MINUTES OF THE
GREENSBORO ZONING COMMISSION
APRIL 10, 2006

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, April 10, 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, Susan Spangler (arrived at 2:04 p.m.) and Kevin Wright. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Blair Carr, Esq., represented the City Attorney's Office. 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 MARCH 13, 2006 REGULAR MEETING.

Mr. Gilmer moved that the March 13, 2005 minutes be accepted as written, seconded by Mr. Collins. The Commission voted unanimously 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Wright. Nays: None.)

Ms. Spangler arrived at 2:04 p.m. and participated in the balance of the meeting.

PUBLIC HEARINGS:

A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING AGRICULTURAL – FOR A PORTION OF THE PROPERTY LOCATED NORTH OF BALLINGER ROAD, WEST OF FLEMING ROAD AND SOUTH OF OLD OAK RIDGE ROAD – FOR THE CITY OF GREENSBORO ON BEHALF OF EMILY R. AND MAX D. BALLINGER. (FAVORABLE RECOMMENDATION)

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.

Jonathan Ballinger, 6308 Ballinger Road, represented his family. This property is a Bicentennial farm and is registered as a bona fide farm with the state. They have farm equipment as well as farm animals and have been agricultural for at least 250 years and wish to stay that way. The City wants to annex the farm. As part of the agreement, they were to help keep it as agricultural. They have no plans to develop the property. He presented some pictures of the farm.

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

Mr. Hails said this is a result from Superior Court actoin. The merits of the land uses and other matters were worked out in an agreement. The City is following through on its portion of the agreement. Staff recommends approval of the request.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to approve the zoning agreement located north of Ballinger Road from County Zoning RS-40 to City Zoning Agricultural, 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 and continued 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 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF WILCOX DRIVE AND PINENEEDLE DRIVE – FOR JOSEPH MATHES. (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.

Wayne Stutts, 303 East Bessemer Avenue, represented Mr. Mathes. Under the previous ownership, the lot was almost large enough for two lots. However, Mr. Mathes wishes to rezone this small lot to RS-9 Residential Single Family in order to build a house there. They feel this property will be good infill and it is compatible with the surrounding neighborhood.

Jack Zimmerman, 2304 Wilcox Drive, opposed this request due to the location of the property. He felt a house at this location would be detrimental to traffic pattern coming down the service road or coming from Pineneedle Drive. The traffic is heavy near this location and this is a dangerous intersection.

In rebuttal for the applicant, Mr. Stutts said they were not trying to rezone this property in order to build on the corner. They are requesting this rezoning so they can build on Pineneedle, which would be behind the corner. The lot would be directly divided north and south instead of east and west. The new house would be built behind the current house on the property, which has 90-feet along Pineneedle Drive.

In rebuttal for the opponent, Mr. Zimmerman said they had not come around to the neighbors and explained what their intentions are. He opposed the rezoning if the house was to be 15 or 20 feet from the road due to the traffic.

Chair Wolf closed the public hearing.

Mr. Hails said from the information available to staff they do not think it is possible to build a house next to the existing house on the corner, due to the lot width and the setbacks on the property. From day one, staff had heard from the applicant that the intent is to subdivide a lot further north from the existing house and to have a more normal size lot and house facing Pineneedle. That has clearly been the intent that staff has been assuming in reviewing this request. The request conforms to numerous items in the Comp Plan and is not out of character in the area. Staff feels that overall this is compatible with the area and recommends approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at Wilcox Drive and Pineneedle Drive from RS-12 to RS-9, 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 use income neighborhoods Policy 6A.2); it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing (Policy 6C). Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

C. AN ORDINANCE REZONING FROM LIMITED BUSINESS TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO THOSE USES PERMITTED IN THE LB ZONING DISTRICT AND INDOOR FLEA MARKETS. 2) OUTDOOR ADVERTISING SIGNS (BILLBOARDS) SHALL BE PROHIBITED. 3) FREESTANDING SIGNAGE SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 15 FEET AND A MAXIMUM SIZE OF 175 SQUARE FEET. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF WEST FLORIDA STREET AND FREEMAN MILL ROAD – FOR CKDM PROPERTIES, 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.

Chung Yu, 801 West Florida Street, said he took over the shopping center about four years ago. He has a potential tenant who would like to try an indoor flea market in the large vacant building. On all sides of this location, low-income people live there and this could be a good thing for them.

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

Mr. Hails said staff views this as a fairly limited change in the use characteristics of this location. There is a very established land use pattern around the shopping center. There is no expansion plan with this request, simply trying to make a more practical use of the facility as it ages and they are dealing with different tenant mix as noted with a different type of building than some of the shopping centers have. Staff feels it is compatible with the Mixed Use Residential category designated in the Comp Plan. It also encourages community-based businesses and represents underused properties and policies in the plan. Staff recommends approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at West Florida Street and Freeman Mill Road from LB to CD-HB, 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; it encourages "home grown" and community-based businesses and entrepreneurship by increasing the number of minority-owned businesses in traditional underserved parts of the community (Policy 7A.2); the proposed conditions help insure compatibility with the surrounding properties. Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

D. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND LIGHT INDUSTRIAL TO CITY ZONING CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE SC DISTRICT. 2) MODIFICATIONS, IF DEEMED NECESSARY BY

DOT OR NCDOT, WILL BE MADE BY THE DEVELOPER TO THE PROPOSED TRAFFIC SIGNAL AT THE SOUTH ELM-EUGENE STREET/MAIN ACCESS DRIVE INTERSECTION TO ACCOMMODATE THE PROPOSED DEVELOPMENT. 3) THE PROPERTY WILL BE DEVELOPED IN ACCORDANCE WITH A MASTER DEVELOPMENT PLAN WHICH PROVIDES FOR CROSS-ACCESS AMONG ALL PARCELS WITHIN THE PROPERTY. 4) ALL EXTERIOR LIGHTING, INCLUDING LIGHTING OF THE PARKING AREAS, SHALL BE DIRECTED TOWARD THE INTERIOR OF THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF THE GREENSBORO URBAN LOOP (INTERSTATE 85) BETWEEN SOUTH ELM-EUGENE STREET AND PLEASANT GARDEN ROAD – FOR CARROLL INVESTMENT PROPERTIES. (FAVORABLE RECOMMENDATION)

Chair Wolf said he would recuse himself from discussion or voting on this request since he represents the sellers of the property. Mr. Collins will handle this item.

Mr. Gilmer moved that Chair Wolf be recused from discussion or voting on this request due to a conflict of interest, seconded by Mr. Schneider. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, 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.

Henry Isaacson, Esq., 101 West Friendly Avenue, represented Carroll Investment Properties and the owners of this property, the Short family and the Humble family. He handed up materials for the Commission's consideration. He recognized two representatives of the Carroll Company, Roy Carroll and Al Leonard. He explained the contents of his handout, some of which were an aerial map of the area, an illustrative site plan of uses, photo of interchange and traffic impact study that said, "The results of the analysis indicate that with the noted improvements, most of the intersections are projected to operate at acceptable levels of service in the p.m. peak hour. The proposed development should not materially endanger public safety." He presented a letter sent to all adjacent property owners notifying them of this rezoning. With the exception of one person who asked that they purchase their rental property, all of the calls have been supportive. He gave three reasons that he said argue for the rezoning of this property and its development. He read an email received by the developer from Wesley Reed, president of the Trinity Lake Homeowners' Association, supporting this development.

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

Mr. Hails walked the Commission through portions of the staff report. As noted, there is a Comp Plan Amendment of the GFLUM that is not before the Commission today. He noted several policies in the Comp Plan related to this request. He cited several staff suggestions that would promote walkability. Everything shown in purple on the GFLUM is either industrial, corporate park or mixed use corporate park areas. Staff will be looking at these key industrial areas and perhaps propose some modifications of those. Staff has looked at the provisions of the plan. They feel this is a reasonable way of accommodating certain portions of the Comp Plan. They would like to see the applicant entertain some of the design features they have suggested, but staff would recommend approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located north of the Greensboro Urban Loop from County AG and LI to City CD-SC, 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 healthy, diversified economy with a strong tax base and opportunity for employment, especially for under-served areas such as East Greensboro (Economic Development Goals of Comp Plan); it ensures that adequate land is zoned and has infrastructure available for the various stages of business development (Policy 7C.1); it continued to link approval of annexation petitions for water/sewer extension policies regarding designated growth areas (Policy 9A.5). Mr. Matheny seconded the motion. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None. Abstain: Wolf.)

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

E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY AND REZONING FROM CITY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RS-12 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) ALL USES IN THE RS-12 ZONING DISTRICT, EXCEPT: AGRICULTURAL USES; EDUCATIONAL AND INSTITUTIONAL USES; LAND CLEARING AND INERT DEBRIS LANDFILLS, MINOR; AND WIRELESS TELECOMMUNICATION TOWERS, EXCEPT FOR SATELLITE DISHES AFFIXED TO SINGLE FAMILY HOMES. 2) THE MAXIMUM NUMBER OF SINGLE FAMILY HOMES SHALL BE 81. 3) NO DUMPSTERS SHALL BE ALLOWED, EXCEPT DURING THE CONSTRUCTION PHASE FOR CONSTRUCTION DEBRIS. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF THE TERMINUS OF SPRING OAK DRIVE, NORTHWEST OF COUNTRY WOODS LANE AND WEST OF WOODS END LANE – FOR WOLFE HOMES. (FAVORABLE RECOMMENDATION)

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, represented Wolfe Homes of Greensboro. He recognized Jim Wolfe, president of that company. He explained the contents of the booklets. A sample of a letter and list of the neighbors to whom it was sent were pointed out. Most of them lived on adjoining properties. This proposal meets several Connections 2025 goals, which he explained. Staff has concluded that this rezoning to CD-RS-12 is compatible with the zoning along Country Woods Lane.

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

Mr. Hails said as noted by the applicant, this area is RS-12 proposal, accessed through and the same zoning category as along Country Woods Road. It represents rezoning as the area is being annexed into the City and water/sewer is extended to the area, allowing for a smaller lot residential development. There are a number of Comp Plan provisions that support this. Staff recommends approval of the request.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located north of the terminus of Spring Oak Drive from County RS-40 and City RS-40 to City CD-RS-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 Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Lane Use Map; it continued to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; it promotes mixed-income neighborhoods; it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing. Ms. Miller seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wood, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

F. 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 ON THE EAST SIDE OF CEDAR FIELD DRIVE SOUTH OF HIGHLAND GROVE DRIVE – FOR RICHARD L. AND FRANCES M. BARNES. (FAVORABLE RECOMMENDATION)

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.

Richard Barnes, 5406 Cedar Field Drive, Summerfield, said the property behind his is in the City. For a variety of reasons, he and his wife find it to their advantage to be annexed into the City.

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

Mr. Hails said this rezoning is completely in keeping with the surrounding area. It fits with low residential on the Comp Plan. Staff recommends approval of the request.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on 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 to the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas. Mr. Collins seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED WEST OF THE TERMINUS OF NORTHERN SHORES LANE AND EAST OF WOODPINE DRIVE AND MOSLEY ROAD – FOR D. STONE BUILDERS, INC. (FAVORABLE RECOMMENDATION)

H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF AIR HARBOR ROAD AND WEST OF QUAIL RIDGE DRIVE – FOR D. STONE BUILDERS, INC. (FAVORABLE RECOMMENDATION)

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.

Dwight Stone, president of D. Stone Builders, 2904 Lawndale Drive, said the yellow portion between these two properties had been acquired from Christ Methodist Church so there is now no separation between the properties. They plan to develop 38 single family lots, most of which will be in excess of 15,000 square feet, which gives them an average of about two homes per acre for this property.

Frankie Cross, 1300 Moseley Drive, said he was not exactly opposed to this request, but wanted to know what type boundaries the developer would be required to keep between this property and his property.

Chair Wolf said not having a site plan that shows the roads, etc., he really could not answer Mr. Cross's inquiry. He would be able to get that information from the City once a development plan is submitted. However, it is a rezoning request with no conditions relating to site layout. RS-12 would not require any buffers. It would just be whatever lot standards the City of Greensboro has.

Chair Wolf closed the public hearing.

Mr. Hails said staff thinks this request is consistent with the low residential category in the Comp Plan. It is also consistent with several plan policies related to growth at the fringe, diverse housing types, etc. They could verify that they had been looking at a preliminary subdivision, but it does show land between the two tracts being connected. Since it is already RS-12 zoning on that tract, getting RS-12 on these will allow it to develop in a unified fashion. Staff recommends approval of the request.

Mr. Schneider said on the first request, the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the terminus of Northern Shores Lane from County AG to City RS-12, to e 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 a sound, sustainable pattern of land use for development at the fringe; it promotes a the diversification of housing stock to meet the needs of all citizens for suitable policy. Ms. Spangler seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Ms. Miller said on the second request, the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located south of Air Harbor Road from County AG to City RS-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 Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes a sound, sustainable pattern of land use for development at the fringe; it promotes mixed-income neighborhoods; it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Chair Wolf called for a 10-minute break from 3:35 to 3:45 p.m.

I. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TRANSPORTATION AND STORAGE OF MEDICAL WASTE IN A HEAVY INDUSTRIAL DISTRICT WITH THE FOLLOWING CONDITIONS: 1) USE OF LOCATION WILL BE FOR STORAGE (14 DAYS) OF MEDICAL WASTE AND SHARPS. 2) WASTE WILL BE PICKED UP EACH 14 DAYS AND TRANSPORTED TO OFF-SITE WASTE DISPOSAL LOCATION. 3) MEDICAL WASTE STORED ON-SITE SHALL BE REFRIGERATED. 4) ACCESS TO SHIPPING MANIFEST RECORDS SHALL BE MADE AVAILABLE TO THE PLANNING DEPARTMENT UPON REQUEST. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF NORTH CHIMNEY ROCK ROAD AND SHERWIN ROAD – FOR PATRICK NAY. (APPROVED)

Chair Wolf said this is a quasi-judicial hearing and anyone wishing to speak on the matter must be sworn or affirmed.

Staff and all members of the audience intending to speak on this item were sworn or affirmed.

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.

Patrick Nay, 8015 Industrial Village Road, previously sworn or affirmed, said they are asking for approval of a Special Use Permit in the HI section at the corner of Sherwin and Chimney Rock Roads to use as a storage facility for the collection and then transportation of medical waste. The medical waste is strictly Sharp's and bandages that are picked up at regular medical centers, doctor offices, veterinarians, etc. From the time the waste enters the building, it is stored constantly in a walk-in refrigerated unit. It is picked up, usually within seven days, at the maximum 14 days, and then taken to an off-site incinerator located in Mount Holly, NC.

Rick Eaglin, previously sworn or affirmed, said their business, Ansco Eaglin, was located on the opposite corner of Chimney Rock Road. He came not only as an owner, but also as a manufacturer of biomedical waste equipment. He gave his opinion of what was covered by biomedical waste and its disposal. There is a creek adjoining his property and any water that would come off of that property at this point in time, either by accident of wash down, would go directly into the water system that citizens of Greensboro use every day. His objection was using that facility, which was nothing more than a garage. His company manufactures processing equipment, but also manufactures biomedical waste sterilizers.

Counsel Carr said she needed to remind the Commission that this is quasi-judicial and the Commission needs to limit itself to the facts and not hearsay. For instance, the last speaker did reference several studies and websites and things of that nature. Usually we entertain such information when making legislative decisions, but we have to remember that it has to be based on the evidence before you.

In rebuttal, Mr. Nay said he was vice president and general manager of Intra Contract Carriers. This is a local Greensboro company that serves five states. They deliver and pick up paint and paint solvents. Their largest customer is NAPA parts stores. They have been in the business 13 years as a HAZMAT carrier. This medical waste is nothing more than the syringes that are used to have a flu shot all the way to drawing blood for medical tests, etc. Very little blood-borne agents are left in the sharps, as they call them. They have the necessary North Carolina permits and have just been waiting to have this building approved. They refrigerate this medical waste although North Carolina requirements are only that they store it in a building for no longer than 14 days. South Waste and Sanitec will pick that

up. Sanitec invented a microwave that medical waste is put into because the Federal government is taking steps to outlaw incinerators like Cone Hospital has. South Waste and Sanitec Corporation will come to his place, pick the waste up, take it away from Greensboro and it will be handled in that direction.

In rebuttal, Mr. Eaglin said he was not objecting to Mr. Nay's transportation. He was objecting to the method of storage at that facility. He has not addressed any security whatsoever. His problem is transferring the waste to a site that, in his opinion, is unsuitable and storing in an area that is unsuitable and leaving it in an unprotected area that can create problems. If he is willing to put in safeguards, that is fine. However, he does not believe that is part of
Mr. Nay's request or agreement with the City.

Chair Wolf closed the public hearing.

Mr. Hails said staff feels there is very limited land use issues relating, there is not a zoning change, so the conditions have to satisfy that they are providing reasonable safeguards and compatibility with the surrounding properties. It was a tough situation because there do not exist regulations to mandate the sorts of concerns being raised here and as noted by the Chair, this is a situation that is scattered around town as it is. This is a collection pickup point. Therefore, staff felt like the conditions to limit the duration of the stay, that we do not get into long-term situations where you have the storage drums and hazardous waste on sites for long periods, was an important one and that led staff to recommend approval of the request.

Chair Wolf asked if the Comp Plan gets into issues of Special Use Permits? He saw Mr. Nay was asking for the typical findings in relationship to a Special Use Permit.

Counsel Carr said recently passed legislation does not speak in terms of zoning changes; it speaks in terms of map changes. As a Special Use Permit would change the map, you would need to have those findings as well.

Mr. Schneider said the Greensboro Zoning Commission’s action to approve this Special Use Permit for Transportation and Storage of Medical Waste, located at North Chimney Rock Road and Sherwin Road, is consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 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; it expedites opportunities for development of under-utilized or abandoned properties; the site offers ready access to major thoroughfares. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Furthermore, Mr. Schneider moved the ordinance granting the Special Use Permit for use of this property for the transportation and storage of medical waste to be approved, based on the following findings of fact: 1) The use will not materially endanger the public health or safety if located where proposed because the medical waste will only be stored on a temporary basis for transport to an off-site waste disposal location; 2) That the use will meet the restrictions imposed by the applicant, which requires temporary storage, off-site transportation for disposal, refrigeration of waste on site, and records made available for inspection by the Planning Department; 3) The use is a public necessity because locations must be available to handle medical waste in a safe and efficient manner; and 4) 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 this property is

in an area designated as Industrial/Corporate Park. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

J. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RS-7 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: RESIDENTIAL SINGLE FAMILY DWELLINGS. 2) MAXIMUM DENSITY OF 4 HOUSES PER ACRE. 3) FLAG LOTS SHALL NOT BE PERMITTED. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF MARTIN AVENUE BETWEEN VOSS AVENUE AND HOLLAND ROAD – FOR JOHN MARKS. (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.

John Marks, 1415 Winchester Road, presented notebooks to the Commissioners. Upon completion of the preliminary engineering, he would like to add an additional condition to his CD-RS-7 rezoning request. He amended Condition No. 2 as follows: 2) a maximum of 25 lots.

Mr. Schneider moved acceptance of revision of Condition No. 2 to 25 lots, seconded by Mr. Gilmer. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Mr. Marks pointed out the neighborhood meeting notice with those that signed on the back. Then he pointed out a letter from Peggy Holland, Transportation Planner, in regard to their meeting on the site and giving land to the City of Greensboro for pedestrian walks, trails and future parkland. He read aloud the letter from Ms. Holland. He pointed out other material in the notebooks and explained their importance. He had restricted flag lots from this subdivision and will save the trees. This request is compatible with the GFLUM and Connections 2025 objectives. He passed out maps and explained the color codes. He met with Carrie Reeves, Safety and Design Review Engineer of the GDOT, as to not connecting the interior road of this new subdivision to Martin Avenue. She agreed with his plan and said the Way Street dead end would not connect to Martin as well. There are several 100-year old Oak trees on Martin Avenue that will remain. This truly will be a continuation of progress and improvement for the neighborhood.

Marylou Zimmerman, 2304 Wilcox Drive, said she was speaking in favor of this development. Her husband and she hosted a meeting for the neighborhood because they had concerns about an RS-7. They were concerned that this property would not be developed as they wished it to be. As it turned out, Mr. Marks presented a very thorough study of this property to them. By leaving the trees for this park area, he will be preserving the watershed area and the creek that runs through there. They are very much in favor of this developer and the development he has planned.

Erica Longley, 1707 Way Street, said she thought what Mr. Marks is planning to do is great. She has two small children so having a park and trails will be a good idea.

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

Mr. Hails said when staff first reviewed this proposal they had initial concern. City Council had expressed some concerns in the past about going down two jumps on the single family density, such as from RS-12 to RS-7. However, the conditions attached to this request basically would restrict the density to three units per acre and is comparable to an RS-9 zoning density, they feel this is significant and makes it more compatible with the surrounding area. In terms of why RS-9 was not requested instead of RS-7, it allows the lot width to go down from 60-foot minimum to 50-foot minimum and that fits with the development scheme from the area. This request is compatible with several policies of the Comp Plan. They also think it is admirable to think about setting aside some open space areas, although he cautioned about the actual donation of the land to the City not being appropriate for the Commission's consideration. Staff recommends approval of the request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Martin Avenue from RS-12 to CD-RS-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: 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 (Policy 6A.2); it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing (Policy 6C). Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

K. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) NOT MORE THAN THREE (3) DWELLING UNITS. 2) NO MORE THAN ONE ACCESS POINT TO MERRITT DRIVE. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF MERRITT DRIVE AND GREEN POINT DRIVE – FOR TY KIM HOANG. (DENIED)

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.

Benjamin Marks, Jr., Esq., 407 West Friendly Avenue, represented Ty Kim Hoang, who is Vietnamese, is single, industrious, speaks very little English and lives in the neighborhood on Pennydale Road. When Mr. Hoang purchased the property, he was not advised that the building had been grandfathered. When he purchased the property there was a tenant and apparently this was in 2002 and that did not present a problem. At some point, that tenant left and it became vacant for over a year and several other people had moved in. Presently there is a small grocery, fresh vegetables (no frozen items) for catering primarily to the Latino community. They originally approached this as neighborhood businesses. He was led to believe that the Planning Department probably would not approve that, but they were seeking to increase the density of the population as this area is changing. They decided that perhaps the best solution would be to put up no more than three apartment units, which would mean cleaning up the site and taking down the building. The small house behind the building would also come down and three apartment units would be built with access from Green Point Drive. They felt this was probably the best use for the property and it would improve the neighborhood.

Larry Lance, 4100 Green Point Drive, said the store had been there since the 1940s. He opposed this request because they are getting ready to widen Merritt Drive from I-40 to High Point Road, both sides of the street. This property is not as large as his property and he has one house. When Merritt Drive is

widened, the City will take 25-feet from each side for the widening. The people now renting the store

do not keep the lot clean. Neighbors have to call the City to get mowing and cleanup done. He felt if the one dwelling there now was not kept up, how would the owner keep up three?

In rebuttal for the applicant, Mr. Marks said this was an opportunity to get rid of the eyesore. He had been to the owner and told him cleanup needed to be done. However, neither the owner nor the tenants speak good English and apparently he did not get through to them. So this is an opportunity to clean up that intersection.

Chair Wolf closed the public hearing.

Mr. Ruska said this was a legally existing non-conforming use for many years. However, it was vacant for well over a year and it lost its grandfathered status. This rezoning application is a result of a Notice of Violation that was issued to the property for the operation of it for commercial purposes. They have filed this application for rezoning and it has stayed our enforcement to this point. Although the GFLUM lists this area as high residential, staff feels that a proposal for three multifamily units at this location would not be consistent with the single family character of the neighborhood. There is an area north of West Avenue where the Commission entertained a rezoning application several months ago in the area of Overland Heights, where it is already zoned RM-18. There are parcels up there that could accommodate additional multifamily units. Staff feels that if any are needed in this immediate area, that area is already zoned for that purpose. Staff feels that the request is inconsistent with Policy 6A.4 since it does not protect the neighborhood from the potential negative impacts of a development that is inconsistent with the character of the neighborhood. They looked at the possibility of a neighborhood business there. If an application with suitable conditions and the property was cleaned up, maybe this might be a place to accommodate a neighborhood-serving commercial establishment. He was not making that commitment at this point since they have no application and they certainly have not discussed any conditions for the property. Staff recommends denial of this multifamily request.

Mr. Ruska said if this rezoning were approved, then the applicant could take out building permits with their approved plan and construct three multifamily units. If this zoning were turned down, then staff would have to proceed with their enforcement activities, which are already in progress.

Carrie Reeves, with GDOT, said they had completed a feasibility study for the widening of Merritt Drive. She believes a package had been sent to Engineering for design and construction. There was limited right-of-way out here so they hopefully adhere to a conceptual design that had the least amount of impact, as far as right-of-way, because there are a lot of churches and trees and houses close to the road. However, she was not aware at this time of the total amount of right-of-way that they were requiring out there.

Ms. Miller said the Greensboro Zoning Commission believes that its action to deny the zoning amendment, located at Merritt Drive and Green Point Drive from RS-9 to 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 does not implement measures to protect neighborhoods from potential negative impacts of developments that are inconsistent with the neighborhood's livability and reinvestment potential; despite proposed conditions, the project is not compatible with surrounding properties; multifamily development is not consistent with the single family character of the immediate area. Ms. Spangler seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

L. AN ORDINANCE REZONING FROM HEAVY INDUSTRIAL AND LIGHT INDUSTRIAL TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE

NORTHWEST SIDE KING STREET BETWEEN MARTIN LUTHER KING JR. DRIVE AND SOUTH MURROW BOULEVARD – FOR SETH COKER. (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.

Vice Chair Collins opened the public hearing.

Milton Kern, 5500 Old Brandt Trace, said he was a member of a group of people who have come up with a very good idea that is needed in Downtown Greensboro. That group consists of Bob Isner, Seth Coker Frank Auman and him. Right now, there are probably 1,000 condominium units on the drawing board for Downtown Greensboro. This is one of their visions of what Downtown Greensboro needs to be. It needs to be a living and working unit. The problem is when you have 1,000 condominium units on the drawing board and 145 apartments in existence, we need more apartments because most people cannot afford to buy the condominiums. This is giving an option to the people who want to live Downtown. His vision is to take a really ugly, nasty piece of property, tear all of it down and build some very attractive apartments that will do more for the skyline of Greensboro than anything in a long time.

Seth Coker, 305 Blandwood Avenue, passed up a handout to the Commission. He talked about the rezoning process they went through, some of their site challenges and then a little about their proposed development. To do this, he went through the handout, explaining what it contained. They held a neighborhood meeting with the residents of Southside. The only consistent concern that he heard was, "Is there ample parking for this project?" Since that meeting, they took another look at their site plan and now have one parking space per bedroom. The complex will have many extra amenities. For illustrative purposes, he reviewed the proposed revised site plan. He enumerated some of the problems with the site that they will correct. He listed reasons to support this rezoning.

Henry Kanipe and his partner, John Cameron, own the building at 301 Martin Luther King at the corner of Martin Luther King and Gorrell. They wish to speak in favor of this rezoning. They are proud of the Southside area and they feel like this property is clearly an eyesore and, frankly, is a huge hurdle for them making the purchase that they did. So they are very pleased with this plan and think it will be a wonderful asset to the community.

Ryan Schell, 316 Gorrell Street, said he went to a meeting about a month ago that Bob Isner had with a lot of the other people that live in Southside. They talked about the concerns of parking and things of that nature. After talking further with Mr. Isner, he is extremely excited about hoping that this will be rezoned because he walks onto his front porch, he sees Downtown and it looks great. And then he sees a whole bunch of nasty-looking buildings and Mr. Coker said it was kind of like they were divided from Downtown. He thought this would really bring everything together. There are a lot of live/work units in Southside where people have businesses. They are bringing some new businesses in with this unit that they bought. There has to be people to go to these businesses and if they bring in a couple hundred apartment units, there will be more people to visit the businesses.

Hanna Cockburn, 402 McAdoo Avenue, said rather than opposing this request, she just wanted to raise some of the concerns that she had heard in their neighborhood as well as personal concerns about the case, particularly since they spent a great deal of time talking about a site specific development plan that is not part of this rezoning. This rezoning request is for Central Business and it has no conditions that tie it to this specific request. That is generally her concern. As you know, the

Southside neighborhood has put a high value on design and is using design for a solution for making density a very desirable thing for Downtown. They welcome the extension of this neighborhood, but

they want to make sure it is designed to blend in with this neighborhood.

In rebuttal for the applicant, Bob Isner, 4 Bryan Court, said he was also the builder in Southside and his office is at 315 Martin Luther King, Jr. Drive. In talking with zoning, they went with the Central Business zoning, which is not conditional. They did realize that conditions for the neighborhood of which he is still building (he still has another 30-40 townhomes to build in Southside) would be an issue. That is why they went ahead and advertised the project. He was building right next to it and he is not going to build something that is going to kill the $5 million in townhomes he has planned right next door. They also brought in a project developer that is part of the team that is buying it. So they are committed to building apartments that are going to look very urban and will be a great asset to the City.

Chair Wolf closed the public hearing.

Mr. Hails said he had not seen a project in quite awhile that has so many different policies from the Comp Plan in support of from reinvestment infill, support for Downtown, affordable, livable neighborhoods, Brownfield sites, underutilized abandoned properties, mixed use activity center, etc. That speaks well of the project and certainly the existing industrial uses and continued industrial uses, even newly constructed industrial uses that could still go on this site with the current zoning and the current ownership does not bode well for some of the mixed uses and new investment we are seeing in Downtown. Staff is strongly in support of the project. He thought at the bottom of the staff report they added sort of a footnote that just says: We agree with the comments that both Mr. Isner and Ms. Cockburn made that it is important for this project to be compatible with the surrounding area. Since this application is not a conditional request, they hope the applicant will try and provide other assurances that appropriate design details will be provided hopefully prior to site plan approval that is still public process. If there are other ways to continue to inform the public about design as firmed up and committed details are decided upon, we urge them to do that. They have a fairly unique situation with the developer and his involvement with the surrounding property and he thought that was an added safeguard for the public as well. Staff recommends approval of the request.

Mr. Matheny said he would like to first say this was a very exciting project and they have their hands full with that land from what it looks like, but he thought this would be great for the continuation of what we are seeing Downtown. It is nice that groups have come together and are working together. He thought with what he had done at Southside and this being a continuation, it will just be fantastic for this area.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on King Street from HI and LI to C, 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 land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map and is an Activity Center; it promotes the diversification and intensification of Downtown Greensboro; and it promotes sound investment in the center city. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wood, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

M. ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITION: 1) DEVELOPMENT OF THE SUBJECT PROPERTY WOULD BE LIMITED TO

14 LOTS FOR DETACHED SINGLE FAMILY RESIDENCES PLUS ANY ANCILLARY OPEN

SPACE TRACTS AND/OR LAND USED FOR ANY STORM WATER DETENTION POND. - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF THE TERMINUS OF MEDHURST DRIVE AND WEST OF THE TERMINUS OF CHURCHILL DRIVE – FOR J. GRANT ROBERTSON. (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.

Grant Robertson, 2128 New Garden Road, presented a map, showing the subject property. He proposes to build single family homes on separate lots. RS-12 would have allowed 3 lots per acre. The RS-9 will have 3.25 lots per acre. In a January meeting, City Council removed a stub that had been planned by another developer. His street address is actually 2602 Duck Club Road so that was his preferred option. Prior to this hearing, he sent out 73 letters to neighbors. He personally canvassed many of the neighbors and passed out letters Friday a week ago. He received no responses contrary to the rezoning. RS-12 would have allowed 3 units per acre. Under the RS-9, he will have 3.25 units per acre. He intends to build single family homes on separate lots with a market value of nearly double the adjacent properties. The only way he could do this is with a less efficient, cul-de-sac design. The RS-9 zoning offsets the extra cost and design limitations. These homes will compliment the existing homes and continue the spirit of the neighborhood. This project is in compliance with the GFLUM objectives.

Andrew Richelson, 1900 Medhurst Drive, said in opposition that Mr. Robertson had presented to the Commission a lot of information that makes things that are not real sound real. He asked that the Commission consider the letters from Mr. Allen and Mr. Bell because they very well speak the position of the neighborhood. The neighborhood did not oppose Mr. Dixon's request of Council because he took out the connection between his property and their property. Mr. Robertson wants to join Medhurst, go down, build a cul-de-sac and then join onto Churchill. The neighborhood objects to Mr. Robertson changing the zoning. Mr. Richardson said that would change the character of the neighborhood with the narrower lots. There would be no way to distinguish between British Woods and Mr. Robertson’s property.

Nat Stewart, 2014 Medhurst Drive, opposed the rezoning request. Mr. Robertson never talked to all the neighbors, only a select few. He objected to Mr. Robertson's property being connected to British Woods. He could not see his neighborhood and the neighborhood proposed by Mr. Robertson as being compatible.

In rebuttal for the applicant, Mr. Robertson said Mr. Richelson said 1,000 people were interested in this rezoning. He wanted to know why only seven people came to the meeting and he received five phone calls and nobody was against this. He felt that the neighbors forced his property into their neighborhood whereas he was actually Duck Club Road property and he should have been a part of that neighborhood. Now they want to tell him what he can do with his property. The Zoning staff said this project is in compliance with the GFLUM and meets all the criteria.

In rebuttal for the opposition, Mr. Stewart said RS-12 was fine with the neighborhood. He asked the Commission to turn down the RS-9 request.

In rebuttal for the opposition, Mr. Richelson said what is before this Commission is, "Is there a rational justification and reason to rezone that piece of property so as to allow, he suspected, two, perhaps

three more houses than could fit if it were RS-12 versus RS-9." The issue is not who is the nice guy here and who is the bad guy here. The issue is whether there is a compelling reason that there should

be a zoning change. Obviously, the zoning laws of this City are to be enforced unless there is a reason for it, unless there is some compelling reason. There is no compelling reason here.

Chair Wolf closed the public hearing.

Mr. Hails said the Comp Plan has several provisions that staff thinks are applicable to this request. The GFLUM indicates that this area is low residential, which is a range of density from 3 to 5 dwelling units per acre. Both the requested RS-9 and RS-12 existing fit within that range. In addition, the plan has some policies promoting diversification of housing stock and mixed income neighborhoods as well. In practical terms, it is not viewed by staff that there is a significant difference between the type of housing produced in RS-9 zoning and RS-12 zoning. There are also policies in the plan about producing stable, livable neighborhoods. Staff does not feel this change so substantial that it threatens the stability of the adjoining neighborhood. This area is also in the GFLUM designated as being near the outside of a designated Activity Center (an area in which staff is trying to encourage more walkability and mixed uses and higher density). That does not necessarily mean staff is promoting converting single family neighborhood into mixed use, but it is another reason why staff thinks a somewhat higher density zoning would not be in appropriate in this location. Overall, the Planning Department recommends approval of the request.

Ms. Miller said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the terminus of Medhurst Drive and Churchill Drive from RS-12 to CD-RS-9, 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 Lot Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promoted mixed-income neighborhoods; and it promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing. Mr. Schneider seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Chair Wolf called for a 10-minute break.

N. AN ORDINANCE REZONING FROM RS-15 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED IN THE NB ZONING DISTRICT. 2) ANY BUILDING ON THE SUBJECT PROPERTY SHALL BE CONSTRUCTED PRIMARILY WITH BRICK OR MASONRY MATERIALS. 3) ANY BUILDING ON THE SUBJECT PROPERTY SHALL BE LIMITED TO ONE STORY IN HEIGHT. 4) LIMITED TO ONE ACCESS POINT ON NEW GARDEN ROAD AND ONE ACCESS POINT ON GARDEN LAKE DRIVE. 5) APPLICANT SHALL CONSTRUCT AND MAINTAIN AN OPAQUE FENCE ALONG THE WESTERN LINE OF THE SUBJECT PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF NEW GARDEN ROAD AND GARDEN LAKE DRIVE – FOR LEE AND BENNIE PERRY, TONY AND SHEILA LEE, JOHN AND MARSHA JENSEN, AND DALLAS AND JEAN HANOVER. (DENIED)

O. AN ORDINANCE REZONING FROM RS-15 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS: 1) ALL USES PERMITTED UNDER GO-M EXCEPT: KENNELS OR PET GROOMING SERVICES, LAND CLEARING AND INERT DEBRIS LANDFILLS, AND JUNKED MOTOR VEHICLES. 2) ANY BUILDING ON THE SUBJECT PROPERTY SHALL

BE CONSTRUCTED PRIMARILY WITH BRICK OR MASONRY MATERIALS. 3) ANY

BUILDING ON THE SUBJECT PROPERTY SHALL BE LIMITED TO ONE STORY IN HEIGHT. 4) LIMITED TO ONE ACCESS POINT ON NEW GARDEN ROAD AND ONE ACCESS POINT ON GARDEN LAKE DRIVE. 5) THE BUFFER ALONG THE SOUTHERN AND WESTERN LINES OF THE SUBJECT PROPERTY SHALL BE AS DOUBLE THE PLANTING RATE REQUIRED UNDER THE ORDINANCE. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF NEW GARDEN ROAD AND GARDEN LAKE DRIVE – FOR CHARLES AND KAREN MICHAUX. (UNFAVORABLE RECOMMENDATION)

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.

Marc Isaacson, Esq., 101 West Friendly Avenue, represented the various property owners. These are two rezoning cases involving the two corners on the west side of New Garden Road at the intersection with Garden Lake. They brought the two requests together so that interested persons would know the plans for the two corners. He had handed out two booklets to the Commission, one for the CD-LB for a Walgreen Pharmacy, and the other one is entitled CD-GO-M and is for a bank. He read into the record changes in the conditions. Amended Condition 1) on the LB site would read: 1) Uses limited to a drug store. Then they wished to add a new condition: 6) All exterior lighting shall be directed away from any adjoining residential property. On the GO-M site, they amended Condition 1) as follows: 1) Uses limited to a bank, savings and loan or credit union. They would add the same new condition: 6) All exterior lighting shall e directed away from any adjoining residential property.

Mr. Schneider moved acceptance of the amended and new condition on Item N (CD-LB site), seconded by Mr. Gilmer. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf. Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Mr. Schneider moved acceptance of the amended and new condition on Item O (CD-GO-M site), seconded by Mr. Gilmer. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Mr. Isaacson explained the contents of the Walgreen’s booklet, which included for illustrative purposes a sketch site plan. Aerial photos showed where Walgreen and the bank would be located.

Mr. Isaacson submitted that this was an example of how a Walgreen’s and a bank could well co-exist at a busy intersection and then have single family or residential down the nearby street with out adversely impacting the neighborhood, without adversely impacting the stability of the values there. You will hear that by simply rezoning these two parcels at the corner, you are inviting the stripping of commercial development down New Garden Road. They strongly disagree with that and cite as an example the Pisgah Church/Lawndale intersection that has remained stable with a Walgreen's and what was a bank building and is now the Edward Jones Office. The consequent corner at Battleground/Pisgah Church where there is a CVS that is landscaped on all sides, has been well received. There was significant opposition at the time, but it has not led to the stripping of commercial zonings down Pisgah Church Road.

Mr. Isaacson continued explaining the contents of the Walgreen’s booklet and read to the Commission parts of a letters from the Site Selection Representative for Walgreen's and from Rev. Fueler at the Cross of Christ Lutheran Church that is immediately adjoining the proposed Walgreen’s

site. He called the Commission's attention to the executive summary of the Traffic Impact Study. The recommended improvements will adequately handle the additional traffic from these projects. The

developers here are willing to make the recommended improvements contained in the report.

He then explained the contents of the CD-GO-M bank site booklet.

John Davenport with Davenport Engineering said his firm conducted the Traffic Impact Analysis for both sites. They made recommends according to the impact of this development. The study was conducted in conjunction with GDOT, which concurred with the details.

Allen Bradley, 5404 Garden Lake Drive, opposed the requests because of the New Garden Corridor Focus Group development plan on which the Planning Department worked with the Group. The residents accepted the plan as a commitment by the City of Greensboro for future growth and changes. He also opposed the increased traffic on Garden Lake Drive and North Lake Drive, which are not designed for through traffic. The residents of Garden Lake requested that the Commission honor the commitment made to them by the City of Greensboro.

David Overman, 5411 Garden Lake Drive, opposed the requests for rezoning. He felt if either request went through, it would signal the deal knell for Garden Lake Drive on a number of levels. He too objected to the increased traffic.

Linda Wilkinson, 12 Gamble Place, objected to the rezoning since she did not understand how someone could make a proposal to not only change the property that faces New Garden Road, but to come into their neighborhood, two homes in, and invade their space. She had been designated the spokesperson for her neighborhood. She presented a petition with 115 signatures against the rezoning, all within less than one mile of this rezoning.

Janet Overman, 5411 Garden Lake Drive, opposed the rezoning because of headlights that would come into their neighbor from cars going in and out of Walgreen's.

John Voss, 5703 South Lake Drive, opposed the rezonings because when people exit these two new businesses, they will go down Garden Lake. When winding around the lakes, traffic is slowed to about 10 miles an hour and is not suitable for increased traffic.

There were three speakers who spoke in rebuttal for the applicants. Mr. Isaacson said he did not talk about the Comp Plan, but it does encourage mixed use, it does encourage walkable communities. He believes that this proposal accomplishes those things. The contract purchasers have acquired an additional lot that is not going to be used except for a buffer or a pond or something else. He asked the Commission to consider the facts, not the speculation.

John Davenport tried to answer some of the concerns brought up by the residents. They feel that the traffic generated by these two businesses will be mitigated by the improvements. This will generate pass-by trips, people who are already out there going from one place to another.

Dallas Hanover, 1503 New Garden Road, said from his perspective, once New Garden was developed beyond a two-lane road and made into a four-lane with a median, the traffic pattern and development have made it tough on their family living there.

There were five speaks who spoke in rebuttal for the opponents. Allen Bradley said he appreciated the buffer, but once the zoning is changed there is no guarantee that that buffer will remain empty. It probably will not. He felt property values near these businesses would go down drastically.

David Overman asked if the developer would put in a condition that the property next to Mr. Bradley's property would never be developed and it would be a permanent buffer. On the map, the vacant lot is

shown "for future commercial use."

Linda Wilkinson said growth was inevitable and they are victims of that growth. However, she could not come to grips with the fact that they would no longer be greeted by trees and rolling hills as they entered their neighborhood. They will be greeted with neon signs advertising dish soap and toilet paper.

John Voss said New Garden Road was widened for purposes of carrying traffic from Battleground around to the other side. That was not for a couple of buildings being put up that took ought eight houses. Mr. Hanover's problem was not the same as theirs.

Barbara Blust, 5544 Garden Lake Drive, said she thought they were missing quite a point here. In two years, New Garden Road will look like Wendover Avenue. She said she had given Walgreen's a lot of business on Market Street, but she was not going to give them any more if this rezoning goes through.

Chair Wolf closed the public hearing.

Mr. Hails said these cases are different enough in some respects to where he would try and mostly point out the differences on the second one. There are several provisions in the Comp Plan that they feel are relevant to the first case. Probably most important is Policy 6A about protecting neighborhoods from potential negative impacts of development. There are also policies about insuring that adequate land is zoned for business development. This area is mixed use-commercial designated on the GFLUM, although it appears that the southern edge of this is at Garden Lake Drive so this is at the edge of mixed use-commercial. Because it is in mixed use-commercial, there is no Comp Plan amendment attached to this request. However, it should be pointed out that mixed-use designation includes that there be multiple uses on the site, pedestrian connections, and integrated design. This being a freestanding commercial site at the edge does not comport too well in staff's view with mixed use-commercial. There is an existing commercial node that serves this area further north. There is a new shopping center/office area that was approved about a year ago by the Council on Fleming Road north of Bryan Boulevard. There is a West Friendly commercial area in one direction and Battleground in the other. Staff thinks it is important to continue to cluster commercial uses, to not have them stretch out in a continuous line along our thoroughfares. They think currently there is a good natural transition of uses going on the west side of New Garden Road from commercial to multifamily to church to residential. There have also been several rezonings in the area south of this along New Garden. In each site, the requests and approved rezoning was for RM-5, which is still Low Density Residential. Staff thinks there is a legitimate concern that if this commercial continued further down New Garden, that it could encourage more such requests. Staff thought turning the corner onto a residential street is very different than many of the other situations that were cited, areas such as the CVS on Pisgah Church and the office at Fleming and New Garden. Those are either at the intersection of two thoroughfares or at least at the intersection of two roads that are not entirely residential. When staff is trying to figure out exactly when you go from a transitional area that abuts some non-residential, because every neighborhood has edges, into one that severely impacts it, turn the corner on a residential area, taking houses that front that residential street, in their book is where staff draws the line. As such, staff is not comfortable supporting this request and recommends denial of this request.

The main difference in this proposal is this is beyond the mixed use-commercial area; it is designated as low residential in the Comp Plan. Therefore, a Comp Plan Amendment is required here from low residential to mixed use-commercial. That is not in front of you. It is an office/bank proposal instead of

commercial pharmacy and it is further south from the commercial node up by Bryan Boulevard. Having said that, a lot of the other comments still apply to this case. Staff thinks there is commercial in the area, both immediately north and going further in each direction on New Garden. As he mentioned, staff thinks there is a good natural transition and buffer between the commercial and the residential

further south. They are concerned about commercial and office uses continuing through this section here. As such, staff also recommends denial of this request.

In response to a question from Chair Wolf, Mr. Hails said the Corridor Plans that were carried out in the mid-1990s; none of them were adopted by City Council. They did not have as detailed a land use map attached to them as some of our plans do now, but they were not officially adopted in terms of City policy. They are City documents, we reference them in our staff reports so they do not ignore them, but they do not give them as much force as the more recently adopted Comp Plan and if there is a small area plan adopted for the area, such as Lindley Park Neighborhood or some other areas. So staff shows what is in there in the plan. He did not mention that. It basically shows residential throughout this section of New Garden Road.

Mr. Hails said staff is reminded by City Council and others that we are not realtors and we are not marketing experts so we can offer observations on what we see out there, but it is hard to say for sure. Sometimes things are tied up in contracts or there are other restrictions that do not make them available. But he thought their Comp Plan generally talks to a certain medium size node of commercial all around that New Garden and Bryan Boulevard area and then you jump down to West Friendly and up to Battleground in the other directions.

There was a general discussion among Commissioners relating their feelings toward these requests.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to deny the zoning amendment, located at the northwest quadrant of New Garden Road and Garden Lake Drive from RS-15 to CD-LB, to be consistent with the adopted Connections 225 Comprehensive Plan and the New Garden Road Corridor Study (1996) 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 Commercial land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; despite proposal conditions the project is not compatible with the surrounding properties; it does not promote livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. Mr. Wright seconded the motion. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Mr. Matheny said the Greensboro Zoning Commission believes that its action to deny the zoning amendment, located at the southwest quadrant of New Garden Road and Garden Lake Drive from RS-15 to Conditional District - General Office Moderate Intensity, to the consistent with the adopted Connections 2025 Comprehensive Plan and the New Garden Road Corridor Study (1996) and considers the action taken to e reasonable and in the public interest for the following reasons: it is generally inconsistent with the Low Residential lane use category indicated for this site on the Connections 2025 Generalized Future Lane Use Map; despite proposed conditions, the project is not compatible with surrounding properties; it does not promote livable neighborhoods that offer security, quality of life and the necessary array of services and facilities. Ms. Miller seconded the motion. The Commission voted 7-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: Collins.)

ACKNOWLEDGMENT OF ABSENCES:

The absence of Commissioner Shipman was acknowledged.

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There being no further business before the Commission, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/jd.ps