MINUTES OF THE
GREENSBORO ZONING COMMISSION
SEPTEMBER 13, 2004

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, September 13, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Bill Schneider, Peter Kauber, Brian Byrd, J.D. Haynes and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office and Carrie Reeves represented Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting.

APPROVAL OF MINUTES OF THE AUGUST 9, 2004 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the August 9, 2004 meeting as written, seconded by Mr. Collins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Spangler. Nays: None. Abstain: Kauber.)

Chair Wolf said the Commission had two new members, Susan Spangler and Peter Kauber.

PUBLIC HEARINGS:

A. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO LIMITED OFFICE – FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF DOLLEY MADISON ROAD AND TOMAHAWK DRIVE – FOR JOHN HANNER. (APPROVED)

Mr. Ruska presented a map showing the subject property.

John Hanner, 325 Windsong Road, Wilmington, NC, said he represented his mother, owner of the subject property. This parcel was located on the corner of Dolley Madison and Tomahawk. He understood that Tomahawk would be the southern boundary of mixed commercial development along Dolley Madison Road. All the property between that of his mother and Friendly Avenue was zoned non-residential. He had obtained a purchase contract, subject to the property being rezoned to LO.

In response to a question by Mr. Kauber as to uses allowed under the LO zoning, Mr. Hanner said it was his information that a beauty salon was planned for this property, but that the new owner could put anything allowed in the LO zoning district there.
No other persons in the audience wished to speak to this request and the public hearing was closed.

Mr. Hails stated that the Planning Department had taken a long look at this property, in terms of its being at the edge of a lot of different designated areas as far as zoning, as well as the Comp Plan. The Comp Plan Generalized Future Land Use Map (GFLUM), showed the area as being within an activity center and a mixed-use commercial and high residential land use area. This

would mean they would need to take a closer look at the situation. An activity center was generally reserved for those future high-density clusters of mixed uses. As such, what you see out there now in terms of the small houses and trees, they did not think that would be there long term. It was always difficult to calculate how much transition and how quickly it would happen, but the Planning Department felt comfortable that the requested office zone would be a transition between residential to the south and the higher densities to the north and the higher densities that very well might be on this side down the road. As such, the Planning Department was recommending approval of the request.

Mr. Gilmer moved approval of an ordinance rezoning from RS-12 Residential Single Family to Limited Office, seconded by Mr. Collins. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – INFILL WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO 13 TOWNHOMES AND CLUBHOUSE/COMMUNITY CENTER - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF THE KINGS ROAD BETWEEN PRINCE ROAD AND PISGAH CHURCH ROAD – FOR STEVE GREEN. (APPROVED)

Mr. Ruska presented a map showing the subject property.

Steve Green, 5105 Bayberry Court, said he was the owner of the property. He had requested this rezoning so energy-efficient townhomes could be built on the property. He said it would be limited to 13 townhomes. There would be a clubhouse on the corner of Prince Road and The Kings Road. There was a Duke Power easement on the property.

In response to a question from Chair Wolf, Mr. Ruska said PDI requires a sketch plan to be approved by the Technical Review Committee (TRC) prior to the submission of a rezoning application, and that had been done. The sketch plan was exhibited to the Commission.

The public hearing was closed.

Mr. Hails stated that the area was designated in the Comp Plan as moderate residential density which generally called for a mixture of house types and densities in residential areas with that designation. They felt that the density requested was moving in that direction without unnecessarily disrupting the entire area and being totally out of character with the existing area. As such, staff would recommend approval.

Mr. Gilmer moved an ordnance rezoning from RS-12 Residential Single Family to Conditional District - Planned Unit Development - Infill, subject to the condition set forth in the application, seconded by Mr. Haynes.

In response to a question from Mr. Kauber, Mr. Ruska said that, to his recollection, this plan was consistent with the Pisgah Church Corridor Plan in terms of calling for residential development.

There being no further questions, the Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

C. AN ORDINANCE REZONING FROM RM-12 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN GB, WITH THE EXCEPTION OF THE FOLLOWING: (A) AGRICULTURAL USES; (B) RECREATIONAL USES; (C) THE FOLLOWING BUSINESS AND PROFESSIONAL SERVICES: AUTO RENTAL OR LEASING; BOAT REPAIRS; BUILDING MAINTENANCE AND SERVICES; EQUIPMENT RENTAL & LEASING; FURNITURE REPAIR SHOPS; HOTELS & MOTELS; LAUNDROMATS, COIN OPERATED AND/OR PLANTS; MOTION PICTURE PRODUCTION; PEST OR TERMITE CONTROL SERVICES; PROFESSIONAL MEMBERSHIP ORGANIZATIONS; SECURITY SERVICES; SHOE REPAIR; TAXIDERMISTS; TELEVISION, RADIO, OR ELECTRONIC REPAIRS; INDOOR THEATRE; TOURIST HOMES; TRUCK AND UTILITY TRAILER RENTALS; VOCATIONAL, BUSINESS, OR SECRETARIAL SCHOOLS; ADVERTISING SERVICES, OUTDOOR; (D) TRANSPORTATION, WAREHOUSING AND UTILITY USES; (E) MANUFACTURING AND INDUSTRIAL USES; (F) OTHER USES: ARTS & CRAFT SHOWS; CARNIVALS; CHRISTMASTREE SALES; 2) MAXIMUM SQUARE FOOTAGE OF BUILDINGS SHALL BE LIMITED TO 10,000 SQ. FT.; 3) NO PYLON SIGNAGE WILL BE ALLOWED WITHIN THE PROPOSED DEVELOPMENT; ALL SIGNAGE ALONG PISGAH CHURCH RD. FRONTAGE WILL BE MONUMENT SIGNAGE, LIMITED TO SIX FEET IN HEIGHT, WITH SURFACE AREA AS ALLOWED WITHIN THE CITY OF GREENSBORO DEVELOPMENT ORDINANCE; 4) A REQUIREMENT THAT SITE LIGHTING WILL BE DESIGNED IN A MANNER TO ELIMINATE DIRECT ILLUMINATION ONTO ADJACENT PROPERTIES AND THAT SITE LIGHTING STANDARDS AND FIXTURES NOT EXCEED 20 FEET IN HEIGHT; 5) BUILDING WILL NOT EXCEED 30 FEET IN HEIGHT; 6) ALL TRASH HANDLING AREAS WILL BE SCREENED FROM PUBLIC VIEW; 7) SIDEWALKS MEETING CITY STANDARDS WILL BE CONSTRUCTED ALONG PISGAH CHURCH RD. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF PISGAH CHURCH ROAD AND SCOTTSDALE ROAD – FOR STRATTON DEVELOPMENT. (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.

John Stratton, 2 Elmridge Lane, handed up documents for the Commission's consideration. After a review with staff, he wished to amend the conditions and add five more conditions to the current list of conditional uses provided.

> 7) Sidewalks meeting City standards will be constructed along Pisgah Church Road and along the property edge on Scottsdale Road; 8) Any building in excess of 7,000 square feet shall not have an expanse wider than 50 feet nor he higher than 20 feet without detail or articulation; 9) Within the required 8 foot street yard along Pisgah Church Road right-of-way, the applicant will plant evergreen shrubs at a rate of 34 per 100 linear feet; 10) A 200 square foot minimum planting area will be provided between every four parking spaces in the parking areas that are immediately adjacent to the 8 foot street

planting yard along Pisgah Church Road, and each such planting area will be planted with a large maturing canopy tree or two under story trees depending on the location of existing and future overhead utilities; 11) The design and layout of the property shall incorporate similar and complimentary architectural features and be compatible with the TRC approved plan for Conditional Zoning District #3244.

Mr. Stratton said the plan was to provide a site for a bank location. The amended conditions involve elements that are supported by Connections 2025 policies that allow for higher standards of development. The development would be supported by the Comp Plan and appearance standards that related to a potential Scenic Corridor. He said this plan was compatible with GFLUM. A Transportation Plan had been submitted to the City and there was no adverse affect to the traffic in this area. This proposal would provide opportunities for new employment in this area.

Mr. Kauber moved acceptance of the amended conditions, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

The public hearing was closed.

Mr. Hails said Connections 2025 designated this site as mixed use commercial and as an activity center. These were areas in which they should be working hard to promote, a mixture of uses and higher densities as this area develops. However, the particular site in question was a very small site on which true mixed use development was not feasible. Staff wanted to avoid a large section of Pisgah Church Road becoming a strip commercial development, but felt with the recent development around it that this was not the place to be drawing that line. The conditions added make development on this site consistent with the commercial development further to the east. They believe this will encourage integration with surrounding sites, such as through the sidewalks, buffering of the appearance for drive-by traffic with the extra landscaping, and similar architectural features to the proposed development to the east. In addition, they will look for other mixed-use opportunities in the years to come, such as possible residential development to the north of this site with which this site could connect. There are different ways of achieving the mixed-use goals articulated in the Plan. Staff recommended approval of this request.

Mr. Kauber said he would submit that they would come closer to the mixed-use goal here by leaving the zoning as it was. The request was, in his reading, contrary to the Pisgah Church Corridor Study recommendations. They could actually meet the recommendations of both of those plans better by leaving the subject property as it was.

Mr. Hails said staff talked about both of those issues. Staff had recently recommended against a commercial rezoning on a site, a couple of lots, down the street. So staff had staked themselves out as supporting mixed use commercial when, in fact, they thought it was feasible. Staff's difficulty with this site was it was a small site and not very deep. When you try and look at feasible mixed-use development, it was extremely difficult to achieve that on an individual small site unless you are in downtown or some area with very high density already. Staff felt there were better opportunities long term to promote, support and develop higher density housing than this site. As he mentioned, the area immediately north of this site was also mixed use

commercial and the Plan still provides an opportunity for higher density housing in immediate proximity to this, but staff felt it was not a feasible mixed use opportunity on this site by itself. Staff did have active discussion about the fact that there was multifamily already there and to see it go away was not moving towards the Plan's goals as much as they might hope. However, in the midst of a suburban development pattern, they had to be realistic and find good long term opportunities for mixed use and they did not feel this was a good one.

In response to a statement made by Mr. Kauber, Mr. Hails said he thought residential, like other uses, generally functioned better without being on a major thoroughfare. That was another reason staff felt that the area behind this to the north, more tucked away from Pisgah Church traffic, would be a better residential location close by, but would agree more commercial was not, at this point achieving that goal.

Mr. Kauber said it also seemed that when the Pisgah Church Study was done, he was assuming they took into account the fact that their recommendation would be putting residential right on a major street, yet they recommended that anyway. So apparently somebody in the past, doing a detailed study of this area, concluded that residential would work.

Mr. Gilmer moved approval of an ordinance rezoning from RM-12 Residential Multifamily to Conditional District-General Business, subject to the revised conditions, seconded by Mr. Schneider. The Commission voted 7-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Spangler, Haynes. Nays: Kauber.)

D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: CONDOMINIUMS DESIGNED FOR SALE AND ACCESSORY USES. 2) THE PROPERTY WILL BE DEVELOPED FOR A MAXIMUM OF TWENTY-FOUR [24] CONDOMINIUMS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF COLLEGE ROAD BETWEEN GUIDA DRIVE AND WOODCLIFF DRIVE – FOR PHILIP J. AND DOROTHY M. CRUTCHFIELD. (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.

Charlie Melvin, Esq., 300 North Greene Street, represented Pierce Homes of the Carolinas, which had a contract to acquire the subject property. Mr. Pierce had developed the kind of buildings that he thought would be somewhat unique for this area and felt the subject property would be a good location for his newly developed concept. He presented an illustrative site plan and pointed out some of its features. He also presented an illustrative elevation of the building that Mr. Pierce proposed to construct that would face College Road. These condo units would have two-car garages. Mr. Pierce sent out information letters to people who resided in the area. Prior to filing the request, they had some extensive communications with the Planning staff about the suitability for this development in this particular location. He said the only residence on the subject property was a part of the contract.

The public hearing was closed.

Chair Wolf said Mr. Byrd would not be participating in this matter since his law firm represented the applicant.

Mr. Hails said, in spite of the single family zoning in portions of the area around the site, the Comp Plan calls for high density residential on this location. Therefore, the request was consistent with the Plan. Staff feels additionally the nearby townhouses and middle school would make it compatible with the specific area around the site. They also feel the condition capping the specific number of units addressed the compatibility concern. He reminded the Commission that the drawings shown, both of the elevations and site plan, were illustrative and the applicant would not be tied to those if the request were approved. Staff recommended approval of the request.

Mr. Collins moved that Mr. Byrd be recused from participating in this matter, seconded by Mr. Haynes. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

Mr. Schneider moved approval of an ordinance rezoning from RS-12 Residential Single Family to Conditional District - RM-18 Residential Multifamily, subject to the conditions set forth in the application, seconded by Mr. Kauber. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: LIMITED TO RESIDENTIAL MULTIFAMILY UNITS FOR SALE; 2) WITHIN THE REQUIRED BUFFER YARD BETWEEN THE SUBJECT PROPERTY AND ADJOINING RESIDENCES, EXISTING UNDISTURBED VEGETATION, SUPPLEMENTED WITH ADDITIONAL VEGETATION, SHALL BE MAINTAINED SO AS TO OBSCURE THE VIEW OF THE FUTURE TOWNHOMES ON THE SUBJECT PROPERTY FROM VIEW AS MEASURED FROM ADJOINING RESIDENCES; 3) THERE SHALL BE NO MORE THAN 12 RESIDENTIAL MULTIFAMILY UNITS ON THE SUBJECT PROPERTY, WHICH SHALL BE CONFIGURED AS 6 SETS OF TWO-UNIT TOWNHOUSES; 4) THE RESIDENTIAL MULTIFAMILY UNITS SHALL BE LIMITED TO TWO [2] ABOVE GROUND STORIES; 5) THE EXTERIOR OF THE RESIDENTIAL MULTIFAMILY UNITS SHALL BE PRIMARILY BRICK; TO RS-15 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF BALLINGER ROAD WEST OF NEW GARDEN ROAD – FOR EDWARD B. STAFFORD. (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.

Ed Stafford, 2212 Guilford College, with Coldwell Banker Triad Realtors, represented the owners of the subject property. He said they wished to have this property rezoned back to RS-15 so they might sell it as a single family residence.

Chair Wolf commented that it looked to him like this rezoning would render the rest of that

property incapable of meeting the remaining conditions.

Mr. Ruska said that was not correct. They could meet the conditions, but the number of units would have to be prorated and scaled back from what the initial conditional request allowed. There was a plan that was making its way through the plan approval process for the property that will remain zoned Conditional District-RM-12.

In response to a question from Mr. Schneider, Mr. Ruska said although the initial conditions spoke to maximum number of units in the aggregate and not per acre, that would automatically be adjusted.

Rich Cockroft, 5923 Ballinger Road; Jan Wood, 2590 Bethel Church Road, Kernersville; Jonathan Ballinger, 6308 Ballinger Road; and Richard Parker, 5908 Founders Drive, all spoke in favor of the subject property being rezoned to its previous zoning.

Since there were no other persons in the audience wanting to speak to this request, the public hearing was closed.

Mr. Hails said he regretted he wasn't around last year to get the full force of the history of this, but, nevertheless, staff always appreciated support from the neighbors on these matters. He said there were ups and downs when they were near the edges of the Comp Plan designations, as this one was. Institutional was the official designation in the Plan, but it was very close to low density residential and, as such, Council had asked staff to take a fuzzy boundary analysis when this situation applied and it certainly seemed to apply here. As noted, the fire station, the college, the church to the north, all certainly set an institutional context to the east of this site, but from this site to the west, it was solidly low density residential. Staff, therefore, felt in this case that the request would fit with the Plan and the Planning Department recommended approval.

Mr. Gilmer moved approval of an ordinance rezoning from Conditional District - RM-12 Residential Multifamily, subject to certain conditions, to RS-15 Residential Single Family, seconded by Mr. Haynes. The Commission voted 8-0 in favor of the motion.
(Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

Chair Wolf said he would have to recuse himself from hearing this next request due a conflict of interest so Vice Chair Collins would conduct the hearing on Item F.

Mr. Kauber moved approval of recusal of Chair Wolf from Item F due to a conflict of interest, seconded by Mr. Gilmer. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None. Abstain: Wolf.)

F. <u>AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO TOWNHOUSES DESIGNED FOR SALE AND ACCESSORY USES - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF HORSE PEN CREEK ROAD SOUTH OF DRAWBRIDGE</u>

PARKWAY AND WEST OF MEETING HOUSE DRIVE – FOR JOSEPH W. WEISS. (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.

Joe Weiss, 2909 Turner Grove Drive, said he was the president of Joe Walton Company, which was requesting this rezoning. They would like to add one additional condition to the request:

> 2) Developer will provide a 20-foot wide Type C planting yard with a Type B planting rate and evergreen understory trees along the eastern zoning line.

Mr. Byrd moved to amend the original request by adding a second condition, seconded by Mr. Gilmer. The Commission voted 7-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Schneider, Kauber, Byrd, Spangler, Haynes. Nays: None. Abstain: Wolf.)

Mr. Weiss said this property was designated on the GFLUM as residential, low density, 3 to 5 units per acre, which was consistent with this rezoning request. They plan to build upscale townhomes on this property, most of which would have garages, and some single family units at a density of 3 to 5 units per acre. He presented an illustrative sketch site plan, which he said would probably be evolving due to the topographical challenges present on the property. The main entrance was planned to be directly across from Chance Road, which GDOT supported, and perhaps an additional entrance on the north side of the property. GDOT had requested an expansion of the right-of-way to 50 feet from centerline of Horse Pen Creek Road, with which they will comply. He had contacted essentially all the adjacent property owners, either by phone call or letter, and actually met with a number of the property owners from Quaker Run, especially on Meeting House Lane. There was a significant concern about a buffer between the subject property and the backyards of the homes on Meeting House Lane, which was met by the additional condition.

Johnsy Hahn, 3601 Chance Road, said she was secretary for the Board of Directors for the Huntington Subdivision. She had presented to the Zoning Administrator's secretary a petition consisting of 85 signatures, representing 59 households. They were opposed to this rezoning mainly due to the additional traffic that would be created on Horse Pen Creek Road. She asked that the people from her neighborhood stand, and eight persons stood up.

Bob Hahn, 3601 Chance Road, said his opposition to this rezoning was that it would represent a non-contiguous area of zoning because the surrounding property was zoned RS-12. His other opposition was that several of the developments near them had no urban connectivity, but traffic would be increased.

David Lassiter, 4409 Meeting House Drive, said he represented the area at Meeting House Drive and Quaker Run. He had a petition with 96 signatures out of a possible 98, all opposing this rezoning. Their main opposition was due to increased traffic and increased possibility of accidents and fatalities.

Edgar Ford, 4503 Puritan Drive, said the people in his community and neighborhood opposed

this rezoning mainly due to possible decrease in their property values.

Chris Capachek, 3507 Meadowbriar Court, opposed this rezoning due to the increased traffic flow near Caldwell Academy. He also objected to people using Horse Pen Creek Road as a shortcut from New Garden Road to Summerfield.

Jenny Moffit, 4405 Meeting House Drive, opposed this rezoning due to the dangerous nature of the traffic on Horse Pen Creek Road and what was going on in their neighborhood. She was all for development, but not at the expense of peoples' lives.

Barry Carpenter, 4714 Pine Hollow Lane, opposed this rezoning because he thought it would detract from the value of his house. He too objected to the additional traffic.

In rebuttal, Mr. Weiss said he was surprised at the opposition because they did contact neighbors and never received this kind of opposition when they called the adjacent property owners and left a number for them to call back, but in the meeting with property owners, the only concern seemed to be about the buffer. He thought the concern with traffic on Horse Pen Creek Road was being addressed since it would be widened. His company would add an extra lane and a sidewalk on the 1,500 feet of frontage on Horse Pen Creek Road. He felt this development was consistent with the Comp Plan that called for 3 to 5 units per acres. These units would be townhomes for sale and would not detract from the values of the surrounding properties. Mr. Weiss said the cluster option would not work on this property because of the topography of the land and required buffers. He had sent out flyers to those that they could not contact. He met with a group of people from Meeting House Drive and invited everyone to come to that meeting. The main complaint of the neighbors was the buffer between this development and Quaker Run. They filed the rezoning request in early August and a little later they started contacting people. He met with a group of neighbors about two or three weeks ago on a Sunday afternoon and he had talked with Mr. Lassiter a couple of times since then.

In response to a question from Mr. Byrd, Mr. Ruska said in an RS-9 zoning, you could cluster down to 5,000 square foot lots.

David Lassiter spoke in opposition rebuttal and said Dr. Weiss made phone calls. They had asked him if he would like to meet with a few of them at the Lassiter home. He came over and had been very easy to reach and speak with. Their main concern was they would prefer development to be houses similar to theirs and their neighbors because of their issues with all of the traffic along Horse Pen Creek Road. In his conversations with GDOT, they had felt that the road could grow plenty. Obviously from the opposition to this request, the community feels it was very dangerous. He said if the subject property were zoned RS-12, there would not be 75 houses there so there would be less impact on the traffic.

Mary Edmonds, 3508 Meadowbriar Court, which was in Huntington, said she and the two houses beside her did not receive a letter or any kind of communication about this. They heard about it through word of mouth. Their main opposition was the traffic that would be generated from this subdivision, as well as other new ones being built in the vicinity that have not yet opened.

Chris Capachek said to go on to what Mr. Weiss said about the 50-foot expansion, which he

understood would be the entranceway into this proposed development, it did not take a lot to figure out 75 townhomes if you consider two cars per household, 150 cars, for 50 feet of roadway.

Debbie Gotrow, 3509 Chance Road, Huntington, said she wanted to point out that she believed the same issue was brought up on Fleming Road, right off Bryan Boulevard, saying it had to be high density, multifamily. Now on that property there are some very high-end homes. So other things could be done. They do not have to go with multifamily.

The public hearing was closed.

Mr. Hails said the Comp Plan on this site calls for low residential, 3 to 5 dwelling units per acre. That was not to say in many cases, such as portions of this area, that existing densities are not lower than that, but that was what the Plan promoted for this area. This requested district was a special low-density multifamily district that has a maximum of 5 units per acre. Because of the large lake they were trying to preserve as a central open space feature, it seemed to be the genesis of the request. There was a variety of housing in the area, although not a substantial amount of attached housing there, but it had similar densities as the Conditional District - RM-5 not far away and similar densities to the RS-9 cluster, so this request was not without precedent in addition to it barely fitting within the density assigned in the Comp Plan. Staff felt that the buffer added on the eastern property line helped. They did note that many of those houses have fairly small backyards and to separate the proposed units from their backyards with a significant buffer would help compatibility. Staff also noted that this was near the noise cone for the airport and, as such, was not designated for their very lowest residential densities within the low residential area. He would let Ms. Reeves respond on the traffic issues that were raised there. He said the Planning Department recommended approval of the request.

Carrie Reeves, with the Department of Transportation (GDOT), said from a safety aspect she could say that none of the intersections along Horse Pen Creek Road had shown up on their safety program. GDOT did an annual safety program. To the best of her recollection, she believed this came up during the Portrait Homes rezoning and she thought she had her safety engineer look at the accidents and do an analysis to see if there were any patterns or any issues along this corridor that maybe they had missed. They were unable to identify any at that time. The corridor now as it stands was identified as a minor thoroughfare, which meant they could get 80 feet of right-of-way and it was currently being set up for a three lane section. However, because of the City's awareness of the development in that area, there was a finalized feasibility study of this corridor that identified the need for a four lane divided facility for Horse Pen Creek Road. This had not been approved or acted on by the MPO. A three-lane road would be one lane going in each direction with a center turn lane.

Vice Chair Collins said the illustrative sketch plan showed the entrance into the subdivision directly across from the subdivision across the street. In his experience, that was typically what GDOT would recommend rather than offsetting the entrances.

Ms. Reeves said that was correct. GDOT did not want to offset the entrances so that their left turns were offset improperly and conflicted with each other. That would create an accident pattern and problems.

Mr. Hails asked if this review was on schedule.

Ms. Reeves responded that at this point, it was at the feasibility stage. It had been identified as a need. GDOT does an annual safety program annually, which analyzes all the intersections in the City. They would take the top 50 and look at those intersections for accident patterns and see, from an traffic engineering standpoint, if there were any improvements they could make to prevent the accidents from happening. This corridor did not show up in their safety program this year or in the last several years. She said there were two plans here. There was the Portrait Homes connector road between Fleming and Horse Pen Creek, as well as there was a Lewiston connector. So where the sharp curve was would eventually be a four-legged intersection. The Lewiston connector would connect just south of the Huntington neighborhood. The Fleming-Horse Pen Creek connector had been studied and it was going to happen. The Lewiston-Horse Pen Creek had not yet been studied so she didn't have a conceptual functional design for that roadway layout. No dates have been set for either connector road. Ms. Reeves said 139-140 dwelling units would just barely trip 100 trip threshold, which would require traffic information, so it would be roughly half of that in the peak hour times.

Mr. Gilmer moved approval of an ordinance rezoning from RS-12 Residential Single Family to Conditional District - RM-5 Residential Multifamily, subject to two conditions, seconded by Mr. Byrd.

Mr. Kauber said he thought he had seen this case so many times, both from arguing it from the other side of the bench and also on this side. He thought the residents and the Commission were put in a very difficult position. There was a mix of land uses and traffic issues. The Commission was trying to decide a land use issue and it was almost as though you had to throw the dice as to what would happen on traffic. He was very uncomfortable doing that and he was sure that the residents there were very uncomfortable. The Commission had no idea what would be done later, since only studies were underway. He could understand the residents' concern with our showing approval for a land use issue. Unfortunately, there are two separate issues and it would be nice if the Commission could decide one and then come back and have a public hearing on the other, but that cannot happen. He thought there needed to be a way to truly separate land use issues from traffic issues so decisions could be made on each of them independently.

Mr. Haynes said he thought this was going to create a traffic nightmare on Horse Pen Creek Road. Traffic has increased tremendously in the last two years. There was a hill and dangerous curve and he was not comfortable voting for this request.

Mr. Byrd said he appreciated Mr. Kauber's comments because he also thought there were two distinct issues here; one, a land use issue, and another, a traffic issue. With respect to the land use issue, he thought it was close to a no-brainer in terms of compatibility of land uses. He thought some of what he had heard here from those that opposed this related to the proposed type of product that will go on this property. He thought the level of opposition would not have been as great if this were a single family detached development of a similar density. This proposed zoning classification was the lowest density allowed for a townhome development and was considered a low-density development under our Comp Plan. So from a pure land use perspective, he supported the request. With respect to the traffic issues, he traveled this road from time to time and had seen varying levels of traffic. He just kept coming back to, with

respect to the traffic issues, he was going to have to defer to the City's professional staff that seemed to indicate that, at least so far, safety had not become a problem on this road. He would be supporting this rezoning.

Mr. Gilmer said he also would be supporting it. He thought the additional information from the traffic department had made up his mind for him. There were two different issues here, land use and traffic. So the Commission had to be able to separate them.

Vice Chair Collins said he was actually a resident in this area and several of the speakers today he knew. He was going to echo what he heard from most everybody, it really was two different issues. What he would say to most of the speakers was to use that energy that they had exhibited today to lobby the Transportation Department. The City of Greensboro some years ago decided that development was going to improve roads, instead of the City of Greensboro. Ms. Reeves might disagree with that, but the City relies upon development to improve a lot of the roads now and they get the cart before the horse. This road should have already been widened. This one development would not affect everything that was going on on Horse Pen Creek Road. With the knowledge that he had of Horse Pen Creek Road, the residents were fortunate that development was almost coming to an end out there. You see a lot of open land, but it was for parks, it was schools, it was noise cones, it was land that did not have water and sewer to it, it was people who were not in the City of Greensboro (for example, Four Farms Road). He was a little disturbed about one gentleman's remarks because if there was conditional use, which they had here, he liked to see that they get just a little more conditions where you would learn a little more about what you were going to get. He was for compact development and townhomes for sale. These would not be apartments. Townhomes in the area give the present residents of the area an alternative when they decide to downsize and then they can stay in the same community. That was why he was a proponent of these types of development. He said there were 77-townhouse units proposed. He believed if the applicant rezoned to RS-9 with a cluster option, which would be the same as Huntington across the street, he could get seven less units. Therefore, they were talking about only seven units less, not 30 or 40. Townhome units actually generally generate less traffic than single family homes. He said to look at what Portrait Homes did up near Winn-Dixie; it actually improved the traffic. These type developments force the road to be improved.

There being no further discussion, the Commission voted 6-1-1 in favor of the motion. (Ayes: Collins, Gilmer, Schneider, Kauber, Byrd, Spangler. Nays: Haynes. Abstain: Wolf.)

Vice Chair Collins said there would be a 10 minute break (4:00 - 4:10 p.m.).

G. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-5 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF SOUTH HOLDEN ROAD BETWEEN DARDEN ROAD AND WEST VANDALIA 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.

John Marks, 4608 West Wendover Avenue, handed out documents for the Commission's

consideration. He said they build starter homes, 1,200 to 1,500 square feet. He thought this was a perfect example of infill at its best. This property and area were compatible with the GFLUM and with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities. This proposal would help promote mixed income neighborhoods. He had had numerous visits with all the adjoining neighbors and had met with every one of them. He referred to a map that was in the documents he had given the Commissioners. He said all of the highlighted areas were the surrounding homes and owners around, excluding the shopping center. Every one signed the petition stating they were in favor of RS-5 and did not want multifamily, except for two. These two owners had been unavailable since he requested the RS-5 rezoning. Originally the Planning Department had wanted to see multifamily for the area. However, he did not think that was compatible and he didn't feel that was what the neighbors wanted. There will be one entrance from Holden into the development and it will go down to the back where the other people own from the adjoining streets behind.

The public hearing was closed.

Mr. Hails said this site was located on a major thoroughfare, adjacent to a shopping center. There is multifamily housing in the area, as well as single family in the area. The Comp Plan indicates the site as having a moderate density residential designation. At the request of RS-5, seven units per acre could be achieved. Staff was not clear on whether the site would allow that development density or not. However, it was consistent if it were to be fully built upon under the requested district. He pointed out that the photos passed around were illustrative only and if there were a true interest in ensuring full compatibility, a Conditional District request would be most appropriate. However, the request was also supported by our Comp Plan policies related to compact development and mixed housing types and as such, staff recommends approval.

Mr. Gilmer moved approval of an ordinance rezoning from RS-12 Residential Single Family to RS-5 Residential Single Family, seconded by Mr. Kauber. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

H. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO RM-26 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF OBERMEYER STREET SOUTH OF BLUFORD STREET – FOR RONALD AND MITTIE SMITH. (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.

Wanda Bracks Daughtry, Esq., 1109-B East Wendover Avenue, represented the applicants. She acknowledged the technical assistance for the Powerpoint presentation and she called the Commissioners' attention to the screen. A husband and wife and their three children had occupied the structure seen on the property for eight years. She pointed out an illustrative rendering of the project that the Smith's had had on their drawing board for the last several years. She then explained the reason for the Smith's requesting that this property be rezoned to RM-26. She presented an illustrative drawing of the proposed building, which would have three floors with three apartments on each floor. They have the required parking, including handicap

parking. She said in the Comp Plan, the Reinvestment Infill goal was very significant. This would promote sound investment in Greensboro urban areas, including neighborhoods, and that was exactly what the Smiths wanted to do.

In response to a question from Mr. Gilmer, Ms. Daughtry said when they asked A&T to close the alleyway, the University did not respond. Since then they had tried to negotiate a sales price with the University, but had been unable to reach an agreement.

Chair Wolf said A&T had a right of forced taking if the University wanted it, so he thought the applicants had done everything they needed to do. Mr. Gilmer agreed.

Bill Barlow, Director of Design and Construction for at NC A&T University, presented a Powerpoint presentation. He also passed out some information for the Commissioners' consideration. He updated the Commission on the University's Land Acquisition Master Plan. They wanted to have one campus unified, both north and south campus. In their Land Acquisition Master Plan, there were six phases of purchasing properties. Those properties were colored on the map in red, green, blue, orange and red. Since that time, the University had acquired most of the property. The Smiths' property was circled in green. The other areas seen in the previous slides had been acquired. The properties that had not been acquired were the colored properties shown. Their Master Plan called for an Education Building in the location where the Smiths' property was now located. As Attorney Daughtry indicated, they had talked on several occasions with regard to acquiring the Smiths' property. They had not agreed on a price. NC A&T, therefore, submitted a request to the State, since they were a State Institution, to acquire the property by condemnation or Eminent Domain. Last week on Monday, Counsel for the State approved that request. The Commissioners had a copy of that before them.

Mr. Gilmer asked if A&T could not have responded quicker to the Smiths' request.

Mr. Barlow said that letter was not addressed to him and he was not aware of it, so he could not speak to that.

Chair Wolf asked when this matter was submitted to the State for action.

Mr. Barlow said he did not know the exact date. Both Attorney Daughtry and the State Property Officer had been talking for some time. In the early part of summer, the determination that the matter would go to the Counsel of States was made. Their agenda was such that they only meet quarterly. At that time it was submitted to be on their docket and they had known it would be on their docket for a couple of months now.

In response to a question from Mr. Gilmer, Counsel Carr said what the Commission had before it was a request to rezone a piece of property. The fact that that piece of property may change ownerships in the future and may be utilized in a different way should not impact the Commissioners' decision on the land use issue, which was the one before the Commission.

Chair Wolf asked if Counsel Carr thought it was not in the purview of this Commission to consider the impact upon the taxpayer? Clearly, from a value of the land, rezoning it in light of knowing the State has initiated a taking is a concern. The State was just at the next stage of probably filing a lawsuit and taking and then fighting over value. The Commission would be

increasing the cost to the State's taxpayers for this value by rezoning it.

Counsel Carr said, if she were to be placed in a position to defend the actions of this Commission in a Court of Law to determine if the rationale that he had used to deny or to support this action, she would say that the condemnation action would be something that the Courts would not see as within the purview of this Commission.

Chair Wolf asked Mr. Barlow to show again the Master Plan for that area. He asked Mr. Barlow to identify on the map where the entranceway was going to be and where they were planning on putting a bell tower, all those things that the Commission was shown the last time Mr. Barlow appeared before it.

Mr. Barlow pointed out where the bell tower was to be, where there was a 400-car parking lot in existence, and he pointed out property that the University currently owned.

Chair Wolf said the main building that was shown right below the bell tower was sitting right where this apartment project would be.

Chair Wolf said from a Master Plan standpoint and a land use plan, he was able to take into account the University's long established Master Plan.

Counsel Carr said the Commission could take into account all legitimate land use issues, compatibility being one thing as well in determining what was sufficient for approval or denial of this application.

In rebuttal for the applicants, Mittie R. Smith said she and her husband owned the property being discussed here today. When they learned that A&T was purchasing property, at that time they only owned the property that had the house on it. Her husband was at that time employed by A&T, so when he learned about this, he approached A&T to sell their property to them. The reason they were where they were in the midst of A&T's campus right now was because of what Mr. Barlow referred to as their Land Acquisition Plan. She did not think that they, as private citizens, had to stand back and wait for A&T and beg A&T to purchase their property. With the established Master Plan, the University acted as though it already owned their property. She said she was here to tell the Commission that the University did not. They had plans from the very beginning for using this property as investment property and developing it. So when properties became available that could be purchased along there, to make their tract even bigger, they purchased them. She said they had had a drawing for an apartment complex there for some time. They had held off on this because of the zoning issues. They had met with staff, laid their plans on the table, learned that they were about 75 feet short of the necessary land, so they had to back up and come back with the requested rezoning. The fact that the University could acquire their land by eminent domain she had known, since she was an attorney, and the University had always had that right. But that does not give them complete and absolute right. She agreed with Counsel Carr that that was an issue that was not to be considered in terms of deciding how they should be able to use their land, so far as the City was concerned. She said A&T made them an offer several months ago, saying if they did not accept the offer, the University would go to eminent domain. Her response to them was: "You do what you have to, we understand that. We will do what we have to." And what they have to do was go on with their plan to make use of this property. She said if the Commissioners would read the beginning of

the second paragraph of the letter submitted by Mr. Barlow: "This matter will be referred to the Attorney General's office at the appropriate time for preparation of documents." When is that? That could be tomorrow, it could be next year, it could be six years from now. Should she and her husband be held up in what they wanted to do by the University using this procedure? If they do it tomorrow, they too are taxpayers and she understood the City's concern about whether or not it would cause greater expense to the State. It had definitely caused greater expense to her and her husband as taxpayers here in Greensboro. She asked that the Commission allow the rezoning of this property so that they could get on with their plans.

In rebuttal for the opposition, Mr. Barlow said, even though he was not the author of the letter, on behalf of A&T he would like to apologize for the tone of that letter. However, on behalf of A&T, they would like for the Commission to disapprove this request.

The public hearing was closed.

Mr. Hails said there were many institutions in the City. Many of them have Master Plans and, in general, they sought to cooperate with them to the maximum extent. He knew Chancellor Rennick was recently in front of the City Council for a briefing session and gave an update on the implementation of their Master Plan. There was great hope in the things they were doing on the campus. However, if this were a place of worship or a daycare center or City or County owned property and there was not a publicly adopted Master Plan by the City, as the attorney mentioned, he did not believe staff could take that directly into account in a land use compatibility recommendation at the zoning hearing. So as such, staff evaluated this from the standpoint of compatibility. They noted there is multifamily housing of the type this request allowed in the immediate vicinity of the area. Some of them are on the campus of A&T, some are near, but off campus. Staff felt great difficulty in trying to argue that the proposed use allowed in the requested district was not compatible with the area. The Comp Plan called for Institutional Use. Institutional was a broad category. It was around large institutions such as the University here, but also took in other types of medium and higher density uses surrounding them. Staff had to make a determination and they felt this was compatible with the Plan as well. As such, the Planning Department recommended approval of the request.

Mr. Gilmer moved approval of an ordinance rezoning from RM-18 Residential Multifamily to RM-26 Residential Multifamily, seconded by Mr. Haynes. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

I. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RS-7 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY RESIDENTIAL. 2) MAXIMUM OF NINETY (HOMES) LOTS - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF SUMMIT AVENUE EAST OF LAUDERDALE DRIVE – FOR KEYSTONE GROUP, 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.

Scott Wallace, 3708 Alliance Drive, president of Keystone Group, Inc., which does business

locally as Keystone Homes, stated that they were proposing to built 90 homes in this area, which will be in the price of about $150,000. There was a stream in the rear of the property that they planned on using for dedication to the City for the greenway, as well as for recreational and amenity use for their community.

The public hearing was closed.

Mr. Hails said this request would fit within the low-density residential category designated in the Comp Plan and was consistent with that request. Additionally, it would provide diversity for the housing stock in this vicinity. As noted in the Staff Report, there was a drainageway crossing the site that would affect its developability and the number of units. Likewise, there were some transportation issues identified as well, such as turn lanes and streets stubbed to adjoining properties. The condition of setting a clear maximum of 90 homes also provided some assurance about general compatibility. Staff would recommend approval of the request.

In response to a question from Mr. Kauber, Counsel Carr said he was talking about the requirement for a potential left or right turn lane and the fact that there may not be enough right-of-way. It would be up to the developer to acquire that right-of-way so that he could do these improvements to mitigate his traffic impact.

Mr. Gilmer moved approval of an ordinance rezoning from RS-12 Residential Single Family to Conditional District - RS-7 Residential Single Family, subject to the two conditions set out in the application, seconded by Haynes. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

Chair Wolf stated that Items J and K would be heard together since they were related. Mr. Byrd would not be participating in Item J, but that would not prohibit Mr. Byrd's participation in Item K.

J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITION: 1) LOTS EAST OF THE STREAM RUNNING ALONG THE EASTERN BOUNDARY SHALL HAVE SETBACKS THAT MEET RS-12 ZONING STANDARDS, BUT SHALL CONFORM TO RS-9 SIZE REQUIREMENTS - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF INTERSTATE 40/85 EAST OF KELLENBERGER DRIVE AND WEST OF COVERED WAGON ROAD – FOR LANDCRAFT PROPERTIES, INC. (UNFAVORABLE RECOMMENDATION)

K. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CORPORATE PARK – FOR A PORTION OF INTERSTATE 40/85 RIGHT-OF-WAY AND THE EASTERN GREENSBORO URBAN LOOP/INTERSTATE 40/85 INTERCHANGE – FOR THE PLANNING DEPARTMENT. (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.
Mr. Collins moved approval of the recusal of Mr. Byrd in the matter of Item J, seconded by Kauber. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer,

Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

Tom Terrell, Esq., 300 North Greene Street, represented LandCraft Management. He said low density adjacent to low density was not controversial. The Planning Board unanimously recommended annexation. The only issue before the Zoning Commission was the original zoning for this 67 acres. The subject property was in Growth Tier 1, which contained those tracts of land where annexations and rezonings were ready for consideration. The GFLUM showed that this tract for development as low-density residential, 3 to 5 units per acre. LandCraft believed that the development would only be approximately 2.2 units per acre due to the topography and environmentally sensitive areas involved. This would be close to what was called a Conservation Development. After meeting with the neighbors, LandCraft agreed to impose a limitation of 160 units for this development, but that was slightly above the number that LandCraft foresees as being physically possible to place on the site. The Traffic Study showed that this development would have little impact on traffic volumes in the area. Both access points will operate at Level of Service A. The intersection at Covered Wagon and Millstream, which was nearby, currently operated at Level of Service B. With this development, it would continue to operate at Level of Service B. They sent letters to everybody whose property abutted the site. Perhaps they should have cast this net further because there were property owners who were making the assumption about RS-9 densities. He said there were several concerns LandCraft simply could not address. He then read the four additional conditions that came from the conversations with neighbors.

2. The development shall not exceed 160 units.
3. The developer shall leave a 100-foot undisturbed buffer along the eastern property line abutting Laurel Park Subdivision, except for necessary crossings, temporary erosion control measures and utilities and nature trails that might be constructed.
4. The developed had proposed and would construct a 20-foot landscaping buffer at Type C planting densities along Covered Wagon Road, extending from the northern and southern boundaries of the property along Covered Wagon toward the middle of that tract where the entrance would be.
5. The developer shall leave a 20-foot undisturbed buffer where the subject property abuts Lot 1 of the Millstream, Section, Map 1 Subdivision, as recorded in Plat Books 94-95.

Mr. Schneider moved acceptance of the above additional conditions for Item K, seconded by Kauber. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Kauber, Spangler, Haynes. Nays: None. Abstain: Byrd.)

Charlie Jones, 1321 Covered Wagon Road, opposed this rezoning because his home was directly in front of the entrance to the proposed subdivision. The second entrance was only proposed and would be on Crosswinds. He wished both entrances built simultaneously so that all traffic, both residential and construction, would not be funneled directly in front of his house.

Joy Thompson, 5311 Crosswinds Court, McLeansville, opposed this rezoning due to the increased amount of traffic on Covered Wagon. Her other objection was the negative affect this

subdivision might have their property values.

Miriam White, 1403 Covered Wagon Road, McLeansville, opposed this rezoning and said her concerns were similar; incompatibility with existing neighborhoods and traffic. They would like a requirement that the LandCraft property should not be developed until an additional entrance road was provided from the proposed development to McConnell Road, providing true connectivity.

Albert King, 1319 Covered Wagon Road, said his major objections had been said by other residents. He objected to the fact that Covered Wagon Road would probably be widened. If not, it would be impossible for Covered Wagon residents and children to walk up and down their street due to increased traffic. He would not like to see the value of his property decrease while his taxes went up.

Billy Gann, 1323 Covered Wagon Road, McLeansville, said the rest of her neighbors had addressed most of her issues, the greatest concern being the traffic generated for Covered Wagon Road. She requested that the developer be responsible for widening Covered Wagon Road to fit in with the surrounding developments.

Clyde Gann, 1323 Covered Wagon Road, said they met with LandCraft. He was concerned about the decrease in value of the present homes and increased traffic. He said the watershed in this rezoning was the main watershed, with all the feeders for Alamance Creek. If that were to be stripped, it would involve the City of Burlington.

Chris Jurnigan, 1406 Covered Wagon Road, opposed this rezoning due to the land use and increased traffic.

Robert Cannon, 5307 West Friendly Avenue, opposed the rezoning because there was another large tract of land on the west side of property, which he was told had a contract for an even larger development.

In rebuttal for the proponent, Mr. Terrell said their meeting with the neighbors was a civil discourse, an honest exchange of information. They did disagree on what should happen to this land. As stated before, he did not know how to condition the property to take in some of the complaints voiced by neighbors. He said connecting to the west was quite problematic because of the pristine wetlands demarcated in the area. More importantly, if you look on the GFLUM, that land was designated as corporate park and it would open up all of these neighborhoods to corporate park traffic. Crosswinds, a new street leading into the subdivision, would tie into Craggenmore and Craggenmore tied to Millstream. Therefore, Covered Bridge and Millstream would not be the only points of access to this area. The traffic study showed that Covered Wagon Road was not quite up to DOT standards and for the entire length of Covered Wagon, LandCraft could be required, as a condition as it goes through TRC, to upgrade that road. There should not be construction trucks on Covered Wagon. The developer did not control that and he was at some loss as to how that could be controlled. If LandCraft could help with this, they would. This was approximately a 2.2-unit per acre development under the City zoning. The County would do it at 2-units per acre. Water and sewer are already available in Growth Tier 1. He said that some of the streets he mentioned earlier were new streets and were probably not on the maps before the Commissioners. Crosswinds was shown as stopping at Covered

Wagon; in fact, it now crosses Covered Wagon and goes to the new Laurel Park Subdivision and stubs to the site. Craigenmore crosses it, making a new access point that had been created. There will be two accesses out of the proposed subdivision and two out of the neighborhood. This property could not be expanded to the west. There was a stream that ran along the western boundary. There also were ponds in the southern and western parts, as well as wetlands.

In rebuttal for the opponents, Billy Gann took issue with the traffic study showing Covered Wagon's roadway as 20-feet. She had measured 17 to 18 feet up and down Covered Wagon Road, blacktop to blacktop. In any type of emergency when Covered Wagon was blocked, she wanted to know how the emergency vehicles would access the homes in the back.

Mr. Terrell said LandCraft was working on a way to offer a condition that would alleviate Ms. Gann's concerns; agreeing to the construction of Crosswinds initially. LandCraft would like to be able to add a condition that LandCraft would agree to construct the Crosswinds connection within six months of receiving its very first permit, so long as the land that it would tie to had been platted and dedicated. Mr. Terrell said that was a legal precondition to be able to tie onto it.

In response to question from Chair Wolf, Mr. Ruska said he had no idea where the developer of Crosswinds stood on taking Crosswinds to the eastern boundary of this tract.

Ms. Reeves, with GDOT, said she had looked at this site when the traffic study first came in. She knew that the developer of Crosswinds said it was not actually platted. From what she could tell, the street was built and stubbed to their property line. There was a stream here in order for these developers to make connection to that street stub.

Mr. Terrell said he had been reminded that there should be another condition. They thought that they had handled that already. But potentially, it would be a Corps of Engineer permit to cross the stream. He believed, after the preliminary conversations already had, that would be just a matter of going through the process. The condition they would like to add was:

6. So long as Laurel Park Subdivision had been platted and Crosswinds had been dedicated in that subdivision, then LandCraft would connect Crosswinds within six months of receiving its first building permit.

Mr. Terrell said the intent was to build the connection within six months, once it was possible for LandCraft to build it.

Chair Wolf said the Commission was getting close to contract zoning and he was getting uncomfortable with this. He didn't want everyone to leave, thinking they were going to get a crossing only to have the Corps of Engineers to say: "We are not going to allow it."

Mr. Hails said it was a different level of governmental approval that this Commission could not control. They have a right to apply for it and receive it, if they are able.

Counsel Carr said the neighbor they were talking about for the connectivity of that road was not in the City, so the City does not have control over that.

Mr. Ruska suggested that since this was original zoning, the Commission would make a recommendation on this to City Council and this would be considered by the Council. That will give ample time for the applicant to look into the matter and see if an additional condition could be appropriately worded.

Mr. Terrell said if they went back to the drawing board and spoke with the City Attorney, Mr. Ruska and Mr. Hails, he believed that they could work something out in terms of this condition that would be workable because it would meet the neighbors' concern, staff's concern, and LandCraft's intent, which were the same.

Chair Wolf suggested that LandCraft meet with the Corps quickly and have them at least come by and look at the site. Connectivity was a serious issue from his perspective.

Miriam White, in rebuttal for the opponents, mentioned that the discussed connection to Crosswinds really would not help any of the residents in the 1400 block of Covered Wagon Road.

Billy Gann said she just wanted to make sure that the traffic situation would be taken care of with the Crosswinds Court being the number one issue here. She asked that the request be denied now since they could not come to a decision as to how they would actually connect Crosswinds Court.

Albert King said he would like a commitment from the developer that wherever they decide to place another access, that it be done in writing so the neighbors could be kept abreast of what was going on and when the meeting would be held.

The public hearing was closed.

Mr. Hails said staff wanted to disclose one piece of information that was brought to staff's attention on Friday after the Staff Report was published. It had been brought to their attention that a 32-acre piece of property to the south and west of this tract, adjoining it, off of Kellenberger Drive, was listed on the National Register of Historic Places, one of 84 in the County. There was a big 1800s log cabin that was expanded to a country estate in the 1920s called Miramichi and the property owner brought in materials for staff. He didn't feel that this would have modified the Staff Recommendation on the case, but they did want to disclose it, particularly since this would move on to the Council and they would add it to the staff report.

However, the Comp Plan in this area, even though it was currently very low density in this area, such as the Covered Wagon area, did show densities consistent with this request. There was a drainageway and limitations on the development on the site that would affect its ability to achieve the density in the zoning. Staff did think some of the buffers suggested as added conditions would help as transition to some of the lower density residential in the area. Staff shares the concern on traffic connections, but as they understand it, those were matters that would be sorted out and decided at the site plan stage, not at the rezoning stage, such as whether it was possible to have a reasonable connection out to Millstream, bypassing Covered Wagon. He did not think anyone could say at this time whether that was a possibility. From the land use side, there was conformity with the adopted Comp Plan and staff would recommend

approval.

Mr. Kauber asked Mr. Hails if he could say what route that Greensboro police, fire and trash trucks would take to get to this property?

Mr. Hails said when this tract was before the Planning Board last month as an annexation issue, Alec MacIntosh from staff showed them a map of a large number of properties immediately west of here, particularly in the Youngs Mill Road area and other parts of McConnell Road, that had submitted voluntary annexation petitions to the City. There would be a point in time where the City would do some major annexation out in this vicinity. There would likely be a transition period where some of these parcels are fairly isolated and solid waste and police and a few other services would be inconvenienced, but he did not believe it was too much further down the line before the preponderance of those voluntary petitions would be brought forward for annexation action and this area would not be so isolated from the City.

Mr. Kauber said he personally did not think that this was an efficient use of City services to serve this property at this point.

Mr. Hails reminded them that this case would be going forward to Council in tandem with the annexation public hearing.

In response to a question from Mr. Schneider that this property would be coming into the City at approximately 2.2-units per acre, Mr. Hails said that would be a part of the annexation review of the matter. There were different cost benefits on densities of development. Low-density residential development generally demanded very limited services. He said you would find the lower density on sites that had environmental restrictions, such as this one did.

As to Item J, Mr. Gilmer moved recommendation of an ordinance establishing original zoning from County Zoning Agricultural to City zoning Conditional District - RS-9 Residential Single Family, subject to the conditions set forth in the application, seconded by Mr. Collins. The Commission voted 3-4-1, thereby denying a favorable recommendation, (Ayes: Collins, Gilmer, Spangler. Nays: Wolf, Schneider, Kauber, Haynes. Abstain: Byrd).

As to Item K, Mr. Gilmer moved recommendation of an ordnance establishing original zoning from County Zoning Agricultural to City Zoning Corporate Park, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

Chair Wolf declared the meeting in recess for 10 minutes (6:05-6:15 p.m.).

L. <u>AN ORDINANCE REZONING FROM RS-20 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) USES SHALL BE LIMITED TO THOSE USES FOUND IN CP DISTRICT - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE</u>

<u>OF BENTLEY ROAD EAST OF REGIONAL ROAD NORTH – FOR RONALD C. AND</u>

ANGELA D. FERGUSON. (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.

Bill Greeco, 1539-A Pleasant Ridge Road, a surveyor, said his firm, Land Solutions, had been working with the property owners to develop and submit the application with one condition placed on the rezoning. The lot size did not meet the minimum requirement for Corporate Park, otherwise they would have requested CP rezoning.

The public hearing was closed.

Mr. Hails said staff believed this was consistent with the Comp Plan and found a solution to a difficult situation involving Corporate Park zoning, which surrounded this property and required a minimum lot size, which the subject property could not meet. Staff also noted that it was consistent with the Airport Area Plan, endorsed by Council. The Planning Department recommended approval of this request.

Mr. Schneider moved approval of an ordinance rezoning from RS-20 Residential Single Family to Conditional District - Light Industrial, subject to the one condition set forth in the application, seconded by Mr. Haynes. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

M. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) ALL USES PERMITTED IN THE LI ZONING DISTRICT, EXCEPT CONVENIENCE STORES WITH FUEL PUMPS AND THOSE USES REQUIRING DRIVE THRU SERVICE - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF PINECROFT ROAD AND PINECROFT COURT SOUTH OF SPRINGBROOK DRIVE – FOR NORA LEE BARBEE. (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.

Mike Davis said he represented Nora Lee Barbee, the applicant. The subject property would house a warehouse area and office and small retail specific for warehouse use for the business user. There was an offer to purchase the property and they would be working through the design and permit phases, plus other initial processes, to get a building on the property.

The public hearing was closed.

Mr. Hails said this property was at the edge of two designated areas on the GFLUM of the Comp Plan, Industrial/Corporate Park to the south and Low Density Residential to the north. As such they were using their fuzzy boundary analysis here. The Staff Report pointed out that there had been three rezonings in recent years from some of the residential in this vicinity to Industrial and this request continued that trend. The sole remaining piece would be the property to the south zoned RS-12. There was some dedicated drainageway to the north side of this property

that further provided transition and buffer from industrial on this site and the residential area to the north. Staff recommended the request for approval.

Mr. Schneider moved approval of an ordnance rezoning from RS-12 Residential Single Family to Conditional District - Light Industrial, subject to the one condition set forth in the application, seconded by Mr. Kauber. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

N. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY AND RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) MAXIMUM OF 14 TOWNHOUSE UNITS DESIGNED FOR SALE - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST AND WEST SIDES OF BINFORD STREET BETWEEN IMMANUEL ROAD AND WILLIAMS STREET – FOR S & R DEVELOPMENT, 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.

Welton Loftin represented S&R Development, LLC. They purchased this property in May 2004 and would like to develop 14 multifamily townhomes for owner-occupied units. They initiated some visits with the community and visited with approximately 21 homes in the neighborhood. Of those 21, there were two opponents with unfavorable comments on the proposed project. They had about seven meetings with Ms. Laura Jackson and Ms. Deborah Harro, and it seemed that they had come to a conclusion and remedied all of the issues. He thought they were ready to move forth. He said this was undeveloped land with no access until Binford Street was completed.

Chair Wolf asked if at the TRC, would Ms. Begley have the right to invoke the Tree Ordinance after all the trees had been taken down or was it only looked at at the time it became Multifamily, at which point all the trees had already been taken down.

Mr. Ruska said the latter was probably the case in this particular instance. He said the western portion of this property was rezoned about a year ago to RS-7 with the intention of building single-family dwellings and the Tree Ordinance did not apply to single-family development.

Sam Petteway, 2603 Williams Street, said he opposed this development. He passed up a notarized petition that contained 58 signatures of residents. He was not included in the meeting of 21 homes mentioned by Mr. Loftin. They felt it was inconsistent land use. This was a residential area zoned RS-7 and RS-9 for single-family homes. The petition signers felt this development would be detrimental to the neighborhood. There was a direct correlation between crime rates and high-density population areas. He understood that until recently the plan was to build single-family homes. He had received no letter advising that this property was proposed to be rezoned to RM-8. Some of the persons signing the petition mentioned that they had been contacted about this rezoning. None of the 58 people he talked to said anything about the developer meeting with them. Three or four of them said a real estate agent had come to them and told them they were going to build townhouses and how nice they were going to be and that

it would improve the value of the neighbors' property. There may have been more than those who met with the developer. Mr. Loftin said there were 21; perhaps there were 21. He did not know that a Neighborhood Association was present in his area.

In rebuttal, Mr. Loftin said, first of all, this was surprising to him. They had met with Ms. Laura Jackson and Ms. Debra Harro, who he thought were representatives of the neighborhood. They collectively had been the driving force to indicate to them the problems and issues the community was having. He said S&R Developers had brought in Remax Realtors and Remax had been out into the community. From his understanding, there were a lot of rental homes in that neighborhood. Therefore, the overall perception of the people may not have been as accurate as Remax would have wanted it because there were a lot of renters there. He emphasized that by S&R bringing in a higher end townhome, it would increase the value of the neighbors' homes. They met with Ms. Jackson and Ms. Harro, who indicated that S&R had made some concessions about going through Immanuel and Williams Street. The road would not continue all the way through, but would hold the traffic in the community and not make it flow over onto Williams Street.

In response to a question from Mr. Collins, Ms. Reeves said connecting Immanuel with Williams would not help the City, connectivity-wise.

Mr. Kauber added that Ms. Jackson and Ms. Harro were officers in the Neighborhood Association for that area.

In rebuttal, Mr. Petteway said he was sure there were some rental properties. He didn't think that was relevant. He said the point was part of the neighborhood was RS-7, part of it was RS-9, but it was single family residential. Their concern was the RM-8 multifamily requested rezoning. He said the high-end areas in Greensboro had no multifamily townhouses, but they wanted to come into a low-end neighborhood and gut it and put in multiple housing right in the center of it. This was a completely wooded area. In January they were surveying; about March they came in and rezoned it and in late May or April they came in and started cutting the trees and they cleaned the property off and it is now stripped. Nobody would buy a $120,000 townhome in a neighborhood with $80,000 single-family homes.

Mr. Kauber said he had talked with the two ladies mentioned and the reason they were not here was they didn't think there was a problem.

In response to a question from Mr. Collins, Mr. Petteway said he was not under the impression that these units would be for rent. However, he read to the people with whom he discussed this rezoning the exact wordage that was in the letter and several of them said: "Yes, we know. We got the letter." Mr. Petteway said he carried a copy of the letter with him, showed it everybody who wished the petition and he read what he had read to the Commission to the individuals and they had discussions about it. He asked them if they wanted to have the townhomes or they were in disagreement. They said they were in disagreement and signed the petition.

Mr. Kauber asked Mr. Petteway if he was aware that the Comp Plan the City was now living under had advocated mixed housing types in neighborhoods?
Mr. Petteway said he was never aware of that, but it didn't sound like it made good sense to him because why go into a neighborhood and chop it up and create low density, high density, and

mix the whole thing up. Maybe that was an issue at which the City should look, maintaining the integrities.

The public hearing was closed.

Mr. Hails said this area was shown on the Comp Plan and the GFLUM as on the border between mixed use commercial and low residential, as the Commission had had on several other cases tonight. In looking at an analysis and closer look at this area, staff noted that there were policies in the Plan promoting diversification of housing stock, patterns and intensities, and mixed income neighborhoods to meet a variety of resident citizens' needs throughout the community. At 5.2 units per acre, which was the maximum density that the requested district allowed, it was one of the two low density residential multifamily districts the City had and it does permit a wide variety of housing types and it did fall within the low density residential designation in the Plan. Because staff had not seen commercial intrusion west of High Point Road into the area, staff was viewing this from the standpoint of low density residential as being the appropriate land use here and staff did recommend approval.

Mr. Gilmer moved approval of an ordinance rezoning from RS-9 Residential Single Family and RS-7 Residential Single Family to Conditional District - RM-8 Residential Multifamily, subject to the condition set forth in the application, seconded by Mr. Kauber.

Mr. Byrd said he was leaning towards supporting this item, but he found himself conflicted in some ways. Anybody who sat through a number of these knows that he thought that the townhome product and single-family detached product are compatible. Townhome owners own their home just like single-family detached owners own their home, and have an interest in maintaining that home. On the other hand and typically when the Commission has a townhome development right next to a single-family detached development, he had no qualms about it. He said he did not know what it was about this one that struck him differently. He guessed it was the fact that it was going to be right in the middle of an established neighborhood, surrounded on three sides by the established neighborhood. He kept going back to those cases where the Commission dealt with developers that came in and found spare lots along a street or road and come here to get them rezoned to a higher density zoning classification so they can subdivide them and put more homes on there and the Commission struggles with the issue of how harmonious those rezonings were compared to the long established neighborhood. He was not sure how to distinguish that issue from the rezoning represented here. He had two principles here that he liked to adhere to and they seemed to be conflicting. So he was not sure how he would come down on this one.

Chair Wolf said he felt the same way. Part of him did not want to reward this developer for clear cutting the property. He thought that was clearly improper and it was probably known at the time they were clearing it that they were thinking of going to townhouses, so he found that very objectionable. Then he also had a petition by 50-some people that were treating townhouses like they are the pariahs of the earth and he disagreed with that totally. He said they needed to know that New Irving Park had a major townhouse development that ran right next to homes worth twice as much as the townhomes. Lake Jeanette had apartments, condos, townhouses, half million dollar, million dollar homes all grouped together and that was a conscious decision by the City of Greensboro in pushing that development up there, as well as the developers. He hated hearing somebody stand up at that podium and mention this side of town versus that side

of town because that was not true in this City. The City has townhouses everywhere and there are many areas in the City in which the townhouses are worth more than the single-family homes they are next to and they certainly don't lower the value of the single-family detached homes when you put the townhouses there. The one thing that did bother him was how that was stuck inside the neighborhood. The one before the Commission earlier today on Ballinger Road, that was a very tough one and that was justified because of the intersection it was near, it was near a fire station, it had a transition aspect to it. This one really did bother him, stuck in the back, behind everybody's houses, inconsistent with the neighborhood and that had been some of the issues going to Council when it came to some of the sizes of the single-family homes. Are you compatible with the neighborhood? He liked the mixed use, but sticking those townhouses in the backyards behind a bunch of people's homes, he was not so sure he was as comfortable with that and it also served his purpose of wanting to hold the developer's feet to the fire for clear cutting the property, which he really found objectionable. He had clients everyday that dealt with the Tree Ordinance and they don't do what these people did.

Mr. Gilmer said he would support this item. He thought it was a good chance for reinvestment. He too agreed with Chair Wolf. He did not like it when people got up and made comments in reference to the townhouses and condos because those people even have homeowners' associations to protect, and most of the other single-family neighborhoods don't. He thought this would enhance the neighborhood and would be a blessing to have some townhouses coming in there at a higher price and it might spur some more development in the area also. He also was concerned about how many people who signed the petition were actually homeowners versus being renters. The Commission had no way of knowing that.

The Commission voted 6-2 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Kauber, Haynes. Nays: Byrd, Spangler.)

O. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING RS-40 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF OWLS ROOST ROAD BETWEEN FOREST MANOR DRIVE AND WILDROSE DRIVE – FOR PHILIP D. THOMAS. (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.

There were no persons present who wished to speak to this item, either in favor of or in opposition to; therefore, the public hearing was closed.

Mr. Gilmer moved recommendation of an ordinance establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-40 Residential Single Family, seconded by Mr. Haynes.

In response to a question from Mr. Kauber, Mr. Ruska said this was one of those instances where RS-40 was probably the most appropriate zoning. He referred to the staff report where it

said that this lies in a portion of a Watershed Critical Area to which an outfall to provide sewer service had been made, pursuant to an agreement approved by the City and another governmental jurisdiction designed to limit development density to approximately that obtainable prior to sewer service. This was actually part of the Rayle Creek Agreement area and RS-40 in this particular instance was the appropriate zoning. He said the already built houses on adjacent property looked like they were in a higher density zoned area, but he thought that look was due to the fact that those houses were clustered.

The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Schneider, Byrd, Haynes, Kauber, Spangler. Nays: None.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails said the Commission would recall that back in July, staff reported to the Commission that they were trying to make logistical arrangements for possibly the first joint meeting, which could have been today. However, in the past two months, staff had not received a rezoning request that required a Plan Amendment so they had a two-month reprieve. It was still possible the first joint meeting would be in November. Because this Commission's meeting are broadcast, staff initially began discussions with the Planning Board about a format for joint meetings, seeing whether they might be amenable to moving to Monday possibly prior to the joint meeting, then join in the joint meeting, with this Commission meeting afterwards. The Planning Board members claimed that they were very tied to the Wednesday time, they were very tied to an afternoon time and not starting up in the morning. So after going through many options, everyone agreed this was City Council's suggestion and we were all trying to give up a little bit to accommodate this direction. The suggestion staff was bringing to this Commission and to the Planning Board at its meeting Wednesday was that to alternate every two months. The worse case for this Commission was that the Commissioners might have to come down at 2 o'clock on a third Wednesday up to three times a year. The best case would be that the Commission would have to come down zero times a year, if those potential joint meetings on a Wednesday did not have a Plan Amendment accompanying a rezoning. So he was bringing this forward to pass the information along to the Commissioners. This was after going through a number of other options and staff would be glad to hear their comments.

Chair Wolf asked if a quorum or five members of the Zoning Commission would have to show up on the Wednesday of the Planning Board to do it?

Mr. Hails said there was not actually a joint vote. Staff was working through the mechanics of this. A case would be called and they would do a single staff presentation on the Plan Amendment and the rezoning, followed by a vote, which was to modify the GFLUM and the Comp Plan, and then a vote on the accompanying rezoning. So on each vote, you would need a quorum of the Planning Board and a quorum of the Zoning Commission to make a formal recommendation. These have to go on to City Council so the six votes from this Commission would not apply. After they dealt with however many cases they might have, the joint meeting

would be adjourned. Staff would try to have more chairs on the dais so that the two Chairs would be sitting together, one Chair would direct action during the Planning Board matters and

then it would switch over to the other Chair for the Zoning Commission.

Mr. Hails said the Planning Board currently did not have speaking limits, but the Board members were talking about putting them in place.

Mr. Hails said when staff discussed this with the Planning Board, they found several people that really claimed they applied for the Board specifically because of the meeting time. There were several people who could not meet any day of the week before noon. Staff was coming to the conclusion that if there were an equal sharing of the pain, as it were, that was probably the most equitable way to implement the Council's direction on this.

Chair Wolf said they spent months fighting over time limits on this Commission. He was inclined to agree with Mr. Collins. He would like for Mr. Hails to go back to them and say: "Share the pain, put time limits on it." The Plan Amendments, as evidenced by the one up on 220 at Horse Pen Creek, showed that if you didn't put any limits on that, one item could take a couple of hours if the entire area came out and wanted to speak.

Mr. Hails said at the Planning Board's June meeting they heard the Lindley Park Neighborhood Plan and there was a woman who went on for two and a half hours. He thought the Board members were more open to this suggestion than they had been.

Mr. Byrd said he thought staff should be commended in resolving that. It did sound like a resolution that he might have mediated between his two children.

Mr. Hails said staff had been in discussion with several other Boards and Commissions that staff works with and with the fine services of Judi Decker about formatting to a certain extent the minute taking. The specific proposal they had been discussing with the City Manager's Office and other groups was to reduce the format of minutes to keep the names of speakers in there, but to reduce the description of what was said, boiling it down to more of the gist, the issues, and the concerns. It might have the net affect of cutting what you are seeing perhaps in half. They were not talking about going down to total bare bones minutes such as only recording your actions taken and things like that. But the City Manager's Office asked staff to get some feedback from this Commission and the Planning Board as to whether either saw a problem from their standpoint in moving in that direction.

Mr. Byrd said he thought that would be fine for all legislative matters. However, with respect to Special Use Permits that are quasi-judicial, they might want a more extensive record.

Mr. Hails said Ms. Decker held all audiotapes for one year so if there were any legal action that transpired, there could be verbatim transcripts. When that was not occurring, as long as someone could follow the flow of the meeting and the major things said and done, that would be sufficient to reduce the volume of the minutes.

Chair Wolf said Special Use Permits were de novo up to Council. Nothing we would do here would be reviewed by the Courts. Your point of appeal was up to the Council and you start over. You would not be bound by what went on here.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Chair Wolf said the only thing from the Zoning Commission was that Maureen McDonnell was replaced and she expected to be here, but they were able to get a replacement. Usually a member was here on their last meeting and gets to make a statement or something. But he wanted to congratulate Ms. McDonnell on her service and thank her for her service and he was sure she would watch this meeting to the end to hear that. She served on this Commission and was a very good member and added a lot of valuable input on all the cases she heard, so they thanked her for her service.

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There being no further business before the Commission, the meeting was adjourned at 7:24 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps