RM-5 (Conditional -District – Residential-Multi-Family-5), for a portion of the property identified as 5281 Mackay Road, generally described as north of MacKay Road and south of Chadwick Drive, (6 acres). (Continuance Denied)**

Mr. Kirkman advised there was a request to continue case Z-20-12-006, an annexation and original zoning for a portion of 5281 Mackay Road. The request is to continue to the January 19, 2021 Zoning Commission meeting.

Chair Holston inquired if there was anyone present wishing to speak in favor of this request. Chair Holston advised regarding this request, the only information the Commission could hear was why this case should not be heard or held at this meeting and not the merits of the case. Mr. Kirkman advised Ms. Fisher was the person requesting a continuance. Ms. Fisher stated she wanted to hear from the other people who were opposing, if that was their wish also. Chair Holston asked if there was anyone to speak in favor of the request to continue this case. James Bowman stated he would speak also in favor of a continuance. Chair Holston asked Mr. Bowman if he could share why.

James Bowman, 201 Chadwick Drive, Jamestown, stated there are neighbors who have medical issues and have not been able to be brought up to date on what is going on. The timing is difficult with the holidays and Covid. Mr. Bowman stated he did understand this is a situation that everyone shares but it has been difficult for the neighborhood to get together as neighbors. There was a meeting with the developer on today to talk with him but additional time would be helpful.

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Will Ragsdale, 411 East Main Street, Jamestown, backed up what Mr. Bowman stated on the timing right now. There are a lot of people trying to get their heads around the information and all of them have not been present. He is in favor of a continuance. Chair Holston asked when did he first receive notice of this case and could Ms. Fisher, Mr. Bowman or Mr. Ragsdale also answer that question.

Maxine Fisher, 203 Chadwick Drive, Jamestown, stated about a week ago she received a mailing. None of the residents on Hickory Hollow Road received mailings and it was not posted on Hickory Hollow Road and this will definitely affect them. Ms. Fisher was unsure if Mr. Ragsdale received a notification or not. Ms. Fisher stated that they haven't had the notification long enough to be able to deal with it.

Chair Holston inquired if there was anyone else to speak favor of the request for a continuance.

Keith Wagner, 102 McFarland Court, stated for the same reasons, not enough time to fully get everybody up to speed.

Chair Holston inquired if there were others in favor of the continuance request. Seeing none, Chair Holston inquired if there was anyone in opposition to the request.

Will Years, 532 Hillwood Court, stated this request to continue is a surprise on his end. There was a good meeting in the morning with approximately 20 residents. A letter was sent in conjunction with the City to approximately 292 surrounding residents with all of their contact information and advising them there could be a meeting. Mr. Years has been in communication with Mr. Bowman for the past 9 or 10 days. Every time they have spoken, the conversation always ended with they were happy to have a meeting. They have been available through Zoom, phone calls, emails, and meetings and is not sure if there is anything that a continuance would help.

Chair Holston asked if the Commissioners had questions for Mr. Years. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request for a continuance.

Leann Love, 99 Chadwick Drive, stated she did not receive a mailing and is in favor of a continuance. Mr. Engle stated there was a time for speaking in favor. It is now for those in opposition to the request.

Chair Holston asked if there were questions for Mr. Years or was there anyone else wishing to speak in opposition to this request. Hearing none and seeing none, the discussion was closed for the continuance request and for discussion amongst the Commissioners. Mr. Collins stated it appeared that the normal process was done regarding this. People do not always understand that notices are only sent to 600 feet of the property as required by the City. It sounds like the developer notified other people and provided access to the meetings. It does appear the developer did all that he was supposed to do. Mr. Collins made a motion to deny the request for a continuance; seconded by Mr. Engle. Ms. Harrell advised if the Commissioner who was not present at the meeting was not excused, that person would count as a yes vote. Mr. Trapp then made a motion to excuse Mr. Jones from this meeting; seconded by Mr. Bryson. The Commission voted 7-1. (Ayes: Chair Holston, Collins, Bryson, Trapp, Engle, Alford, O'Connor, and Rosa. Nays: Bryson). Chair Holston requested to move forward with the vote on the motion by Mr. Collins to deny the continuance. The Commission voted 6-2. (Ayes: Chair Holston, Collins, Trapp, Engle, O'Connor, Alford and O'Connor. Nays: Bryson and Rosa). Chair Holston advised the motion was denied. Mr. Kirkman advised the request would be heard in its normal rotation during the meeting. Chair Holston inquired if there were any further withdrawals or continuances. Mr. Kirkman advised there were no other continuances or withdrawals.

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**PUBLIC HEARINGS:**

**PL(P) 20-25 & Z-20-12-001: An annexation and original zoning from County RS-30-MH (County Residential Single-Family-30 – Manufactured Home Overlay) to City R-3 (City Residential-Single-Family-3) for the property identified as 3714 Desmond Drive, generally described as east of Desmond Drive and north of McKnight Mill Road, (0.64 acres) . (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston asked if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicants to come forward, provide their name and address, and state their case.

Mr. Carter advised he did not see the applicant on the call. Chair Holston asked what did the applicant's want to do. Mr. Carter responded they have requested to access City utilities for the purpose of constructing a single family dwelling. They are in Growth Tier 1 of the Growth Strategies Map, which means that utilities are available and they are required to be annexed in order to receive those utilities. Chair Holston clarified if this request was for recommendation only for the annexation and the original zoning and both go to City Council. Mr. Kirkman responded that was correct. Mr. Carter advised the applicants were still not present.

Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public hearing and requested to hear from city staff for a recommendation.

Mr. Kirkman stated this property is currently designated as Urban General on the Future Built Form Map and Residential on the Future Land Use Map of the Comprehensive Plan. Staff found the request to be consistent with the Comprehensive Plan because the proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale intensity and existing uses in the area. The proposed R-3 district is intended to accommodate low density single-family detached residential development and is consistent with the uses in the surrounding areas. Staff recommended approval of the request.

Chair Holston stated it appeared this request was similar to a case before that were just for water and sewer. The applicants did not show up and in those cases the Commission chose to hear and act on those cases. Chair Holston asked city staff if zoning was less intensive than the attached Greensboro City properties. Mr. Kirkman asked if Chair Holston was referring to the City's Residential zoning districts. Chair Holston responded that was correct. Mr. Kirkman stated this is the least intense residential district that is being proposed. Chair Holston clarified that as far as the County was concerned it is a RS-30 that is attached to it and asked if the R-3 was fairly close to the RS-30. Mr. Kirkman responded the R-3 is the closest in terms of city zoning. It allowed for slightly smaller lot sizes than allowed with the county zoning currently. This is least intense city zoning and is the closest equivalent to the county that is next to it. Chair Holston inquired if other Commissioners had questions. Mr. Engle moved to annex this property into the city limits; seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None). Chair Holston stated the annexation request was approved. This approval constitutes a favorable recommendation and is subject to a public hearing at the January 19, 2021 City Council meeting.

Mr. Engle made a motion in regards to agenda item Z-20-12-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties described as 3714 Desmond Drive from County RS-30-MH (County Residential Single Family-30 Manufactured Home Overlay) to City R-3, (City Residential Single family-3) to be consistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent



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with the Comprehensive Plan's Future Built Form Map and Future Land Use map. The use is permitted with the proposed zoning district of a similar scale, intensity, or off site impact as nearby uses. The proposed R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions and other attributes of the area and will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None). Chair Holston stated this constitutes a favorable recommendation and is subject to a public hearing at the January 19, 2021 City Council meeting.

**PL(P) 20-23 & Z-20-12-002: An annexation and original zoning and rezoning from County Hi (Heavy-Industrial) and County CD-HI (Conditional-District Heavy Industrial) to City HI (Heavy Industrial) for the property identified as 112 Maxfield Road, generally described as west of Maxfield Road and south of Burlington Road (14.102 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and provided other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if the Commissioners had any questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to come forward, provide their name and address and present their case.

Will Dubrose, 727 Hood Place, stated he has owned their company for approximately 10 years and originally were in the county. The business packages and blends windshield washer fluid, RV anti-freeze, and car wash in the building. They have grown over time and need to increase water capacity and are requesting to increase the 2 inch water main currently provided through the county to a 4 inch water main because water is the single largest component with these products. As part of increasing the water main from 2 inches to 4 inches, they have to be in the city versus the county. It was zoned Heavy Industrial previously and are requesting to be zoned Heavy Industrial in the city, given the new water use needs.

Mr. Engle asked Mr. Dubrose if there was a reason why there were no conditions associated with this request similar to the county request presented before. Mr. Dubrose responded a developer assisted him with this request and also dealt with City Planning staff and thought it had been done appropriately and correctly. Mr. Kirkman added the conditions that are on the property currently are related to Special Use Permits in the city zoning and not relevant here. Mr. Kirkman stated they do translate to the city zoning and that is why the straight HI zoning seemed to be appropriate. Mr. Engle clarified if there would be no need for them to have a Special Use Permit for the chemical stuff that they are doing on the property if it is in the city. Mr. Kirkman responded as staff understood it, it did not appear these chemicals were related to petroleum, caustic chemicals, or anything like that with their production and therefore a Special Use Permit was not warranted.

Mr. Dubrose added their manufacturing blending process is closed loop and didn't generate any waste. All of the product goes into the jug. Mr. Dubrose asked if any of the Commissioners have purchased RainX Windshield washer fluid. It is made on Maxfield Road and he appreciated the support of the Commissioners.

Chair Holston asked if there were any additional questions by the Commissioners. Seeing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing and seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Hearing and seeing none, Chair Holston closed the public hearing and requested to hear from city staff for a recommendation.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Planned Industrial District and Urban General, with Planned Industrial making up the majority of the site. The Future Land Use map designates the property as Industrial and Commercial with Industrial making up the majority of the site. The request is

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consistent with the Comprehensive Plan because the uses requested are of a compatible scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of nearby uses. The HI original zoning and rezoning request allows expansion of an existing industrial use in an area where similar industrial uses are the predominant land use. Staff recommended approval of the request.

Mr. Engle moved to annex the property at 112 Maxfield Road; seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None). Chair Holston stated this constituted a favorable recommendation and is subject to a public hearing at the January 19, 2021 City Council meeting. Mr. Engle moved that in regard to agenda item Z-20-12-002, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning and rezoning request for the properties described as 112 Maxfield Road from County HI (Heavy-Industrial) and City CD-HI (Conditional-District-Heavy Industrial) to City HI (Heavy Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The requested HI zoning district would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this approval constitutes a favorable recommendation and is subject to a public hearing at the January 19, 2021, City Council Meeting.

**PL(P) 20-24 & Z-20-12-003: An annexation and original zoning from County CU-HI (Conditional Use Heavy-Industrial) to City CD-HI (Conditional District Heavy Industrial) for the property identified as 4490 Chickasha Drive, generally described as south of Chickasha Drive and west of Summit Avenue, (5.93 acres) and**

**Z-20-12-004: An original zoning from County CU-HI (Conditional Use – Heavy Industrial) to City HI (Heavy-Industrial) for the property identified as Kiowa Drive right-of-way, generally described as all of Kiowa Drive south of Chickasha Drive, (0.93 acres). (Recommended Approval)**

Mr. Kirkman stated that as part of this hearing the Commission will consider 3 different actions. The annexation of all of the property shown in the hatched area and then the 2 original zoning requests associated with the annexation. The reason for this is there is a request for 4498 Chickasha Drive which is private property and the Kiowa Drive Right of Way that is publicly owned property between the property being petitioned to come into the city and existing city corporate limits. Under State law, that property then comes in as part of the action. Both of these are zoned County Conditional Use – Heavy Industrial (CU-HI) and the request is to go to City CD-HI (Conditional District Heavy – Industrial) for the private property and then straight City HI for the roadway Right of Way.

Mr. Kirkman reviewed the zoning map and provided other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the one condition associated with the zoning request on the private property. Chair Holston asked if there were any questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised Chair Holston that it did not appear the applicant was present. Chair Holston asked what staff could tell the Commission about the case, as he assumed the City of Greensboro is also a participant in this case.

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Mr. Kirkman stated staff's understanding was they were interested in doing a manufacturing building for the building components such as roof tresses and those types of activities on the private property. Because that property is adjacent to the right of way, it is also adjacent to the corporate limits and the reason why the city is petitioning the right of way to come in as part of this action. Mr. Carter added they are also requesting access to city water and sewer. Water is currently available and sewer will be another couple of years before being available and there is a project underway for that. Chair Holston clarified this was similar to the previous requests but was not simply attempting to connect with water and sewer. Mr. Kirkman responded that was the purpose for asking for the annexation in attempting to connect to city services to allow them to build the manufacturing facility on the property. Chair Holston asked if there was anyone wishing to speak in favor of this request. Seeing and hearing none, Chair Holston asked if there was anyone wishing to speak in opposition to this request. Seeing and hearing none, Chair Holston closed the public hearing and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Exurban on the Future Built Form Map. Upon annexation, the subject site would be changed to the Urban General place type and Residential on the Future Land Use Map. If this zoning request is approved, the Future Land Use designation for the subject site would be amended to Industrial. The request is consistent with the Comprehensive Plan to build a prosperous, resilient economy that creates equitable opportunities to succeed and to increase and preserve the inventory of developable sites compatible with corporate and industrial uses. The proposed CD-HI zoning as proposed, includes a condition to limit the potential negative impacts on the surrounding area and with the zoning consistent with potential development in the surrounding area. Staff recommended approval of the request.

Chair Holston inquired if there were further questions, comments or a motion. Mr. Bryson asked if it was premature to have this process if sewer would not be ready for a couple of years. Mr. Carter responded staff was in contact with the Water Resources Department. In order for the city to annex someone, they have to have water or sewer available and did not have to have both available. Regarding timing for the sewer, it is completely up to the land owner's discretion. The application is specifically for city water and would have to be annexed. Mr. Bryson asked if it would be functional to add both and could not envision a piece of property without both. Mr. Kirkman responded the city policy states one or the other is what triggers the requirement for annexation. There are cases that people had some previous connection to city water but were on a septic system and needed to connect to sewer. It is a similar thought process.

Chair Holston inquired if there were additional questions. Ms. O'Connor made a motion to approve the annexation; seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this is a favorable recommendation and is subject to a public hearing at the January 19, 2021, City Council meeting. Ms. O'Connor moved that in regard to agenda item Z-20-12-003, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property described as 4490 Chickasha Drive from County CU-HI (Conditional Use Heavy-Industrial) to City CD-HI (Conditional-District-Heavy Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The requested CD-HI zoning district would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this approval constitutes a favorable recommendation and is subject to a public hearing at the January 19, 2021, City Council Meeting.

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Ms. O'Connor moved that in regard to agenda item Z-20-12-004, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property described as Kiowa Drive Right of Way from County CU – HI (Conditional Use Heavy-Industrial) to City HI (Heavy Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use map. The requested HI zoning district would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this approval constitutes a favorable recommendation and is subject to a public hearing at the January 19, 2021, City Council Meeting.

**Z-20-12-005: A rezoning request from LI (Light Industrial) to LIM (Light Industrial Mixed) for the property identified as 2005 Yanceyville Street, generally described as west of Yanceyville Street and south of Revolution Mill Drive (3.48 acres) (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with this request. Chair Holston inquired if there were questions for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to state their name, address, and present their case.

Jeremy Anderson, Architect, CJT Planning and Engineering, 111 West Main Street, Durham, on behalf of Self Help, Developer and Property Owner of this parcel and the Revolution Mill Campus adjacent to this property. Mr. Anderson advised Emma Haney was also present and representing the Self Help real estate team on behalf of the property owner. Mr. Anderson stated the proposed zoning is to add the mixed use component to the existing Light Industrial zoning there. The rezoning is limited to 3.5 acres currently including an existing building that was a self-storage building. The 6 story building contains approximately 100,000 square feet and the plan was to redevelop that building as a mixed use building. Currently the commercial uses proposed and the office would be allowed, but the residential use proposed within the mixed use proposal would not be and as a result has to be rezoned to Light Industrial – Mixed Use. Mr. Anderson felt that is the appropriate zoning. There is similar zoning for the adjacent Revolution Mill site. There was a neighborhood meeting with notifications sent to property owners per the City's standards. Only one neighbor reached out to them but did not show up at the meeting. An email was sent to them inquiring if there were any comments and they did not hear back. A meeting was held with no feedback. Mr. Anderson requested to have the Commission's support with the mixed use project as the next phase of Revolution Mill creating a new place, a new project, new space to live and work and play in Greensboro. Chair Holston inquired if there were questions from the Commissioners for Mr. Anderson. Not seeing or hearing any, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Hearing none, Chair Holston closed the public hearing and requested to hear from city staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban Central on the Future Built Form Map and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LIM zoning district is primarily intended to encourage creative reuse and adaptation of current or previous industrial sites and buildings to better align with current economics. The uses

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permitted in the proposed LIM zoning district are consistent with uses permitted on the adjacent tracts (zoned both CD-LIM and LI. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle stated in regard to agenda item Z-20-12-005, the Greensboro Zoning Commission believes that its action to recommend approval for the original zoning request of the property described as 2005 Yanceyville Street from LI (Light Industrial) to LIM (Light Industrial Mixed) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The requested LIM zoning would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the January 19, 2021 City Council meeting. All adjoining property owners shall be notified of any such appeal.

**PL(P) 20-26 & Z-20-12-006: An annexation and original zoning from County AG (Agricultural) to City CD-RM-5 (Conditional -District – Residential-Multi-Family-5), for the property identified as a portion of 5281 Mackay Road , generally described as north of MacKay Road and south of Chadwick Drive, (5.76 acres).**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties and advised of the condition related to this request.

Chair Holston stated the lot appears to be land locked and would not be accessible. Chair Holston asked how that could be explained. Mr. Kirkman responded it was part of the larger parcel that is addressed 5281 Mackay Road. The front part of that parcel was annexed and zoned several months prior. It is still part of the parcel that fronts on Mackay Road; but it is the part that was not brought in originally with the previous annexation and zoning request. Mr. Engle asked regarding the existing roads around there and knowing this is not within the city, how that would work. Would the applicant be required to have a connection to another road like Chadwick. Mr. Kirkman responded any time property is developed, there has to be frontage with direct access on some type of a public street. Chair Holston inquired if there were additional questions for city staff. Hearing none, Chair Holston requested the applicant to come forward and state their name, address, and their case for the record.

Will Yearn, 532 Hillwood Court, stated the right of way accessing this property was a portion of Chadwick that has a dedicated right of way with frontage on the proposed piece being rezoned. Chadwick Road would be extended and a turnaround area would be provided. Currently the asphalt stops with no turn around area. Mr. Yearn and his partners are seeking to rezone this property to Conditional District RM-5. Their plan is to build townhomes similar to those in the community to the east. This property was listed for sale by the Lea family. Properties to the east and south have similar zoning classifications. The property's western line shares the City of Greensboro's ETJ line and everything west of this property will eventually be annexed into Jamestown. Earlier this year the southern piece of this property was annexed and zoned to CD RM-5 and is why the current staff report showed that it is vacant on the southern property as those units have not been built yet. There were 292 letters sent to the surrounding community and they received a few responses back, some phone calls, and some emails. Mr. Yearn thought Mr. Kirkman also received emails that were relayed to them as they were received. All of the messages were responded to, questions answered, additional information provided, and they offered to

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meet. There was a meeting this morning attended by approximately 20 people from the Chadwick side of the property and some from the Bourdeaux community to the east. Most of the discussion pertained to the type of homes, required buffers, and the new required turn around extending Chadwick. Mr. Yearn's believed many came to learn of the plans and to meet. There was no discussion of a continuance or anything they felt warranted further discussion that could not result in a resolution. They plan to stay in communication throughout the project and continue to be open to win/win scenarios mutually beneficial. Mr. Yearn's and his partners believe this project and type of middle housing is what Greensboro wants to be built, especially on infill sites where water and sewer infrastructures are already in place and able to serve.

Chair Holston inquired if the Commissioners had any questions for Mr. Yearn's. Mr. Collins asked if they contemplated Jarmon Drive to be continued coming out of the Bourdeaux development. Mr. Yearn's responded it was contemplated but it is a private drive and did not appear the neighbors would like it to be brought up to DOT standards and have the traffic go in front of their houses. Mr. Collins stated it is not a condition that there has to be a turn around on Chadwick Drive and asked if it was something required by NCDOT, or GDOT, Jamestown, or where did it come from. Mr. Yearn's responded it would be a NCDOT and a GDOT requirement. Technically there is no legal road frontage and only a dedicated right of way. The right of way has been deeded over to DOT. To gain access to the property, they would be required to extend that road to provide the legal access. Currently the asphalt stops and continues on to a driveway. Mr. Engle asked how would the property be accessed for the residents; where would they be able to come in from; where would all of the access points come from. Mr. Yearn's responded it would come from Chadwick. Chadwick would be extended and the new turnaround would be built. Mr. Engle asked if the property to the south would be connected to this development. Mr. Yearn's responded it would not be. There would not be any connectivity to their project on the south side of this parcel. Mr. Yearn's stated there are creeks and other topography issues to contend with for a crossing there. Chair Holston asked if that all egress and ingress would be off of Chadwick. Mr. Yearn's responded for this particular piece, yes. Chair Holston inquired if there were additional questions for Mr. Yearn's from Commissioners. Mr. Collins asked if this property was wide enough to do units on both sides. Mr. Yearn's responded there would not be units on both sides of the road and is part of the reason why they are trying to do it with a different type of unit. The road would be on the western property line to create more of a buffer with the horse farm and there would be a landscape Type C buffer that is required between an agricultural zoning district and a multi-family district. Type C buffer, the road, and then the units.

Chair Holston inquired if there were any additional questions for Mr. Yearn's from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of this request. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition to this request. Chair Holston advised there is a combined 15 minutes for opposition and encouraged everyone to use it as they chose but it was a combined 15 minutes total. Chair Holston requested anyone speaking to provide their name and address before speaking.

Maxine Fisher, 203 Chadwick Drive, stated this is a very small road with approximately 6 homes and a horse farm. The applicants were concentrating on townhomes near a riding rink where children take riding lessons and are there every day for riding lessons. Ms. Fisher stated she had provided a video of driving down Chadwick Drive for the Commission to see the quality of life and homes on Chadwick Drive. The Fishers built their home 40 years ago and it is near and dear to their hearts. The properties described by Mr. Yearn's as multi-family in Bourdeaux are down below the grade and not seen from Chadwick. Going down Chadwick Drive, all you see are homes in a residential area and a nice farm. Ms. Fisher was appealing to the Commission to help them maintain the peace and tranquility within this two block long street that they enjoy and call home. A video was displayed

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for the Commissioners depicting Chadwick Drive and narrated by Ms. Fisher. Ms. Fisher stated she would invite anyone else in the neighborhood to speak up.

Mary Ragsdale, 411 East Main Street, Jamestown, stated her and her husband are the owners of the horse farm. It is a very active horse farm and currently boards 21 horses. There are lessons Monday through Saturday and are there until around 8:00 or 9:00 o'clock with young children. Lights are in the riding ring. Ms. Ragsdale expressed her concern regarding activity and danger this project could bring to the children riding their horses. Horses do become spooked when there is a lot of activity or things happening in the woods. Chair Holston inquired if there was anyone else wishing to speak in opposition to this request.

James Bowman, 201 Chadwick Drive, reiterated what the neighbors have said. Mr. Bowman did not think this project is compatible with what is there in the rural neighborhood and the horse farm. The property where the houses would be located would have significant lighting in the evening from the horse ring. The development would have to deal with that but where these homes would be placed will be significantly illuminated at night. In the initial request for Mackay Road, they were not opposed. The communication received said that the development was going to stop at the creek. The neighbors discussed it and did not oppose it and were pleased at the way things were going. This request now appears to be after the fact. They are purchasing the property and realized they want to do something and somewhat blind sighted them. That was part of the reason why Mr. Bowman would have liked a continuance.

Chair Holston inquired if there was anyone else to speak in opposition to this request.

Keith Wagner, 102 McFarland Court, agreed with Mr. Bowman that when the original rezoning request came in, it was communicated it was going to stop at the creek and everything would go on MacKay. All of sudden, the notification arrived saying this was going to happen onto Chadwick. In doing multi-family, it is about and a 5 fold increase in traffic. Mr. Wagner did not understand the hindsight of wanting to come off Chadwick now. If developing the land, keep it with the neighborhood. These are all acre lots, 5 acres would equal 5 homes and they would be happy to have good neighbors.

Chair Holston inquired if there was anyone else to speak in opposition to this request.

Will Ragsdale, 411 East Main Street, Jamestown, stated he and his wife own the Jamestown Equestrian Center. Mr. Ragsdale reiterated what others had said. There are interscholastic equestrian association high school and junior high school riding teams that ride at the farm. The lights put up at the riding ring are the same lights that are at Charlotte Motor Speedway. Extremely bright for safety concerns. Mr. Ragsdale felt the density proposed is not consistent with what is there. The density could create a lot of alternate problems with ingress and egress and things of that nature. Mr. Ragsdale stated to make the development as the neighborhood is, it should be one acre lots or two acre lots. Having multi-family there is attempting to shoehorn something into a very limited space.

Chair Holston stated he heard several speak to light pollution and asked how did lights impact the single family homes on Chadwick. Ms. Fisher responded she lives directly across from the lighting and it does not bother them. They do not see the multi-family homes below on either side. They are not opposed to the development but would like for it to be in keeping with what is in the neighborhood and have full appreciation for the farm that is there. Chair Holston asked if there were any illustrative drawings of what the new construction would look like shown to the neighborhood. Mr. Ragsdale stated he saw a very primitive PDF that was sketched out. Keith Wagner saw a layout of the proposed buildings but not how the buildings would actually look like. Chair Holston stated Commissioners tend to use terms for illustrative purposes because things can change here and there, but was to get an idea of what it may look like. Ms. Wagner added the rough sketch sent to them shows everything concentrated right to the end of Chadwick Drive. Ms. Wagner raised the question this morning of why wouldn't

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they develop it all the way down to the creek and spread the units out. In looking at the proposal for the five acres, it appears they are utilizing 2 acres to put all these homes on. Mr. Bowman stated when the lighting was installed initially, he had thought it might be a consideration but it does not impact negatively. When it is being proposed to place the homes would impact and would be right there at the rink. Chair Holston asked if he was more concerned about the impact of the lighting on the new construction than currently. Mr. Bowman responded it would be more impactful to them.

Chair Holston asked if there was anyone else to speak in opposition. Seeing none, Chair Holston advised there would be a five minute rebuttal period for both the applicant and the opposition.

Will Yearn stated he met this morning with everyone as part of the development team and these concerns were brought up then. Mr. Yearn stated this property has been for sale for several years and anyone could have brought it. They brought it under contract almost a year ago. The front part has been rezoned as a separate project on Mackay Road. It was not their intention to buy this five acre lot piece at that time. Later they discovered they had to do improvements and it made sense to go ahead and purchase this property but it needed to be annexed and rezoned. It was not meant to be a bait and switch or a blind side. The same procedures were followed that were done on the on the other Mackay Road zoning and annexation. They have attempted to have the same type of communication. This is not meant to be any sort of trick to anybody. This property is getting annexed into the city to have access to water and sewer. The lots on Chadwick do not. City lots are going to be put in and would be next to county lots but that is everywhere along the city limit line. They know the lights are there and is one of the reasons why the road was on the horse farm side and putting a buffer there as well. Mr. Yearn believed the units themselves would probably be about the same distance from the lights that the existing homes are, just in a different direction. Their units would be concentrated on the eastern property line, not the western. Chair Holston asked if there were illustrative drawings of what is being proposed. Mr. Yearn responded he did not send any to Mr. Kirkman. They have a hand drawn sketch of what they thought might fit. They have not received a proper sketch plan from their engineer at this point but it could be emailed to Mr. Kirkman now to put it up on the screen if that was something the Commission would like.

Mr. Engle asked how many units, given the layout of the land, were they planning to build at this point in time. Mr. Yearn responded their sketch shows 20 units there but it is only a sketch. They are developing a new product type to build and it is still up in the air. Chair Holston asked if those 20 units would be sited closer to Chadwick than to Jarmon. Mr. Yearn responded they would be closer to the Boudreaux side. Jarmon Road runs through Boudreaux and it would be closer to that side than the horse farm. The road to be constructed would be between the horse farm and would back up to the proposed units and Boudreaux. Chair Holston asked if the units would be further down the hill. Mr. Yearn responded they would be more eastern than western. As Ms. Fisher pointed out, the concentration of the units is more up towards Chadwick versus the creek. That is to provide green spacing to the common area and also the storm water device that needs to be downhill from the units. Mr. Yearn stated at the end of Chadwick Road there is a kind of knoll, like the top of the hill. Their units would be on the downhill side on the opposite side from their houses. They would be lower and would be screened somewhat. There would be landscaping to provide additional screening. Chair Holston asked if he was also saying that the addition of this property was an entirely separate project from the Mackay Road property that was approved several months ago to R-5. Mr. Yearn responded that was correct. Chair Holston asked if they were ever intended to be the same project. Mr. Yearn responded no, they were never intended to be the same. Chair Holston inquired if there were additional questions from the Commissioners. Mr. Collins assumed since it was townhomes that would be an HOA. Mr. Yearn responded there would be an HOA. Chair Holston asked if there were additional questions from the Commissioners. Ms. O'Connor asked if Mr. Yearn could provide a general idea of how large these units



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would be. Mr. Yearns responded he was unsure but probably in the 1500 to 2500 square foot range. The units are not designed yet. Ms. O'Connor asked if there would be multiple stories. Mr. Yearns responded that was correct. Chair Holston inquired if there were additional questions for Mr. Yearns. Hearing, none Chair Holston advised the opposition had a combined time of 5 minutes for rebuttal.

Will Ragsdale, stated in looking at this project in the way it is proposed, it is getting shoe horned on a fraction of the amount of property that is there. It has come to his attention that this property belonged to Art Lea and Mary Lea. It was his understanding that the other property on Mackay Road had some sort of contingency where it could not be sub-divided and that may have alluded to this extra effort to try to develop the land behind the horse farm. Mr. Ragsdale wanted everyone present to take into consideration the sort of dynamic going from one to two acre lots, single family homes, to 20 units multi-family squeezed in on probably 2 1/2 acres. Chair Holston inquired if there was anyone else wishing to speak in opposition.

Ms. Fisher stated they are not opposed to the development as long as it is in keeping with what is already there. They are asking for them to acquiesce and give up what they already have for the benefit of a developer. Ms. Fisher respectfully requested the Commission to deny this request.

Keith Wagner stated he was going back to the fact that this was all one lot when this started from Mackay Road all the way back to behind the farm. With this development, it needs to go out to Mackay Road.

Chair Holston inquired if there was anyone else wishing to speak in opposition. Not hearing or seeing any, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-RM-5 request, as conditioned, limits uses to only residential uses, which fits the context of the surrounding area. The proposed original zoning request allows uses the of the remainder of the subject property to be developed in a way that is consistent with the adjacent multi-family developments. Staff recommend approval of the request.

Chair Holston inquired if there were any questions for Mr. Kirkman. Mr. Engle asked if Mr. Kirkman could speak to the buffer requirement between this land and the horse farm. Mr. Kirkman responded it would be a Type C buffer as it is single family against multi-family townhomes. On page 3 of the staff report, it speaks to the Type C buffer yard. Mr. Kirkman stated it is an average width of 15 feet, minimum width of 10 feet. Planting rate of 2 canopy trees, 3 under storage trees, and 17 shrubs per 100 linear feet. Because this is multi-family development, there would be tree conservation that is required as part of this conversation and some conversation could incur in the buffer yards. Mr. Kirkman could not say that positively until the site plan comes through for approval. Mr. Collins asked if staff knew of any reason why the annexation boundary line was drawn the way it was. Mr. Kirkman that conversation pre-dates him in terms of why that lot was drawn where it was. It may have to do with the anticipated ability to provide services from different directions but he did not know specifically why the line is where it is for this property. As the applicant said, this is basically along the line between where Greensboro and Jamestown would have their jurisdiction in the future, based on the current agreement that is in place. Chair Holston inquired if there were additional questions.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle stated he was supportive given the multi-family that is around it and realized there is single-family on the other side of it. The only thing that gave him hesitation was if the applicant had some additional conditions on this, there was a possibility of giving the neighbors a little bit more security around what is being planned. They

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do have some additional time to make conditions. Ultimately anyone can appeal this to City Council. It is being brought into the City and would go to City Council regardless. Between this particular meeting and the City Council meeting, hopefully some conditions can be worked into this project. That is his feeling and suggestion at this point in time.

Mr. Collins stated he was supportive. While the name multi-family is on the project, it is really small homes. Mr. Collins stated he felt the size would probably be in the 1800 to 2000 square feet range. With an HOA in place, usually these developments are the best kept. Mr. Collins felt sorry for the person at the end of the street as they have enjoyed a right of way for some time. This is a good use and sorry the Lea family did not want to put this in the ETJ and left it as a donut that would be part of Greensboro. If the applicant is going to have 20 units, it would be 3 1/2 units an acre effectively, going in as RM-5 and almost down to 3 units an acre. Mr. Collins was in support.

Chair Holston inquired if there were additional comments or questions, discussions or a motion from the Commissioners. Mr. Bryson made a motion to approve the annexation; seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this constituted a favorable action and is subject to a public hearing at the January 19, 2021 City Council meeting. Mr. Bryson made a motion and stated in regard to agenda item Z-20-12-006, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties described as a portion of the property identified as a portion of 5281 Mackay Road from County AG (Agricultural) to City CD-RM-5 (Conditional-District Residential-Multi-Family-5) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed CD-RM-5 request, as conditioned, limits uses to only residential uses which fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this constituted a favorable recommendation and is subject to a public hearing at the January 19, 2021 City Council meeting. Chair Holston encouraged the developer and the neighbors to have conversations. This case will be in City Council at the public hearing and everyone will have the opportunity there to speak.

A 10 minute break was taken at 7:24 and the meeting resumed at 7:34.

**Z-20-12-008: A rezoning from CD-PI (Conditional District – Public and Institutional) to CD-RM-12 (Conditional District-Residential Multi-family-12 for the properties identified as 1311 Glendale Road and a portion of 4019-R2 South Holden Road, generally described as south of Glendale Road, east of South Holden Road, and west of US Highway 220, (7.5 acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and advised of the condition related to this request.

Chair Holston inquired if there were no questions for Mr. Kirkman and staff, requested the applicant to come forward, state their name and address, and state their case.

Bishop Adrian F. Starks, 1414 Cliffwood Drive, stated this application has been before the Commission previously and he previously withdrew it before going to City Council. Following the withdrawal he reapplied and resubmitted with a reduced acreage and added the listed condition. As stated previously, it is their desire for

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this project to consist of multi-family homes. Bishop Starks submitted the announcements to all of the pertinent residences within the 600 feet radius. A meeting was held and he spoke with a husband and wife team, the Mosers. It was the belief of the committee from the church that they have responded to the concerns as presented by the residents. In the prior application they were not assured that the development, as proposed, would be limited to the now requested 7 1/2 acres. Their civil engineer, Kevin Williams, crunched numbers again and had a few meetings with Noland Tipton, Mike Kirkman, and Luke Carter. The legal description has been revised to reflect the portion of land that does not go down to Memory Way. It is designated 7.5 acres. Bishop Starks was hopeful the Commission would approve this submitted application at this meeting. This journey has been a long one but believed they have reached an amicable appreciation for all parties involved. Chair Holston asked how many people attended the neighborhood session and how was it. Bishop Starks responded the announcement went to everyone but the Mosers were the only ones that attended. He was aware one person thought the meeting was the day before and did not attend. Bishop Starks assumed that having seen the announcement with the given revisions, they chose not to come. Chair Holston asked if there were illustrative drawings to present at this meeting. Bishop Starks presented illustrative drawings indicating the tract of land and five buildings, a retention pond, leasing office, entryway into the housing complex. Glendale Drive was depicted and advised Memory Way was south. Chair Holston asked if the access to the five buildings would be just the one access point for egress and ingress. Bishop Starks responded that was correct, it is a two-way flow. The drive to the future school was depicted on a slide. Buffers were depicted of natural landscaping between the next residence. Chair Holston inquired if there was buffering on the eastern border.

Kevin Williams, Williams Land Deign Development, Charlotte, NC, responded there is no buffer required. Mr. Williams advised this plan has been reviewed by TRC and staff and are waiting to move forward once the results of tonight. There is no buffer on the east side and was not required, but there is a minimum 10 foot roadway buffer along Glendale and a 25 foot buffer along the west and south side of the parcel. Mr. Williams stated there is a single family home. Mr. Engle stated according to the staff report, it says adjacent to single family residential uses. Mr. Engle stated The Type C buffer yard would be an average width of 15 feet and a minimum width of 10 feet. Planting rate of 2 canopy trees, 3 under storage trees, and 17 shrubs per 100 linear feet. If it is next to residential, then it would require a buffer to Mr. Holston's point. Mr. Williams apologized and responded Mr. Engle was correct. Mr. Engle asked since it is not on this drawing would it be in the finished product. Mr. Williams responded yes. Plans have gone the TRC and have not made the corrections to the sketch plan to date because of everything being reviewed all at the same time. Once they are past the rezoning, they would go back to the sketch plan and revising it per the comments from staff. Mr. Engle wanted to make sure everyone is clear that there is a requirement for a buffer anywhere close to single-family homes.

Chair Holston inquired if there was anyone else to speak in favor of the request

Ken Moser, 3911 South Holden Road, speaking on behalf of himself and one of the other neighbors. In the initial planning there were several neighbors against this request based upon the zoning. As mentioned, there was a meeting two weeks ago resulting in a very good discussion. It was only his wife and himself that were able to attend. Based upon his questions and Bishop Sparks answers, they were satisfied with the rezoning as it is with the 7.5 acres there. Mr. Moser stated he was a concerned neighbor originally and changed his mind, and was he spoke up as well.

Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing and seeing none, Chair Holston inquired if there was anyone in opposition to the request. Hearing and seeing none, Chair Holston closed the public hearing and requested to hear from staff.

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Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested would increase the range of choices and supply of housing. The proposed CD-RM-12 zoning request, as conditioned would allow residential uses that would complement uses present in the surrounding area. However, care should be taken with new development to arrange buildings and parking areas to minimize impacts on the immediately adjacent residential uses. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any questions for Mr. Kirkman, Mr. Engle thanked Bishop Starks and stated the Bishop has probably learned more about zoning than he ever wanted to know and appreciated the Bishop working with the neighbors. This is an outstanding thing to come and see someone who had been opposed, come and say they were in support. It was a long road but Mr. Engle deeply appreciated the work put in getting here. Chair Holston stated it is definitely unique. Mr. Trapp agreed and stated to Bishop Starks it was amazing work with great determination. Mr. Trapp thought everyone on the Commission knew it would be a great project in the initial phases. It did take time to get through everything to get it right. Mr. Trapp applauded Bishop Starks for his effort in knowing this was a much needed resource in the City of Greensboro and all that he has done for the community. This presentation was an extension of all of that hard work.

Mr. Trapp stated in regard to agenda item Z-20-12-008, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the properties described as a portion of 1311 Glendale Road and a portion of 4019-R2 South Holden Road from CD-PI (Conditional District – Public and Institutional) to CD-RM-12 (Conditional District-Residential Multi-family-12 to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The proposed CD RM-12 request, as conditioned, limits uses to only residential uses which fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Bryson. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O’Connor. Nays: None). Chair Holston stated this approval constitutes final unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal, all such appeals will be subject to a public hearing at the January 19, 2021 City Council Meeting. All adjoining property owners will be notified of any such appeal.

Chair Holston congratulated all parties involved for coming together, collaborating, and partnering. It took some time but the symbolic relationship will be wonderful and deeply appreciated the efforts.

**Z-20-12-09: A rezoning from CD-LI (Conditional District – Light Industrial) to CD-HI (Conditional District – Heavy Industrial) for the properties identified as 1299 and 1301 Youngs Mill Road, generally described as east of Youngs Mill Road and south of I-40/Business Highway 85, (32.65 acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties, and advised of the conditions related to this request.

Marc Isaacson, 804 Green Valley Road, on behalf of Linder Equipment Company based in Hickory. Also present was Ray Williamson, Engineer with Linder. Linder is in the business of selling and leasing equipment for the construction and turf industries. Linder has been looking in the Greensboro for the right location for their new business a long time and this property is a great location for Linder to develop. Currently the property is zoned Light Industrial with no limitations on uses and few conditions. Linder is asking for a rezoning from Light

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Industrial to Heavy Industrial. The concept is that Linder essentially would limit the uses of the property to what is already allowed in Light Industrial, plus the heavy equipment sales and leasing that Linder is engaged in. Mr. Isaacson stated in discussions with Linder, there will be approximately 20 new jobs created at this project.

Mr. Isaacson referred to the Tab 1, an aerial photograph depicting the nearby businesses and uses. Noted were it is directly adjacent to Interstate 40 and east is the McConnell Distribution Center. The same people who developed that property owned this subject property of 1299 and 1301 Youngsville Road. One of the conditions is the only access to this property would be through the McConnell Center Road. There would be no access on or off of Youngsville Road for this project, which was a condition carried over from the existing Light Industrial zoning. Linder saw no issue with that and that actually works well for them because the access would be straight into McConnell Road at the interchange with the interstate. This location is great for access for an equipment dealer such as Linder and goes only through the existing Light Industrial area to the east of the distribution centers. A residential subdivision was depicted south. There is no access permitted on or off Youngsville Road. Access is only through the McConnell Distribution Center. Tab 2 depicted photographs of the existing property. The existing tree buffer line would remain under the conditions. There would be the minimum 50 foot undisturbed tree buffer. This area is ripe for development in this area. Tab 3 was an illustrative preliminary sketch plan depicting the access coming from the east and accesses to McConnell Drive. There is some development site work needed to control the flood plain and erosion control. An aerial map depicted the proposed location of the building and parking. Mr. Isaacson advised the extensive buffer between the building and the existing residential sub-division to the south would remain undisturbed. Additionally, there would be a fence built to provide security. This plan has been through the TRC review and there were no red flag issues. It appears if this is approved at the rezoning level, Linder will be on their way for a new project.

Letters were sent out requesting anyone to call him or contact him with questions or concerns. Mr. Isaacson stated he received one phone call from a woman who has a house in the sub-division to the south. It is actually a rental home and that person lives in Maryland and called because she received two items in the mail, the City notice and Mr. Isaacson's letter, and thought it must be important. The woman did have a few questions and wanted to know about access, buffers, and things already noted. They were discussed and she said she had no opposition to what is proposed. Mr. Isaacson submitted this request is consistent with the Greensboro 2040 Comprehensive Plan. The city has an interest in utilizing land that is suitable for industrial development in this manner. The proposed conditions imposed by the applicant limit negative effects on residential properties while allowing for consistency in industrial use along McConnell Center Drive and along Interstate Highway. Given the proposed conditions and the proposed use of the property, the applicants request will have minimal impact on the permissible use of the property beyond the specific type of industrial equipment that can be sold on the property.

Chair Holston stated Mr. Isaacson did a good job of mitigating impacts to the neighborhood to the south from Youngs Mill Road in the design of egress/ingress into the actual site itself and then leaving a buffer up. Chair Holston asked if there were any other factors that may be of concern such as noise, light, with the neighbors to the south. Mr. Isaacson responded they believe the minimum 50 foot buffer required by the condition, plus the existing undisturbed tree area remaining and intact, plus the further distance the applicant proposing, based on the tentatively approved sketch plan all of that would very well mitigate any impact. The existing zoning is Light Industrial with no limitations on uses. The conditions are the same conditions from Light Industrial in 2018 that gained approved from City Council.

Chair Holston inquired if there were additional questions for Mr. Isaacson. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone

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in opposition to this request. Hearing none, Chair Holston closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Planned Industrial in the Future Built Form Map and Industrial in the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale and intensity of off-site impact as existing nearby uses. The proposed CD-HI zoning district does contain features limiting negative impacts on adjacent residential properties and the uses permitted in the proposed the CD-HI district are consistent with uses present on the adjacent industrial zoned properties and would permit the expansion of an industrial center. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had questions for staff. Seeing none, Chair Holston asked if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Bryson stated in regard to agenda item Z-20-12-008, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties described as 1299 and 1301 Youngs Mill Road, from CD-LI (Conditional District – Light Industrial) to CD-HI (Conditional District – Heavy Industrial) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The CD-HI zoning district, as requested, would permit uses that are complimentary to those existing in the adjacent industrial park and contains conditions that limit potential negative impacts on adjacent residential uses. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Engle. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O’Connor. Nays: None). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the January 19, 2021 City Council meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-12-011: Consideration of a UDP (Unified Development Plan) for a previously approved PUD (Planned Unit Development) zoning district, for the properties identified as 1714, 1716, 1716 YY, 1718, and 1718 YY Sherwood Street, generally described as north of Sherwood Street and east of Granite Street, (0.892 acres),**

Mr. Kirkman reminded the Commission the Unified Development Plan is the third step in the Planned Unit Development zoning process. This particular approval of a Unified Development Plan was a function previously addressed by the Greensboro Planning Board. With the dissolving of that Board in early September, the Zoning Commission now has the responsibility. Moving forward, Zoning will see the Planning Unit Development Zoning and the Unified Development Plan, containing the development standards for the development coming in jointly with requests. As shown in the report, this property was already zoned Planned Unit Development and this is the next step. This is straight forward and is putting the development standards and framework for the actual development of the property. The uses are already established. Chuck Truby is available if there are questions but is up to the Commission if they want to hear from him.

Chair Holston inquired the Commissioners if there were any questions or uncertainty. Chair Holston inquired if there was anyone wishing to speak in favor of this issue.

Chuck Truby, 502 Waycross Drive, advised he was present if needed.

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Chair Holston inquired if there was anyone to speak in favor of. Chair Holston moved to those in opposition to the request. Hearing none, Chair Holston closed the public hearing. Mr. Engle moved to accept the Unified Development Plan. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the January 19, 2021 City Council meeting. All adjoining property owners will be notified of any such appeal.

Chair Holston advised for the first five or so cases he stated the wrong date for City Council and asked if had to be redone. Mr. Kirkman will do the official notifications for the Council meeting and believed that would update everyone on the date; Chair Holston announcing was more of an FYI to those participating. Staff will follow up with an official notification for that meeting. Attorney Harrell stated she thought that was sufficient. As long as there was some sort of notification correcting the error, it should be fine.

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Kirkman stated this is the last meeting of 2020. It has been a very challenging year and interesting in trying to figure out how to make sure that staff ensured the public had access to these conversations and the Zoning Commission had the information they need. Things were done in a manner that are not typical in terms of doing it online. Mr. Kirkman expressed his appreciation to all of the Commission members for “hanging in” while working out some of the bugs on the process and making the hearings successful endeavors. There were people disappointed with the decisions made but for the most part everybody seemed to be comfortable with the process and the ability for people to weigh in.

Mr. Kirkman expressed staff’s appreciation for working with them on this. He noted Council had determined virtual hearings would continue at least until March. That is the schedule currently and subject to change moving through 2021. He also noted the January meeting is on Wednesday, January 20th, for the Zoning Commission. The third Monday in January falls on the MLK holiday and the city is closed that day. Mr. Kirkman advised the Commission does have an Ordinance Text Amendment coming to the Commission in January which was the airport overlay previously continued for 60 days.

**ACKNOWLEDGEMENT OF ABSENCES:**

Chair Holston advised the absence of Michael Jones was excused.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Hugh Holston, Chairperson

HH/cgs