MINUTES OF THE GREENSBORO ZONING COMMISSION MAY 8, 2006

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, May 8, 2006 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider, Portia Shipman, Susan Spangler and Kevin Wright. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Terry Wood, Esq., Deputy City Attorney, represented the City Attorney's office (arrived at 3:04 p.m.). Carrie Reeves represented the Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 REGULAR MEETING.

Mr. Gilmer moved approval of the April 10, 2005 minutes as written, seconded by Mr. Collins. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

CHANGES IN AGENDA:

Chair Wolf said he had a request from the applicant to continue Item K.

Marc Isaacson, Esq., 101 West Friendly Avenue, stated that the applicant learned of an issue regarding the title to this real estate that is going to take some additional time to try to resolve. They requested a continuance until the Commission's July meeting (60 days) in order to give them ample time to try and work this out.

Mr. Collins moved to continue Item K until the July meeting, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

PUBLIC HEARINGS:

A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-15 RESIDENTIAL SINGLE FAMILY TO CITY ZONING RS-15 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF CEDAR FIELD DRIVE AND HIGHLAND GROVE DRIVE – FOR DAVID C. AND MICHELLE D. JARMAN. (RECOMMENDED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

David Jarman, 5410 Cedar Field Drive, said he was here in favor of the ordinance change and to answer any questions.

There was no one to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said staff recommends approval of the request since it is consistent with the Generalized Future Land Use Map and meets several Comprehensive Plan policies.

Mr. Methany said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at 5410 Cedar Field Drive from County RS-15 to City RS-15, 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: it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; and it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas. Mr. Gilmer seconded the motion.

The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

B. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF ARLINGTON STREET BETWEEN EAST LEWIS STREET AND EAST LEE STREET – FOR I & K, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

There was no one present to speak in support of or in opposition to this request.

Chair Wolf said this item would be moved to the end of the agenda since the applicant has been seen in the building earlier.

C. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – HEAVY INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES: WAREHOUSE, OFFICE, MACHINE AND SHEETMETAL SHOP FOR MAINTENANCE AND REPAIR OF AIRCRAFT PARTS. 2) NO VEHICULAR ACCESS TO EXISTING STAGE COACH TRAIL. 3) 50' BUFFER ALONG STAGE COACH TRAIL. - TO CONDITIONAL DISTRICT – HEAVY INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN LI DISTRICT, PLUS METAL FABRICATION, MACHINING, SHEET METAL SHOPS, AND AIRCRAFT ASSEMBLY. 2) NO VEHICULAR ACCESS TO STAGE COACH TRAIL. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF RADAR ROAD AND WEST SIDE OF STAGE COACH TRAIL NORTH OF NORTH CHIMNEY ROCK ROAD – FOR EMPIRE BUILDING LLC, FORMERLY PIEDMONT CORPORATE PARK, LLC. (APPROVED)

Chair Wolf said he would have to be recused from consideration or voting on this item. He represented the developer and property owner.

Mr. Gilmer moved that Chair Wolf be recused from discussion or voting on this item, seconded by Ms. Shipman. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Jason Sparrow, Esq., 812 North Elm Street, represented the owner of the property, Empire Building, LLC, which is a related entity to Samet Corporation, a triad developer/builder. The property was zoned to CU-HI when an aircraft maintenance concern occupied the property. Since that tenant is leaving and there are no other aircraft maintenance concerns available, they are asking that the use be broadened to all Light Industrial uses consistent with the surrounding uses in the area, together with the HI uses related to aircraft maintenance. In light of the building's proximity to the airport, the owner wants to retain the right to lease to a future user involved in the aircraft maintenance industry. The only other change from the current zoning is the removal of the 50-foot buffer along Stagecoach Trail. The properties across the road are all owned by the Airport Authority so the buffer is no longer necessary.

There was no one present to speak in opposition to this request. Vice Chair Collins closed the public hearing.

Mr. Hails said staff believes both the current zoning and the proposed zoning are consistent with the Comp Plan. It shows GFLUM land uses of industrial/corporate park in this area. In addition, there are numerous policies about utilizing underutilized property and ensuring an adequate supply of land for business uses is available out in this area. In addition, the condition on uses restricting it to predominantly light industrial uses further helps compatibility with surrounding areas and the airport. Staff recommends approval of this request.

Mr. Matheny moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the northwest side of Radar Road from CD-HI to CD-HI, 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: it is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; and it expedites opportunities for development of underutilized property. Ms. Miller seconded the motion. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Vice Chair Collins turned the meeting back over to Chair Wolf.

D. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY AND GENERAL BUSINESS TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USE SHALL BE LIMITED TO A DRUGSTORE WITH DRIVE THRU. 2) DEVELOPER SHALL CONSTRUCT AND MAINTAIN A SIX FOOT OPAQUE FENCE ALONG THE NORTHERN AND WESTERN BOUNDARY LINES OF THE SUBJECT PROPERTY. 3) ALL EXTERIOR LIGHTING IN THE PARKING AREAS SHALL BE DIRECTED TOWARD THE INTERIOR OF THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF SOUTH AYCOCK STREET AND SPRING GARDEN STREET – FOR TRIBEK PROPERTIES, INC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Henry Isaacson, Esq., 101 West Friendly Avenue, handed up materials for the Commission's information. He represented Tribek Properties, Inc., and Mr. Hamilton, Chief Executive of this company, was present, as was Mr. Brown who was with NAI Maxwell of Greensboro. He described the contents of the booklets given the Commissioners. He also passed up to the Commissioners a copy of

a letter that he had received from Spring Garden Friends Meeting which he read into the record. The letter is written to the City of Greensboro, Rezoning Commission: “To whom it may concern, this is to inform the Committee that Spring Garden Friends Meeting members have discussed the proposed Walgreens Drug application to rezone the property located at the corner of Spring Garden and South Aycock Streets. We would welcome this addition as outlined in their plans. Sincerely, Joyce A. Pinnix, Clerk.”

Mr. Isaacson said staff is recommending that the Commission deny this request because they had not added eight new conditions that staff proposed. He named several matters similar to this that the Commission has considered. Most of these issues are issues that you have not been asked to pass on in previous cases and they are typically left to be resolved at the Technical Review Committee (TRC) where there is site plan review prior to the issuance of any building permits. Here in effect they have said: if you will put the eight conditions in, we will have a staff recommendation in favor of the request. He said the Comp Plan calls for this area to be Mixed Use-Residential and it specifically mentions "corner stores" and other local services as part of that mixed use. If a corner drugstore, where neighbors can purchase medicine and other health needs, is not in keeping with that definition, he was not sure what would. Also staff mentions a Pedestrian Overlay District, which may come about. There are no details about that and he did not think there was any official movement by Council to add that Overlay District to Spring Garden Street.

Mr. Isaacson said this is not a huge shopping center with multiple buildings and hundreds of parking spaces. In their conditions, they limited the use of this property to a drugstore with a drive-through for the convenience of the elderly and those who cannot easily walk into the store. He said to load up this case with all of those architectural and site plan conditions at this Zoning Commission hearing is unprecedented and he believes unfair.

The Transportation Impact Study (TIP) prepared by John Davenport Engineering concluded that this development will have a negligible affect on this intersection with all entrances and the intersection itself operating at a level of service "c."

Finally he suggested that it would be very disappointing if the development of this corner fails because of staff's insistence on conditions some and perhaps all of which may very well be agreed upon at site plan review.

Blanton Hamilton, 200 Providence Road, Charlotte, NC, said the timetable has to do primarily with the existing companies; H&R Block has the option to stay there one more tax season, if they choose to. If they choose to stay in the building, they would vacate sometime after April 15, 2007. If they choose to vacate, Walgreens could start construction earlier. He did not know if the drugstore would be open 24 hours a day.

The following persons spoke in opposition to this request: Eve Hubbard, 510 Mayflower Drive; Jerry Cunningham, 601 Mayflower Drive; John Hendricks, 505 Mayflower Drive; David Emery, 708 Mayflower Drive, and Martha Emery, 708 Mayflower Drive. One person spoke on behalf of the Mayflower Neighborhood Association and the College Park Neighborhood Association. The persons present from these neighborhoods stood.

The reasons for opposition were:

- Up zoning of any residential area to General Business.
- Set precedent for intrusion into neighborhood.
- Lower property values and quality of life.
- Would duplicate service already available.
- Increase in vagrant population.
- Decrease available parking.

Mr. Isaacson spoke in rebuttal for the applicant. The two homes, not four, that would be taken have very little front yard left after the widening of Aycock. He said a large part of this property is now zoned GB with no conditions on it.

John Davenport with Davenport Engineering, 545 North Trade Street, Winston-Salem, NC, also spoke in rebuttal for the applicant. His firm did the TIS for this project. The intersection of Spring Garden and South Aycock is signalized and does have a lot of traffic. The analysis submitted to GDOT indicates that during peak hours, the Walgreens is going to add only about two percent increase in traffic at that intersection.

Michael Walker, 709 Mayflower, spoke in rebuttal for the opponents. He said his house actually backed up to the proposed drive-through for the drugstore. He objected to the creep of GB down Aycock Street and the destruction of single family homes.

Ms. Eve Hubbard, 510 Mayflower Drive, speaking in rebuttal for the opponents, said there were other uses for that property that keep within the current zoning and would benefit the neighborhood greatly.

Chair Wolf closed the public hearing.

Mr. Hails said applicant's comments made reference to the Comp Plan. Staff appreciates that. There have been a variety of cases where staff has interacted with applicants, sometimes quite a bit in order to achieve what they think is conformity with the adopted plan. A mixed-use designation is always more complicated. There have been cases where staff has gone back and forth with the applicant and have ended up with two pages of conditions in order for staff to say, "This conforms with our plan." In this case, there are three conditions and a lot of things talked about were illustrative. Mixed Use-Residential is indicated on the GFLUM. This area is also located near an activity center and near a proposed regional rail station. It is one of the higher pedestrian activity areas in town. There are other Comp Plan policies that support investment and development on tracts like this. There are other policies related to community appearance and scale and protecting neighborhoods. Staff recently made a presentation to City Council on what constitutes Mixed Use development. He gave the three keys of this type development. They see some elements in the illustrative drawings of some of their concerns being met. Staff was disappointed that the applicant had not added conditions to address some of the concerns raised. Staff does not see this rezoning as a direct threat to the single family or multifamily use further up the street. Staff feels they have suggested feasible modifications of the site plan, not unreasonable ones. Staff would like to see the applicant attach more conditions. Because the conditions have not been forthcoming at this time on what staff thinks are important key aspects of making this a high quality, mixed use development that fits with the surrounding area better, staff is recommending denial of the request.

There was a general discussion among the Commission on several aspects of this rezoning.

Carrie Reeves, with GDOT, said the bike lanes would have to be dropped at some locations, such as before you get to the major intersections, and then the bikes and the cars will have to share the roads. There is a section between Tate and Mendenhall that will have bike lanes because the cross section of the roadway is not wide enough.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the northwest quadrant of South Aycock Street and Spring Garden Street from RM-18 and GB to CD-GB, 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: it is generally consistent with the Mixed Use Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; and it promotes sound investment in Greensboro's urban areas including commercial areas and neighborhoods. Ms. Shipman seconded the

motion. The Commission voted 7-2 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Shipman, Spangler. Nays: Schneider, Wright.)

E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO TOWNHOUSES OR CONDOMINIUMS FOR SALE. 2) NO STRUCTURE SHALL EXCEED 3 ABOVE GROUND STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF LAKE JEANETTE ROAD BETWEEN ROBERSON COMER ROAD AND BASS CHAPEL ROAD – FOR ESTATE OF GERALD L. OWEN. (CONTINUED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

There was no one present to represent the applicant and no one was present to speak in opposition to the request. Chair Wolf said he would hold this request open until the end of the meeting.

Chair Wolf called for a 10-minute break from 3:40 to 3:50 p.m.

When the meeting continued, Chair Wolf asked if the applicant for Item E had arrived. There was no one present to speak either in support of or in opposition to Item E. Chair Wolf said the Commission would hold this item over to the end.

F. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE LB DISTRICT EXCEPT THE FOLLOWING: BUILDING SUPPLY SALES (NO STORAGE YARD); DEPARTMENT, VARIETY OR GENERAL MERCHANDISE STORES (EXCEPT SMALLER STORES, HAVING A MAXIMUM OF 16,000 SQUARE FEET, SERVING NEIGHBORHOODS, WILL BE PERMITTED); FURNITURE AND MISCELLANEOUS HOME FURNISHINGS; OFFICE MACHINE SALES; AND LAND CLEARING AND INERT DEBRIS LANDFILLS (MINOR). 2) PEDESTRIAN ACCESS CONNECTIONS WILL BE PROVIDED TO THE ADJACENT CD-RM-12 PROPERTY TO THE SOUTH AND EAST. 3) PEDESTRIAN CONNECTIONS WILL BE PROVIDED FROM THE BUILDING(S) TO THE PUBLIC SIDEWALKS ALONG YANCEYVILLE STREET AND LEES CHAPEL ROAD. 4) BUILDING(S) WILL BE ORIENTED TOWARDS THE STREET FRONTAGES. 5) PARKING ALONG THE STREETS WILL BE LIMITED TO ONE DOUBLE BAY WITH OPPOSING LINES OF PARKING SPACES. 6) COMPARABLE SIGNAGE, ARCHITECTURAL STYLE, LIGHTING AND LANDSCAPING WILL BE PROVIDED SIMILAR TO THAT CONTAINED WITHIN THE ADJACENT CD-RM-12 PROPERTY TO THE SOUTH AND EAST. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF LEES CHAPEL ROAD AND YANCEYVILLE STREET FOR KAVANAGH ASSOCIATES, INC. (APPROVED)

G. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: CONDOMINIUMS DESIGNED FOR SALE AND ACCESSORY USES. 2) THERE WILL BE A MAXIMUM OF ONE HUNDRED EIGHT (108) CONDOMINIUM UNITS. 3) PEDESTRIAN ACCESS CONNECTIONS WILL BE PROVIDED TO THE ADJACENT CD-LB PROPERTY TO THE NORTHWEST. 4) PEDESTRIAN CONNECTIONS WILL BE

PROVIDED TO THE PUBLIC SIDEWALKS ALONG YANCEYVILLE STREET AND LEES CHAPEL ROAD. 5) COMPARABLE SIGNAGE, ARCHITECTURAL STYLE, LIGHTING AND LANDSCAPING WILL BE PROVIDED SIMILAR TO THE CD-LB PROPERTY TO THE NORTHWEST. 6) A TYPE B PLANTING RATE WILL BE PROVIDED WITHIN THE PLANTING YARD ALONG THE EASTERN PROPERTY LINE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF LEES CHAPEL ROAD AND EAST SIDE OF YANCEYVILLE STREET WEST OF MITCHELL AVENUE – FOR KAVANAGH ASSOCIATES, INC. (RECOMMENDED)

Mr. Ruska presented a map showing the subject properties, as well as surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, represented Kavanagh Associates and John B. Kavanagh Company. They met with staff regarding zoning conditions that would make this property compatible with the existing neighborhood. Mary Ellen Lowery of Kavanagh Associates and Anthony Lester of Evans Engineering met with the neighborhood to discuss their plans and this proposed rezoning. They received a request for an added zoning condition. In Item G, they wish to add: "Condition 7) A six foot high opaque, privacy fence will be constructed along the entire eastern property line."

Mr. Schneider moved that the Commission accept Condition 7) for Item G, seconded by Mr. Gilmer. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

The applicants feel that this infill type development will inspire more of the undeveloped land nearby to be developed in a compatible way. They feel the conditions will make it a very good development for the area. They feel the small retail area will serve the new condominium area as well as the rest of the neighborhood. Evans Engineering did the TIS that was reviewed by Ms. Reeves of GDOT. Applicant concluded that the requested rezoning would have minimal impact on that intersection.

Mary Ellen Lowery with Kavanagh Associates, 1801 Pembroke Road, related their vision for this development and described the meeting they had with the neighbors. This is a "for sale only" condominium project that will be maintained by a homeowners' association. They had a neighborhood meeting attended by about 12 neighbors. They answered many questions and heard comments. They wanted the fence added as a condition. She provided them a list of the LB uses that would be permitted in the commercial area. The neighbors particularly wanted a restaurant in the commercial area. She said there would be only one entrance into the condos with TV monitors in each unit so visitors could identify themselves.

Crystal Copman, 2111 Mitchell Avenue, said the community had met with the builders and discussed some of their concerns. They community also advised the builders of the type commercial establishment they did not wish to see built. They only concern is what the LB uses will be. They would like to have some input into that.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said regarding Item F, he thought the main thing staff wanted to point out on this is that within the adopted Comp Plan on residential land use types it does indicate that when residential uses are indicated on the GFLUM, small supportive uses such as grade schools, churches and neighborhood-serving commercial areas that are not always depicted on the map itself also conform with the plan. To have a one-half acre, corner commercial site at the intersection of two major thoroughfares, wrapped around with multifamily with inner connections, etc., they felt was conforming with the plan even though

the plan does not call out commercial use at this location. Staff expects that a small amount of additional commercial might also be appropriate in keeping with the plan at this location.

With regard to the multifamily request for Item G, staff just noted that the trend in the area has been toward other multifamily development. There are a number of RM-12, RM-8 and General Office rezonings in the area. Staff's feeling is if they are designed properly with sensitivity to the context, it is appropriate and conforms to the plan in these locations. Staff recommends approval of both requests.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the southeast quadrant of Lees Chapel Road and Yanceyville Street from RS-12 to "CD-LG, 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: it is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes sound investment in Greensboro's urban areas including commercial areas and neighborhoods; and it promotes new patterns and intensities of use to enhance quality of life in the urban area. Ms. Miller seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the south side o Lees Chapel Road and east side of Yanceyville Street from RS-12 to CD-RM-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: it is generally consistent with the Moderate Residential land use category indicated for a portion of this site on the Connections 2025 Generalized Future Land Use Map; it promotes sound investment in Greensboro’s urban areas (Reinvestment/Infill Goal); and it promotes mixed-income neighborhoods (Policy 6A.2). Mr. Schneider seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CONDITIONAL USE – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USE: CONDOMINIUMS. 2) CONSTRUCTION SHALL BE SUBSTANTIALLY BRICK MATERIALS. 3) CONDOMINIUMS SHALL BE LIMITED TO THREE STORIES. 4) LIMITED TO ONE CURB CUT ON W. WENDOVER AVENUE. - TO CITY ZONING CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: CONDOMINIUMS FOR SALE. 2) EXTERIOR FACADE CONSTRUCTION SHALL BE SUBSTANTIALLY OF BRICK MATERIAL. 3) CONDOMINIUMS SHALL BE LIMITED TO THREE STORIES. 4) LIMITED TO ONE CURB CUT ON W. WENDOVER AVENUE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF WEST WENDOVER AVENUE EAST OF BREWSTER DRIVE AND NORTH OF CATES DRIVE – FOR SRJ PROPERTIES, LLC. (RECOMMENDED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Scott Bayer, 3 Sailview Cove, said he would like to add a condition to the previous four set out in the application. "5) Along the western property line a type B yard with type A plantings shall be required, utilizing the existing vegetation to the maximum extent."

Ms. Shipman moved that Condition 5) as stated be added to the request, seconded by Ms. Miller. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Bayer would like to annex this property into the City with City Zoning Conditional RM-18 here. Water connectivity is his interest here. As it stands, he plans to put 108 units on the property. It appears that the City is moving outward at that point and it is just a matter of time until the property is annexed into the City. Obviously, there will be an increased tax benefit to the City. For illustrative purposes, he presented the proposed site plan rendering.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said staff had occasion to sit down with Mr. Bayer on the project in the early going and they appreciate that. He had the benefit of having a dress rehearsal on this project since he took the rezoning all the way through the County process and dealt with the neighbors long before he got to them. So that was good for all concerned in this regard. Staff thinks the conditions attached to the request ensure compatibility with surrounding areas. They think it is a good transition between single family to the west and the more industrial office uses to the east. The area is in transition with the Urban Loop under construction. Staff feels this is a good use of this property and recommends approval of the request.

Ms. Shipman said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the south side of West Wendover Avenue from County CU-RM-18 to City CD-RM-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: it promotes a sound, sustainable pattern of land use for redevelopment at the fringe (Growth at the Fringe Goal); it continued to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; it promises mixed-income neighborhoods; and it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing. Mr. Matheny seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

I. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY AND REZONING FROM CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES IN THE LIMITED BUSINESS ZONING DISTRICT, PLUS RESTAURANT/COFFEE SHOP WITH DRIVE THRU. 2) ANY BUILDING SHALL BE CONSTRUCTED OF SUBSTANTIALLY BRICK BUILDING MATERIALS. 3) ALL EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. 4) ANY BUILDING ON THE SUBJECT PROPERTY SHALL BE LIMITED TO ONE STORY IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF GUILFORD COLLEGE ROAD AND SAPP ROAD – FOR LEON AND JULIA MILLS, NANCY COLTRANE, AND TAMARA EDWARDS. (RECOMMENDED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Henry Isaacson, Esq., 101 West Friendly Avenue, handed up materials for the Commission's consideration. He then explained the contents of the materials. He said hopefully if this request is

approved, the intersection of Guilford College Road and Sapp Road would be signalized soon, as called for in the Executive Summary of the Traffic Impact Study. Letters went to all the adjoining neighbors, advising them of this particular development. Here there will be sidewalks along Guilford College Road and Sapp Road as a part of this development. Residents in the multifamily development along College Road can easily walk to this site instead of having to fight the traffic on nearby Wendover Avenue. This is not a giant shopping center or a mall; it is a 1.8 acre tract at the corner of a busy intersection. He submitted there was a far better chance that more multifamily homes will be built away from this corner than at the corner because of the Time Warner Storage Yard. He felt for the neighborhood that more good and convenience could result from this development than any possible harm.

Bryan Pierce, Vice President of Pierce Homes, 908 McClellan Place, said their offices are immediately adjacent to this property. He was a developer in the City, his company having built most of the multifamily across the street from the subject property. While he had no business relationship with the applicant, he does have an interest as an adjacent property owner. As an adjacent property owner and developer, he submitted that this project makes a lot of sense for the area and, in his opinion, is the highest and best use of this land. They would be a welcome addition to the area and have his full support.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said clearly this area is in a lot of transition, ranging from the major Urban Loop and relocation of Guilford College Road to the land uses in the area. Single family zoning in this location is not going to stay. The current Comp Plan calls for high residential in this location. Staff thinks comparable density kinds of development, such as office or even mixed uses with integration with surrounding uses would be appropriate. There is a Comp Plan Amendment recommended along with this request. Major commercial exists to the east of here in the Wendover/Bridford Parkway/Hornaday area and High Point further to the west. Not only our Comp Plan, but two other adopted plans from 1998, the Guilford College Road Corridor Study and the 1995 West Wendover/Guilford College Road Corridor Study express the concern that they do not want the commercial to merge between those two commercial centers throughout the residential. Staff thinks that a limited commercial and carefully design setting would be fine. Staff does have a legitimate concern that if this area is rezoned stand alone commercial by itself that the tracts north of here up to Hornaday Road would be under similar pressure and staff does not want to see that happen in the area. They are not necessarily against some type of commercial in a mixed use setting that might serve the residential around there, but feel the election of not including conditions to show how it is going to occur in more detail and to set this off of other commercial zonings that could occur north of this site is a concern and staff recommends denial of the request.

Several Commissioners discussed how they would vote and why.

In response to a question from Ms. Miller, Ms. Reeves with GDOT said the traffic study analyzed the level of service for that intersection, which basically tells you the delay on the side street. If GDOT put a signal at every driveway/side street that had a level of service of F in the City, they would have signals everywhere. They would not work like GDOT needs them to work. They would over-using their devices. An analysis has not been completed to clearly identify the need for a signal. She knew that a warrant analysis was done in-house by their Signal Systems Engineer and at this time it is not even close to meeting warrants for a signal. GDOT does not install a signal until it becomes warranted and at that time, it is just a matter of them designing the signal, ordering the equipment and installing it. There has been no study to prove that a signal is warranted.

Ms. Shipman said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the northeast quadrant of Guilford College Road and Sapp Road from County

RS-40 and City RS-12 to City CD-GB, 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: it promotes a sound, sustainable pattern of land use for development at the fringe; it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas. Mr. Gilmer seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

J. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOMES DESIGNED FOR SALE AND RELATED USES (E.G. HOMEOWNER AMENITIES). 2) TOWNHOMES WILL BE CONSTRUCTED SUBSTANTIALLY OF BRICK, MASONRY, WOOD AND/OR STONE. 3) ACCESS LIMITED TO ONE CURB CUT ON TOWER ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF TOWER ROAD BETWEEN MUIRS CHAPEL ROAD AND MONTPELIER DRIVE – FOR TERRI BURKART, GARY BURKART AND EUGENE BURKART. (APPROVED)

Chair Wolf said he needed to recuse himself from consideration and voting on this item since he represents the seller of the property. Vice Chair Collins will handle this item.

Mr. Schneider moved that Chair Wolf be recused from consideration and voting on this item, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, said he represents the property owners, the Burkhart Family, and the contractor purchaser, Ryan Jackson Properties. The purpose of this rezoning is to ask for approval to build a townhome community. They have some additional conditions to add. They are: "4) That the townhomes shall be limited to one and a half stories in height. 5) Wherever a type C planting yard rate is required, applicant shall install a type B planting yard rate. 6) A maximum of 22 townhome units. 7) Each townhome will have a two-car attached garage."

Mr. Schneider moved that the four new conditions, 4) through 7) inclusive, be added to this request, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Mr. Isaacson had handed up materials for the Commission's consideration. He then explained the contents of the materials. This development is surrounded by single family homes and the applicant had met with several of them and some were here in support of this proposal. He said he felt this development met the land use requirements set out in the Comp Plan and said it was a good infill project. No traffic study was required. There will be a homeowners' association to see that the development is maintained properly. Staff seems to be concerned with the compatibility of this development with the nearby properties. He hoped by adding the conditions today and showing illustrative photographs of what is to be built, the Commission will be comfortable with the fact that these would be compatible with the nearby single family residences.

Dave Marcone, 821 Montpelier, spoke in favor of this project. He felt they would be good neighbors and would a great asset to the community and help hold the value of the homes already there.

Terri Burkhart, Montpelier Drive, spoke in favor of this project. She had contacted Scott Bayer and asked if he would be interested in doing a project here similar to the one being done off Muirs Chapel Road. She felt this would be good for the community.

Jim Cole, 910 Meade, at the northwest corner of this project, said development would be great for the community.

Jim Scooper, 514 Muirs Chapel Road, said this project would be in his backyard on its western boundary. He looked at the development just down the road, which these developers are doing, and he was favorably impressed and certainly would have no objection to having a similar construction project literally in his backyard.

Speaking in opposition were Baxter Stapleton, representing the Tower Glen Homeowners' Association with 62 property owners, all of whom signed a document indicating their objection to the development of this property as is being presented.

Dr. William Tucker, president of the Tower Glen Homeowners' Association, 8 East Coat Point objected for the following reasons: incompatible with neighborhood, increased traffic and water drainage problem.

Ferdinand Carson. 9 Cabin Trail, Tower Glen, objected to the development primarily because of the drainage problems.

In response to a question from Ms. Miller, Dr. Tucker said someone came on their property and posted a letter at the neighborhood mail center. He did not feel that they needed to be summonsed to meetings by developers at their mail center.

Ms. Miller told Dr. Tucker that had he or his neighbors attended the neighborhood meeting, their questions about drainage could have been answered then.

In rebuttal for the applicant, Mr. Isaacson said he thought he heard two primary concerns. One was traffic, which he thought he had addressed. He said 18 single detached homes could be built on the property versus 20 attached single family homes, townhomes. As to the water runoff, he asked Mr. Glass with Koontz Bryant to address that concern.

Mr. Isaacson explained the notices that were sent out and the notice that was posted at Tower Glen.

Eddie Glass, Civil Engineer with Koontz Bryant, 6909 International Drive, said they had not done a storm water analysis for the downstream storm sewer system, but as part of the TRC review process, they will have to do an analysis up to a point where their drainage area is 10 percent of the basin. There is currently a 48-inch storm sewer pipe that serves their property, crosses Tower Road and continued downstream. As part of the TRC process, they will have to make sure that the downstream storm sewer system is adequate. If it is not, they will be forced to do some sort of retainage on their property as they go through the TRC site plan review process.

Mr. Hails asked if they looked at the perennial stream buffer requirements on this site too as it relates to potential layout of the site?

Mr. Glass said they did. They located a topper bank closest to their property and the stream is a little bit more than 50 feet away from their property. So a buffer does not impact it. They have not had wetlands delineated on that stream; that may push it over slightly on their property, but again it is more than 50 feet along the majority of their property away. He did not believe it would impact their property.

In response to a question from Ms. Shipman, Mr. Glass said he understood there were some inaccuracies with the storm sewer system on the Tower Glen property. Now whether that means internally or whether it is part of the main system where the creek that used to there was piped, he was not sure. But again, they will have to analyze what they tie into to a point where our site is 10 percent of that drainage area.

In rebuttal for the opposition, Dr. Tucker said the main reason for the problem of water is there seems to be inadequate drainage from Tower Road itself. Until this was corrected, the water at the Morehead School was simply being dumped on them, including the drainage from the Hamilton Lakes Swim Club. They persuaded the City to run a culvert out to the curb, where the water went into the curb and dumped on them, to connect to their storm drain system. On the south side of Tower Road, from Morehead School all the way down to that creek, there are no entrances to a storm drain.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM in this area shows low residential. Both the current rezoning and requested zoning conforms to that request. Other Comp Plan policies related are: the diverse types housing policy would support this; neighborhood protection was not as clear whether it would support it. As noted, City Council directed staff with the Freeman Mill Road rezoning several months back to take a closer look at compatibility of proposed infill developments that are in close proximity to surrounding existing residential development and in particular to look at the site details there. Some of the information heard from the applicant today, they had not heard prior to this. He did not know if 18 single family homes on a public street would be able to be developed at this location or not. It sounds a bit high from what they were expecting from comparable infill development, but if their engineers looked at all that, it might then be a possibility. Conditions do aid compatibility there, particularly with the reduction in the number of housing units that would be permitted, which is five units less than what they anticipated when they were doing their staff report. He thought some of the surrounding neighbors thought that the housing type proposed, but not guaranteed in detail by all the conditions, is compatible with the surrounding area. However, staff feels that due to the narrow nature of the site, some of the environmental conditions, a perennial stream buffer that could affect their stormwater facility, might be needed. They are still not comfortable that it is compatible with the surrounding area and they recommend denial of this request.

Mr. Matheny and Ms. Miller had comments about the proposal and said they would be voting in favor of the request.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the north side of Tower Road from RS-12 to CD-RM-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: it is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use map; it promotes mixed-income neighborhoods; and it promotes the diversification of new housing stock to meet the needs for suitable housing. Ms. Shipman seconded the motion. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Vice Chair Collins turned the meeting back over to Chair Wolf. Chair Wolf called for a 10-minute break from 5:45 to 5:55 p.m.

K. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – CORPORATE PARK TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED UNDER THE "RESIDENTIAL USES" AND

"ACCESSORY USES AND STRUCTURES" CATEGORIES UNDER THE RM-18 ZONING DISTRICT. 2) ALL RESIDENTIAL BUILDINGS SHALL BE CONSTRUCTED OF SUBSTANTIALLY BRICK BUILDING MATERIALS. 3) ALONG THE SOUTHERN PROPERTY LINE ADJACENT TO THE EXISTING SINGLE FAMILY ZONING RECORDED IN PLAT BOOK 79, PAGE 136 IN THE GUILFORD COUNTY REGISTRY, A 30' WIDE LANDSCAPE BUFFER TO BE PLANTED AT A RATE THAT IS EQUAL TO AT LEAST TWICE THE REQUIRED "TYPE C YARD" PLANTING RATE AS SPECIFIED IN THE CITY OF GREENSBORO UNIFIED DEVELOPMENT ORDINANCE TABLE 30-5-4-2. THE PLANTING RATE TO BE A MINIMUM OF 4 CANOPY TREES, 3 UNDERSTORY TREES, AND 17 SHRUBS PER 100 LINEAL FEET OF COMMON PROPERTY LINE ACCORDING TO EACH RESPECTIVE PLANT DEFINITION DELINEATED IN THE CITY OF GREENBORO UNIFIED DEVELOPMENT ORDINANCE SECTION 30-5-4-9. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF KOGER BOULEVARD EAST AND WEST OF MARITHE COURT AND EAST OF THE TERMINUS OF GIRBAUD COURT – FOR ARBOR RUN VENTURE. (CONTINUED FOR 60 DAYS)

This item was continued at the beginning meeting until the July meeting of the Commission.

L. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SALVAGE YARD, SCRAP PROCESSING FACILITY IN A HEAVY INDUSTRIAL DISTRICT WITH THE FOLLOWING CONDITIONS: 1) APPLICANT SHALL INSTALL AND/OR MAINTAIN AN EVERGREEN SCREEN (I.E. LELAND CYPRESS TREES) AT A PLANTING RATE OF NOT LESS THAN TYPE A AROUND THE SUBJECT PROPERTY EXCEPT WHERE THE PROPERTY ABUTS A RAILROAD RIGHT OF WAY OR OTHER PROPERTY OWNED BY APPLICANT. 2) APPLICANT SHALL IMPLEMENT AND MAINTAIN DUST CONTROL MEASURES, SUCH AS FREQUENT WATERING OF THE SUBJECT PROPERTY, TO CONTROL DUST AS NECESSARY BUT IN ANY EVENT AN AVERAGE OF NOT LESS FREQUENTLY THAN EVERY 72 HOURS. 3) APPLICANT SHALL INSTALL AND MAINTAIN A CONCRETE DRIVEWAY WITH CATCH BASIN TO CONTROL WATER RUNOFF AT THE SUBJECT PROPERTY. 4) APPLICANT SHALL INSTALL AND MAINTAIN IN GOOD CONDITION GRAVEL AND/OR ASPHALT ALONG THE MAIN TRAVEL AREAS OF THE SUBJECT PROPERTY. 5) APPLICANT SHALL IMPLEMENT STREET CLEANING MEASURES IN FRONT OF THE SUBJECT PROPERTY TO MAINTAIN THE STREET IN REASONABLY CLEAN CONDITION. 6) ANY EXTERIOR LIGHTING ON THE SUBJECT PROPERTY SHALL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. 7) ANY MATERIALS RECEIVED ON THE SUBJECT PROPERTY SHALL BE RECYCLED OR PROCESSED AND REMOVED FROM THE SUBJECT PROPERTY WITHIN 90 DAYS AFTER DELIVERY. APPLICANT SHALL MAKE AVAILABLE FOR INSPECTION BY CITY OF GREENSBORO AT REASONABLE TIMES APPLICANT'S BOOKS AND RECORDS TO CONFIRM TIMING OF PROCESSING OF MATERIALS AT THE SUBJECT PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF HOLTS CHAPEL ROAD BETWEEN EAST MARKET STREET AND EAST CAMEL STREET – FOR CONTINENTAL COMPANY, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, previously sworn or affirmed, handed up materials for the Commission's consideration. He represents Continental Company, LLC, as well as the operator at the property, which is Salvage America, Inc. He went over the contents of the materials handed to the Commission. Staff mentions in their report that not all of the information needed was on their plan.

They respectfully disagreed. The Certificate of Compliance was issued in May of 2005. About a month later, the North Carolina Department of Environment and Natural Resources (DENR) issued its permit as shown in the handout and it is an extensive document. These documents will show that this did not come easily. He gave some of the criteria for the DENR permit. This allows them to operate what they are doing there right now. He explained the essential parts of the business. No hazardous materials are accepted. He also went through the findings of fact that the Commission must make in order to approve this request. He described the surrounding businesses or institutional use and said none of these felt this facility would do harm to them. He submitted that the Comp Plan supports, with the conditions, that this type of use be permitted in our industrial areas. They had a neighborhood meeting at which about 50 neighbors were present. After he and Mr. Triolo left, he understood they took a vote that was about 50/50 - half in favor and half not in favor.

Chris Triolo, Salvage America, 3002 Holts Chapel Road, previously sworn or affirmed, answered a question posed by Chair Wolf. He said the percentage of recycling would fluxuate as to what they get in, but it has averaged over 50 percent of what comes in that they have recycled or reused. They do not sell any salvage on a retail basis, except to contractors.

Mr. Hails reminded the Commission that the debate of what the ordinance says went to the Board of Adjustment. If they were successful in that, there would not be a Use Permit in front of you today. The Special Use Permit is related to compatibility of uses and on this salvage yard-scrap processing use, the request is whether as proposed on this site with the conditions attached to it in this location, and the surrounding land uses, that is appropriate for this location or not.

Harvey Gordon, 9 Province Court, previously sworn or affirmed, spoke in opposition to this request. He read into the record the comments and recommendations of the staff report.

Mr. Harvey then listed other objections that he had to this request.

The following persons, sworn or affirmed, spoke briefly in opposition to this request: Donald Fentress; Lewis Barber, 2526 E. Market Street; George Durham, 219 Camel Street; and Chris Thompson, 3809 Holt's Chapel Road. Their oppositions were based upon:

- Noise.
- Dust.
- Rodents.
- Ground water contamination.
- Air contamination.

In rebuttal for the applicant, Mr. Isaacson and Mr. Triolo spoke to the concerns voiced by the neighbors. They felt the conditions placed on this request would do much to control or mitigate the impact of this operation. They could surround the property in Leyland Cypress trees, if needed. DENR is certainly not a policing agency, but it did require official statements about wetland, historical property, etc. This facility would not add that much noise to the daily trains and other trucks coming and going to other facilities in the area. More than 99 percent of the materials accepted come from the Guilford County area. There are wells on the property that are monitored on a semi-annual basis.

Harvey Gorden and George Durham spoke in rebuttal for the opponents. The law is clear that wood waste from pressure treated lumber cannot be shredded. They are releasing potentially toxic dust into the surrounding area and behind the business across the street are residential areas. They pointed out the findings of fact that the Commission had to find in order to grant this Special Use Permit. If the Special Use Permit is granted, the Commission was asked to put stipulations on it for the neighborhood.

Chair Wolf closed the public hearing.

Mr. Hails said a portion of the staff report noted that East Market Street is a reinvestment corridor. This older commercial corridor would benefit from significant public and private investment, enhance its economic viability and strengthen adjacent neighborhoods. Staff does not believe that a salvage and scrap yard at this location would help achieve Comp Plan goals for this corridor. In addition, there are other sections of the plan stating things such as a key principal of the Comp Plan is to promote economic development in historically underserved parts of the City, such as East Greensboro. It also talks about trying to promote higher technology development zones for the economic development for these areas. Operation of this facility has had hazardous impacts, such as truck traffic, outdoor storage, noise and dust and the visual impact on surrounding properties. Staff believes that such a land use belongs in a more remote location where other uses are not in such close proximity. He noted on the GFLUM there are at least 10 locations around the City that are designated for industrial corporate park uses. Some of those areas are very large and far from designated residential areas. As a result, staff does not believe that the finding can be made that this use will not substantially injure the value of adjoining or abutting properties. Furthermore, staff believes the location and character of this use will not be in harmony with the area in which it is located, and will not be in general conformity with the plan of development of the City. Because of those reasons, staff recommends denial of the Special Use Permit.

The Commissioners then discussed the request. The question was raised, "Where else would it go in Greensboro in HI where you would have businesses saying the same thing?" It was also mentioned that somebody had to approve the company going there. This area has been heavy industrial since 1992. One Commissioner pointed out the location of D.H. Griffin and said a salvage yard on this side of town would be just as good as where D.H. Griffin is. Another Commissioner said HI was where this business belongs. Other Commissioners voiced their objection to this being so close to residential. It was pointed out that one of the opponents was president of the East Market Street Merchants' Association and spoke on behalf of the Association. Another Commissioner felt the close proximity to this site by residential was not desirable.

Mr. Gilmer moved that the ordinance granting a Special Use Permit for the use of this property for a salvage yard, scrap processing facility, be denied based on the following findings of fact: the use will substantially injure the value of the adjoining or abutting property because of the adverse impact of heavy duty truck traffic, significant outside storage of scrap metal, noise and dust. Mr. Wright seconded the motion. The Commission voted 3-6 in favor of the motion. (Ayes: Wolf, Gilmer, Wright. Ayes: Collins, Matheny, Miller, Schneider, Shipman, Spangler.)

Chair Wolf said the motion fails on a vote of 3 to 6.

Mr. Ruska reminded Chair Wolf that a motion was also needed in regard to the Comp Plan.

Ms. Shipman said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the north side of Holts Chapel Road, for a Special Use Permit for a Salvage Yard, Scrap Processing Facility, 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: it is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; and it does implement measures to protect neighborhoods from potential negative impacts of developments that are inconsistent with the neighborhood's livability and reinvestment potential. Ms. Miller seconded the motion. The Commission voted 6-3 in favor of the motion. (Ayes: Collins, Matheny, Miller, Schneider, Shipman, Spangler. Nays: Wolf, Gilmer, Wright.)

Mr. Schneider moved that the ordinance granting Special Use Permit for the use of this property for a Salvage Yard, Scrap Processing Facility be approved, based on the following findings of fact: the use will not materially endanger the public health or safety if located where proposed because it is located in a corporate park and heavy industrial area and with the conditions imposed on the application for the

Special Use Permit, this should negate any outside substances; that the use will meet the restrictions imposed by the applicant which state that they will only accept the certain items that are under the auspices of the Special Use Permit; the use will not substantially injure the value of adjoining or abutting property because it will be buffered and anything that might mitigate that is covered with the conditions; and the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because it is already a heavy industrial area. Mr. Matheny seconded the motion. The Commission voted 6-3 in favor of the motion. (Ayes: Collins, Matheny, Miller, Schneider, Shipman, Spangler. Nays: Wolf, Gilmer, Wright.)

B. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF ARLINGTON STREET BETWEEN EAST LEWIS STREET AND EAST LEE STREET – FOR I & K, LLC. (APPROVED)

Bob Isner, 4 Bryan Court, said he was the builder in Southside and this was about the last piece of Southside to be developed on which he had acquired land or had a contract. He was requesting that there be a CB zoning because there are two historic buildings on Arlington Street, which he was going to renovate under the guidelines with the City of Greensboro overseeing it. Six townhomes are planned on Lewis Street, facing Southside square. The request for CB is so they can have a mixed parking lot behind it with garages. He had rezoned the other side of Arlington Street about a year ago also for a similar type development.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said staff thought this was potentially a great project. It certainly, like Mr. Isner's project a few months ago, supports reinvestment in the Downtown area, compact development, diversification of housing, mixed, income, etc. Staff's only reservation at all about this project is there are no conditions attached to this request and they think that conditional zoning for Central Business District is something they should be considering, particularly in areas that are at the edge of the Central Business and abutting different types of land uses and different zoning districts. Staff thinks the illustrative plan he was showing was terrific, however, and they very much hope it gets approved and built in the near future. So staff does not feel strong enough about the need for conditions to where they would recommend denial. Staff recommends approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the east side of Arlington Street from GO-M to CB, 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: it is generally consistent with the Mixed Use Central Business District and Mixed Use Residential land use categories indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes the diversification and intensification of downtown Greensboro (Policy 4E); and it promotes sound investment in the center city (Reinvestment/Infill Goal). Ms. Miller seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO TOWNHOUSES OR CONDOMINIUMS FOR SALE. 2) NO STRUCTURE SHALL EXCEED 3 ABOVE GROUND STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF LAKE JEANETTE ROAD BETWEEN ROBERSON COMER ROAD AND BASS CHAPEL ROAD – FOR ESTATE OF GERALD L. OWEN. (CONTINUED)

Chair Wolf said since the applicant had not been present at the meeting, this item would be continued.

Mr. Matheny moved that Item E be continued until the June 2006 meeting of the Commission, seconded by Ms. Shipman. The Commission voted 8-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Shipman, Spangler, Wright. Nays: Schneider.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails mentioned that City Council asked staff to prepare some information for them about some guidelines of how we define mixed use, how we might be regulating mixed use in the future since this has been topic that you and staff and Council and everyone else has been dealing with since the Comp Plan was adopted. He would like to do that presentation before the Commission in the next month or two. Staff could tentatively put it on for the end of the June meeting and then if it gets too late, it can be carried over to the following meeting. It will only take about 15 or 20 minutes. There are things coming the Commission's way in the design realm also, a Neighborhood Conservation Overlay District, and a Downtown Design Overlay, that staff is working on, as well.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Mr. Gilmer requested better location maps to use in visiting sites. There are a lot of new areas the Commissioners do not know about and they need some kind of help when they are out reviewing rezoning requests.

* * * * * * * *

There being no further business before the Commission, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Richard W. Hails
Planning Director

RWH/jd.ps