

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
JANUARY 20, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, January 20, 2010 at 2:00 p.m. in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Calvin Williams, Jr., Donald Blackstock, Anita Bachmann, DeSean Alston, Chuck Truby, Betty Smith and Curtis Douglas. Planning Staff present were Dick Hails, Planning Director, Steve Galanti, Mike Kirkman, Carol Carter, Devan Reid, and Nicole Ward. Also present was Dabney Sanders from Action Greensboro.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE DECEMBER 16, 2009 REGULAR MEETING**

Ms. Speight-Buford moved to approve the minutes of the December 16, 2009 meeting, seconded by Mr. Truby. The Board voted 9-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

**ITEMS FROM THE DEPARTMENT**

**A. SUMMARY OF 2010 PLANNING PROJECTS**

Mike Kirkman provided a brief summary of various projects related to the Comprehensive Plan that were either planned for 2010 or were already underway and anticipated to be completed during the year. Many of these items would eventually require action from the Planning Board and he described the items.

The Central Gateway Corridor Study and the implementation of the High Point Road and West Lee Street streetscape are under way. The next phase will include the areas from I-40 to Groometown Road and South Eugene to the Business I-85 which could begin later this year if authorized by Council.

The first update to the Comprehensive Plan will begin due to funding of approximately \$60,000 dollars received for examining sustainability issues.

The Western Area Plan, including areas to the west of NC 68 which are currently industrial and mixed-use corporate park, will begin in the spring. The plan will give more definition to the broad future land use categories for the area, examine infrastructure needs, and formulate residential and non-residential transitions.

The Downtown Design Overlay District is being studied by various groups to address issues that arose during the previous public hearings. The revisions will be extensive enough to require the Board's recommendation before it goes to City Council.

The Kirkwood Neighborhood has requested a Neighborhood Conservation Overlay District as a follow-up to the changes in the future land use map. This will define how they would like development to occur in their neighborhood.

The Downtown Area Consolidated Plan will explore existing Downtown plans, what has been accomplished, what is still viable, and what changes need to be made. It will also look at the role and impact of City and County capital investments on Downtown economic development.

The 2010 Census is scheduled for April 1<sup>st</sup>. It is important that the City have as many of its residents counted as possible. These numbers affect many things including representation and funding. It will also help in planning efforts to update data from the last Census.

The Forrest Oaks Area Plan, which is being done primarily by County Planning, will further define a smaller area in the Alamance Creek Area Plan identified for mixed-development. These efforts could include changes to the City's Generalized Future Land Use Map.

Updating the College Hill Neighborhood Plan, which is being done primarily by HCD with input from Planning, will begin after resolution of the current rezoning request for the Newman Machine site on Spring Garden Street.

Mr. Hails stated that with the Comprehensive Plan update, staff will be taking a fresh look at the small area plans to create a more refined vision of the Comprehensive Plan. These smaller plans provide more guidance than the City wide plans.

## **B. BRIEFING ON THE DOWNTOWN GREENWAY**

Dabney Sanders, from Action Greensboro, stated that the Downtown Greenway was a great example of a public-private partnership between the City and Action Greensboro. It started in 2001 with the Center City Master Plan which contained a number of features such as the Center City Park, the Downtown Ball Park, that have been completed and the Downtown Greenway that is underway. In 2006 the adoption of the Bi-Ped Plan called for an additional 400 miles of trails and made the Downtown Greenway as the central hub for the connecting trails. The Downtown Greenway has been adopted as the City's Bicentennial project. The street improvement bond package, adopted in 2008, allocated \$7 million dollars for the Downtown Greenway.

She presented a map of the adopted Bi-Ped Plan, showing the existing greenways, planned greenways, and the Downtown Greenway as the central hub. The Downtown Greenway is a 4.2 mile, multi-use, paved trail that loops around Downtown Greensboro that will help expand the footprint of Downtown, connect more than a dozen neighborhoods, help economic development in the area, and add to the City's quality of life.

She presented examples of existing public art and plans for future public art on the greenway as a major component of this project. In addition, there will be functional pieces of art along the greenway, including the Five Points Bench and bike racks.

Community input has been important in this process. There have been over 75 meetings with community groups.

The detour route will connect the open portions of the greenway with safe routes to allow users to experience the greenway.

This is a five to 10 year project at an estimated cost of \$26 million dollars with \$11 million dollars for traffic, safety, street and walkway improvements; \$6.5 million dollars for the trail and associated site furnishings; and \$6.5 million dollars for parks and the public art component. There is a \$1 million dollar endowment for the maintenance of the greenway.

Funding to date includes the \$7 million dollars from the bonds, \$4.5 million dollars pledged from four foundations with subsequent funding of \$5.625 million dollars from foundations associated with Action Greensboro in addition to a number of miscellaneous grants and donations. There is approximately \$13 million in funding that is still needed.

### **PUBLIC HEARINGS:**

#### **A. STREET CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING RUNNING BROOK DRIVE FROM ITS INTERSECTION WITH FOX PLACE EASTWARD APPROXIMATELY 150 FEET. (RECOMMENDED)**

Nicole Ward stated that this portion of Running Brook Drive was recorded on June 25, 1959 in Plat Book 27 on Page 99, for the Taylor Development Company. The street is open and maintained by the City for public traffic circulation; however, the primary use of the street is for access to the Lawndale Baptist Church. The owners of 100% of the abutting property have signed the petition. The Technical Review Committee (TRC) feels circumstances here allow the City to make the two required determinations for a street closing: (1) That closing the street to vehicular traffic is not contrary to the public interest, and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends the closing of that portion of Running Brook Drive with two conditions: (1) The dwellings, which are currently located adjacent to this portion of Running Brook Drive, will be removed or vacated before the street closing becomes effective, and (2) In addition to retaining a water and sanitary sewer easement over any existing public utility lines, the City shall also retain a 20-foot drainage easement over any storm sewer located within the portion of street to be closed, which carries runoff from off-site or a public street.

Chair Wolf stated that he did not think that it was right that the church parking lot could be expanded, resulting in the three houses having a parking lot as neighbors, without sufficient notification.

Mr. Truby stated that even without a street closing the parking lot could still be built without notification.

After a short discussion, Mr. Williams moved to recommend closing this portion of Running Brook Drive, with the TRC conditions, to City Council, seconded by Ms. Smith. The Board voted in favor of the motion 8-1. (Ayes: Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: Wolf.)

#### **B. ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING A 10-FOOT-WIDE UNNAMED ALLEY LOCATED BETWEEN ARLINGTON STREET AND SOUTH ELM STREET RUNNING NORTHWARD FROM EAST BRAGG STREET A DISTANCE OF APPROXIMATELY 99 FEET. (RECOMMENDED)**

Nicole Ward stated that the alley was located during a land survey by the City of Greensboro's Department of Engineering & Inspections in November of 2009. The owners of 100% of the abutting property have signed the petition. The TRC feels circumstances here allow the City to make the two required determinations for the closing. Therefore, the TRC recommends the closing.

After a short discussion, Mr. Williams moved to recommend the closing of the alley to City Council, seconded by Ms. Smith. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

**C. ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING A 15-FOOT-WIDE UNNAMED ALLEY LOCATED BETWEEN HOWARD STREET AND NORTHRIDGE STREET FROM ITS INTERSECTION WITH SHERWOOD STREET SOUTHWARD APPROXIMATELY 300 FEET AND A 20-FOOT-WIDE ALLEY WESTWARD FROM THE 15-FOOT-WIDE ALLEY APPROXIMATELY 60 FEET. (RECOMMENDED)**

Nicole Ward stated that the alleys were recorded on the plat of the Park Place Subdivision in Plat Book 3 on Page 152 in 1905. The owners of 100% of the abutting property have signed the petition. The TRC feels circumstances here allow the City to make the two required determinations for the closing. Therefore, the TRC recommends the closing.

In response to a question from Ms. Smith, Ms. Ward stated that the alley would be divided in half among the abutting properties.

In response to a question from Chair Wolf, Ms Ward stated that the neighborhood initiated the closing and it is not being used by pedestrian or vehicles.

Mr. Speight-Buford moved to recommend the closing of the alley to City Council, seconded by Ms. Smith. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

**COMPREHENSIVE PLAN ITEM:**

**CP-10-01 - LOCATED AT 4015 BATTLEGROUND AVENUE (WEST SIDE OF BATTLEGROUND AVENUE AND NORTH OF HORSE PEN CREEK ROAD) - FOR COMMERCIAL DEVELOPMENT - EXISTING FUTURE LAND USE DESIGNATION: MIXED USE RESIDENTIAL - PROPOSED FUTURE LAND USE DESIGNATION: COMMERCIAL**

Carol Carter stated that the request was to amend the Comprehensive Plan from mixed-use residential to commercial. The Board is asked to make comments. The proposal will be going before the Zoning Commission on February 8<sup>th</sup> and potentially to Council on March 2<sup>nd</sup>. There is a Sherwin-Williams to the south, a Starbucks and shopping center to the east, and the Horse Pen Creek Road/Battleground intersection to the south.

In response to a question from Ms. Smith, Mr. Hails stated that the site does not have access to Horse Pen Creek Road. Ms. Smith then stated that one-way-in/one-way-out access on

Battleground might cause traffic issues, specifically with delivery vehicles. Limited access and connectivity will lead to traffic issues.

Mr. Hails stated that there is a significant grade differential between this site and the site to the south that might limit connectivity possibilities.

Mr. Truby questioned how far north on Battleground Avenue commercial development would be allowed, but in this case there is commercial to the east so it is logical.

Ms. Carter stated that it would be appropriate for the reevaluation of the Comprehensive Plan to find a transition area.

### **EASEMENT RELEASES:**

#### **RESOLUTION AUTHORIZING THE RELEASE OF THE NORTHERN FIVE FEET OF A TEN-FOOT-WIDE SERVICE EASEMENT ALONG THE SOUTHERN PROPERTY LINE AT 916 MEADE DRIVE. (APPROVED)**

Devan Reid stated that the property owner would like to replace the existing out-building with a 30-foot by 30-foot workshop that would encroach 5 feet into the easement. All utility companies have agreed to the release of the easement.

After a short discussion, Mr. Truby moved to approve the easement release, seconded by Mr. Blackstock. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

### **ITEMS FROM THE DEPARTMENT**

Mr. Hails stated that Land Development Ordinance heard by the Board at its joint hearing in November will be heard by City Council on February 9<sup>th</sup>. In preparation for that meeting the notification process will include sending over 100,000 letters, with a sheet to give the reader details about comparing the current zoning with the proposed zoning, to property owners. Council could adopt the ordinance at their February 16<sup>th</sup> meeting with a two month transition period. Any properties that become nonconforming as a result of the ordinance will have a priority with no rezoning fee or as an expedited text amendment, which could mean there will be an increase in items for the Board in the coming months.

Reexamining required open space, tree preservation, billboards and several other issues are items that staff did not have time study and will be processed after adoption of the LDO.

He reminded the Board that City Council action is forthcoming on the pending text amendments for highway noise mitigation and family care home spacing.

He also stated that after the Board granted the minor modification last spring to change the permitted use for a portion of Battleground North from townhouses to congregate care, since both uses were considered multifamily, City Council has decided that the Board should not be allowed to make minor modification concerning uses. They have asked for a text amendment to do one of two things: 1) allow use modifications to continue to be decided by the Planning Board

with a public hearing and notification to surrounding properties, or 2) follow the rezoning process for any change of use.

**ITEMS FROM BOARD MEMBERS:**

In response to a question from Mr. Douglas, Mr. Hails stated that the number of front yard parking violations has decreased due to the community education and enforcement efforts.

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:22 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
FEBRUARY 17, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, February 17, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Calvin Williams, Jr., Donald Blackstock, Chuck Truby, Betty Smith and Curtis Douglas. Planning Staff present were Dick Hails, Planning Director, Steve Galanti, Lamont Taylor, Devan Reid and Nicole Ward. Also present were Chris Spencer from the Greensboro Department of Transportation, Clarence Hunter and Chris Bowman from the Greensboro Fire Department and Dwight Crofts from the Greensboro Police Department.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE JANUARY 20, 2010 REGULAR MEETING.**

Mr. Williams moved to approve the minutes of the January 20, 2010 meeting, seconded by Ms. Smith. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

**PUBLIC HEARING ITEMS:**

**A. TEXT AMENDMENT: RECOMMENDATION ON AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AND THE LAND DEVELOPMENT ORDINANCE (LDO) TO INCORPORATE NOTIFICATION REQUIREMENTS FOR RESIDENTIAL PROPERTIES LOCATED ALONG THE UN-BUILT PORTION OF THE URBAN LOOP. (CONTINUED)**

Mr. Galanti stated that the Planning Department is requesting a continuance of this item.

Mr. Blackstock moved to continue the item to the March meeting, seconded by Mr. Williams. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

**B. TERMINATING ACCESS: RECOMMENDATION ON A RESOLUTION TERMINATING VEHICULAR ACCESS ACROSS THE RAILROAD TRACKS AT LOWDERMILK STREET AND PINE STREET. (RECOMMENDED)**

Ms. Ward stated that the request was to close the street to vehicular traffic without eliminating the public right-of-way. The TRC feels the circumstances here allow the City to make the two required determinations: 1) The closing of the street to vehicular traffic is not contrary to public interest, and 2) No property owner in the vicinity is deprived of reasonable means of ingress or egress. The TRC recommends these closings.

Chris Spencer, Greensboro Department of Transportation, stated that the railroad is a single track owned by North Carolina Railroad and operated by Norfolk-Southern. In 2004 a traffic separation study analyzed nine crossings in Greensboro and made a number of recommendations. The study goals were to identify existing safety concerns, enhance railroad and vehicular safety, maintain citizen mobility, and improve local traffic circulation. Staff held a public meeting and several neighborhood meetings. Since grade separation at these crossings was found to be unreasonable, due to the proximity to East Market Street, the study's recommendation was to close Lowdermilk Street and upgrade Pine Street. The study determined that the Lowdermilk Street crossing was; more skewed and humped than the Pine crossing, its intersection with Market Street was closer than Pine Street and that Lowdermilk Street was narrower.

These findings were presented to the Planning Board in February 2004 where several citizens voiced their concerns. Another public meeting was held in April 2004 and based on their concerns and additional opposition the recommendation was changed to close the Pine Street's crossing.

Nancy Horne, NCDOT Rail Division, stated that in late 2007 they analyzed interconnectivity, spoke with members of the public and held additional public meetings. They believe this alternative meets the goals of NCDOT and is a good proposal for community interconnectivity.

Scott Sibert, STV, stated that they collected traffic counts, accident data, and other information on Pine Street, Lowdermilk Street, and the surrounding area and compared it to the 2004 study information. In November 2008 an alternate recommendation of closing Pine Street and making improvements to the Lowdermilk Street crossing was proposed. The Fire Department noted that the emergency response time would not be affected by the change in the recommendation. GTA noted that they would be willing to modify their route to use Lowdermilk Street. Another public workshop was held in November 2008 and a desire not to have a crossing closed was again expressed.

The final recommendation is to close the Pine Street crossings and create a new connection by relocating Lowdermilk Street. The relocated crossing will be a four-lane-wide perpendicular intersection with Sykes Street, with a potential traffic signal. This option was presented at a public workshop held in November 2009 where it received positive feedback.

Mr. Spencer stated that the schedule of implementation for this project based on the time needed to reach an agreement with NCDOT, prepare the design and environmental documents and purchase right-of-way would have construction beginning in early 2012. If the closings are recommended, City Council will be required to hold a public hearing to authorize the public improvements before the streets would be closed.

In response to a question from Chair Wolf, Mr. Spencer stated that the streets would not be closed to the public until after the improvements were built.

In response to a question from Mr. Williams, Mr. Spencer stated that a traffic study will need to be conducted to see if the intersection meets traffic signal requirements before a signal will be installed.

In response to a question from Mr. Douglas, Mr. Spencer stated that a majority of the citizen's concerns revolved around the inconvenience created by the closing of the streets. He further stated that comments received related to the proposed street improvements were positive.

In response to a question from Mr. Truby, Mr. Spencer stated that the property owner of the building were the proposed road is located was not at the workshop but, he has spoken with him. His concerns were the right-of-way acquisition process and that he was not oppose the project.

In response to a question from Chair Wolf, Mr. Spencer stated that although the right-of-way was not being eliminated at this time it may be in the future.

In response to a question from Ms. Smith, Mr. Spencer stated that the proposed improvements must be designed to determine whether any other buildings will be affected by the proposal.

In response to a question from Mr. Williams, Ms. Horne stated that the closure will have no effect on the train speeds along this section of track.



In response to a question from Ms. Smith, Mr. Spencer stated that NCDOT will pay for the construction of the closings and the relocation of Lowdermilk Street with the City funding the right-of-way acquisition and 20% of any federal funds used.

Cindy Butler, Lowdermilk St., stated that her building is located where the street relocation is proposed, that she did not receive notice for any of the meetings, and that she has concerns about the right-of-way ownership and her building.

Mr. Williams moved to recommend approval of the closing of Lowdermilk and Pine Street to vehicular traffic, contingent on the completion of road relocation and improvements, seconded by Mr. Douglas. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

### **EASEMENT RELEASE:**

#### **A. RESOLUTION AUTHORIZING THE RELEASE OF A 20-FOOT-WIDE UTILITY EASEMENT AND A 20-FOOT-WIDE STORM DRAIN EASEMENT AT 5125 MICHAUX ROAD. (APPROVED)**

Mr. Taylor stated that the easements to be released are no longer needed due to the construction of a congregate care facility on the site. All utility companies have agreed to the release of the easements.

Mr. Truby moved to approve the easement releases, seconded by Mr. Williams. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

### **ITEMS FROM THE DEPARTMENT**

#### **A. BRIEFING FROM THE FIRE DEPARTMENT CONCERNING PROVIDING SERVICE TO AREAS ANNEXED BY THE CITY.**

Clarence Hunter, Greensboro Fire Department, stated that the Fire Department looks at historical data and computer generated models to better predict where to place fire stations and feels they do a good job accommodating areas that have been annexed.

Chris Bowman, Greensboro Fire Department, presented statistics which included the area served, number of firefighters, number of units, and the number and type of calls. He further stated that there are four criteria considered for strategic planning in placing stations and deploying equipment and they are: the demand for service, standards of coverage, resources deployment, and performance measures.

The standards of coverage, including policy and procedures from the National Fire Protection Association, specify a time standard of one minute for turnout, four minutes or less for arrival of the first unit, and eight minutes or less for full deployment.

The travel time established by the Center for Public Safety Excellence and the Commission for Fire Accreditation International is based on the time and temperature scales, and the cardiac survival curve. The benchmark time for the first unit to arrive is six minutes which includes the time the call is received at dispatch to the arrival of the first unit. Placement of stations is based on meeting these standards of turnout time and travel time.

The Department uses a growth matrix to depict the demand for service and the standard of response coverage based on call volume, commercial square footage, risk factors, and property valuation. The

growth factors include developable land, population, developed land, and the hydrant count. Performance capability includes distance to the fire station, percentage of calls over four minutes, and percentage of calls covered in four minutes. The fire service areas contain 4.5 square miles which will have a 1.5 mile response distance, or three minutes at 30 mph.

Performance measures are used to ensure the demand of service and standards of response are met. The call processing of one minute or less is at 75%, turnout time of one minute or less is 83%, travel time is 89%, and the target response time of 4 minutes is at 90%.

In response to a question from Ms. Smith, Chief Bowman stated that the risk hazard and the possible loss due to fire are based on the property valuation.

Mr. Hails stated that although the outlying parts of the City tend to have less City services available at the time of annexation, the services will increase overtime as development occurs. The services are comparable and the services are often improved over County service.

In response to a question from Chair Wolf, Chief Bowman stated that the service from contracted stations is not on the same level of City stations, but is comparable to other outlying areas, and is often better than County service before annexation.

#### **B. BRIEFING FROM THE POLICE DEPARTMENT CONCERNING PROVIDING SERVICE TO AREAS ANNEXED BY THE CITY.**

Dwight Crotts, Assistant Chief of the Patrol Bureau, presented information on the area covered, the number of call, number of officers, and size of response districts. He stated that manpower deployment is based on calls for service with districts sized differently based on calls for service. District lines are moved occasionally to provide equitable coverage. The Department will be full staffed at 640 officers after the graduation of the current academy class. This will allow 10 officers per squad, and two officers per zone. Since there is no national standard, the self imposed response time standard for a priority one call is six minutes and for a true emergency, shooting or stabbing, the response standard is two minutes or less.

There are three sub stations located throughout the City within the created zones to dispatch officers, within their assigned zone, and not pull officers from other zones unless it is a true emergency. The western district is the largest in land area, has the same number of officers as the smallest zone, which creates issues related to travel time. There are internal discussions of establishing an additional Downtown district and other modifications to abate these issues.

The number of additional officer needed for annexed areas is based on a growth matrix which includes the type of calls, call time, and the number of calls to the Sheriffs Department. The formula used allows the department to estimate how many officers will be needed to patrol an annexed area. The time it takes to train an officer from hire to patrol is about 10 months. The Department projected that with 2,329 calls for service in the area of the 2008 annexations that 57 officers would be needed but, only 33 officers were approved. Since newly annexed areas often show an increased number of calls, the actual number of calls was 11,940. Right now there is no mechanism in place to ask for more positions based on the actual numbers, but staff is working on correcting that issue.

In response to a question from Chair Wolf, Assistant Chief Crotts stated that the computer system has its addresses updated when an area is annexed to aid the dispatcher. However, if there is a question of jurisdiction, then the City will respond first and sort those issues out after service has been provided.

In response to a question from Ms. Smith, Assistant Chief Crofts stated that fully staff included all areas recently annexed.

**C. PUBLIC HEARING ON THE LDO**

Mr. Hails presented the Board with a summary of the comments made at the City Council public hearing on the LDO last week and stated that staff will present the summary and staff responses to City Council at their March meeting. The main concerns raised were connectivity, the single tree requirement for single-family and permitting twin homes in certain single-family zones. When the public hearing is reopened, City Council will recommend changes they feel are appropriate.

Chair Wolf suggested that the staff meet with the City Attorney in order to avoid a lawsuit from people whose property is currently zoned AG.

**ITEMS FROM THE BOARD:**

In response to a question from Mr. Truby, Mr. Hails stated that the City has taken steps to remove services from the area where the annexation was rescinded and that the City is looking into implementing a system where subsequent buyers must sign a form stating that they have been notified and agree to annexation in the future.

**APPROVAL OF ABSENCES:**

The absences of Ms. Bachman and Mr. Austin were acknowledged as excused absences.

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**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:46 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
MARCH 17, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, March 17, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Calvin Williams, Jr., Donald Blackstock, Chuck Truby, Betty Smith, DeSean Alston, Anita Bachman, and Curtis Douglas. Staff present were Steve Galanti and Nicole Ward from the Planning Department and Nasha McCray from Parks and Recreation.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE FEBRUARY 17, 2010 REGULAR MEETING.**

Ms. Speight-Buford moved to approve the minutes of the February 17, 2010 meeting, seconded by Mr. Douglas. The Board voted 8-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Bachman, Alston, Truby, Douglas. Nays: None.)

Ms. Smith arrived and participated in the remainder of the meeting.

**ITEMS FROM THE DEPARTMENT**

**BRIEFING FROM THE PARKS AND RECREATION DEPARTMENT CONCERNING THE PARKS AND RECREATION MASTER PLAN AND THE GREENWAYS/BIKE MASTER PLAN**

Nasha McCray stated that the Parks and Recreation Master Plan was originally created in 1998 and guides the department's actions and decisions regarding land acquisition, park development, renovations, and facilities and programming. The plan also includes recommendations for implementation. An update was completed in 2005 to reflect system wide changes and accomplishments since the 1998 Plan and to address departmental needs through 2017.

The public input process included citizen surveys, staff surveys, demographic information, infrastructure development, and land development along with an inventory of existing parks facilities and programs to determine service improvement opportunities and network deficiencies. A community needs assessment was also conducted to gauge citizen satisfaction and to solicit comments. The results of the analysis showed that many of the key recommendations from the 1998 Master Plan changed little since the community desires and needs were still in line with the department vision.

The Plan recommended that the City continue to preserve open space and greenways; continue to expand and enhance the trail system; add new parks and facilities while improving existing parks; continue to diversify program offerings; and improve the athletic fields, aquatic facility, and gardens. Over the last ten years the major accomplishments included the addition of Price Park, Carolyn Allen Park, the Sportsplex, and over 22 miles of trails, including 9.7 miles of paved greenways. The department is currently working on creating the Hilltop Recreation Center, which should be under construction within the next fiscal year; a new facility inventory system; and online registrations and payments. The department has also undertaken a comprehensive trails master plan, and strengthening the marketing plan. Over the next five to ten years the department plans to add a new park maintenance facility; enhance the Sportsplex and Smith Senior Center; add a skate park or teen center; add trails and greenways; acquire natural areas and open space; add a new community park, two new neighborhood parks and a miniature park downtown; and to replace and renovate the pool.

Ms. McCray also stated that the Greenways Master Plan was created through a partnership of the Metropolitan Planning Organization, Parks and Recreation Department, Action Greensboro, Guilford County, NCDOT, and others through a grant provided by the Moses Cone – Wesley Long Community Health Foundation. The plan was adopted by Council in 2006 and addresses the elements of bike, pedestrian, and trail planning in Greensboro and the surrounding metro planning area for the next 25 years. The plan identifies specific infrastructure recommendations, and establishes goals to be achieved, such as improving non-motorized facility connectivity; improve health and wellness by improving access to outdoor resources; provide safer and more convenient pedestrian and bicycle activities; to increase transportation choices; improve our environment by reducing auto dependency; and increase the livability and attractiveness to boost tourism and economic development.

The Trails and Greenway System currently features over 60 miles of unpaved trails and 20 miles of paved greenways in the planning area. The plan calls for an additional 850 miles of bike lanes, 362 miles of sidewalks, and 400 miles of trails and greenways. The plan also calls for connectivity to regional greenway/bike/ped systems like the Piedmont Greenway, the Mountains to Sea trail, the Southeast Connector, and the Downtown Loop.

The data collection and documentation process to create the plan was similar to the process used to create the Parks Master Plan and encompassed over 18 months with public surveys, over 80 public meetings, field visits, analysis of planning documents, and staff surveys.

Both Plans are endorsed by the Connections 2025 Comprehensive Plan and provide a guide to actions and decisions made relative to traditional funding, capital improvement program, future bond referendums, grants, partnerships, and fees, with the CIP being the primary means for implementation funding.

The CIP, which is updated each year and adopted by the Council, describes the capital project schedule and priorities for the six years immediately following adoption. Each project has a project description, the particular service need it addresses, a proposed timetable, proposed funding levels and sources, as well as ongoing operational costs. For projects underway there is also a description that notes the remaining portion of the project's budget. Staff works with a subcommittee of Parks and Recreation Commission to develop each year's capital improvement program. The proposed FY2010 – FY2016 CIP was approved by the Parks and Recreation Commission on March 10, 2010 in the amount of \$62 million. This includes approximately 38 projects that fall in line with the priorities of the Commission. These priorities are to increase and maintain the supply of athletic fields; establish and implement a strategy to address the aging pools; to enhance existing facilities and to reinvest in amenities and infrastructure in our aging parks; to provide for future parks and facility development; and to acquire park land and open space. Approximately \$45 million of the approved amount is currently unfunded and to be included in a future Parks and Recreation bond referendum. The remaining \$17 million is funded through bonds that have been authorized, but have not been issued. The availability of funding is the main factor in determining the project schedule.

In response to a question from Chair Wolf, Ms. McCray stated that the Park's portion of the FY2009 – FY2015 CIP was approximately \$80 million, so the current amount is a reduction.

In response to a question from Ms. Smith, Ms. McCray stated that she would look into the approximately 25 acres of land that was given to the City in 1993 or 1994 for a future park, and she would get that information to the Board.

In response to a question from Ms. Smith, Ms. McCray stated that about 43 acres was acquired for the Hilltop recreation center and Mr. Galanti stated that the density from that land is not being transferred to the abutting property.

In response to a question from Ms. Bachman, Ms. McCray stated that as part of the Department's work plan studies have been done that show the use of the park facilities, including expected use versus actual use, and citizen satisfaction and she would get that information to the Board.

**PUBLIC HEARING ITEM:**

**TEXT AMENDMENT: RECOMMENDATION ON AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AND THE LAND DEVELOPMENT ORDINANCE (LDO) TO INCORPORATE NOTIFICATION REQUIREMENTS FOR RESIDENTIAL PROPERTIES LOCATED ALONG THE UN-BUILT PORTION OF THE URBAN LOOP. (CONTINUED)**

Mr. Galanti stated that the Planning Department is requesting that this item be withdrawn.

Ms. Smith moved to recognize the withdrawal of the text amendment, seconded by Mr. Blackstock. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Bachman, Alston, Truby, Smith, Douglas. Nays: None.)

**ITEMS FROM THE BOARD:**

Ms. Smith stated that since the Board recommended the adoption of the LDO it is important for the Council to know that the Board supports the document and what it does, and that it is necessary to bring the City up to date with zoning ordinances. She felt a statement or resolution should go to the Council to reaffirm the Board's support of the document.

After a short discussion, Ms. Smith moved to adopt a statement in support of the Land Development Ordinance to let Council know that the Planning Board has followed the course of amendments and public hearings subsequent to its recommendation, and strongly urges the City Council to adopt the LDO with all of its current amendments, seconded by Ms. Bachman. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Bachman, Alston, Truby, Smith, Douglas. Nays: None.)

Chair Wolf requested that staff prepare the statement, forward it to Council and he also encouraged all Board members to express their support of the LDO with members of the City Council.

Ms. Speight-Buford stated that several board members attended the Institute of Government's quasi-judicial trading session, although it was very informative, it was not directly related to items heard by the Planning Board.

\* \* \* \* \*

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 2:33 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
APRIL 21, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, April 21, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Calvin Williams, Jr., Donald Blackstock, Chuck Truby, Betty Smith, and Curtis Douglas. Staff present were Steve Galanti, Nicole Ward, and Devan Reid from the Planning Department, and Stephen Carter from the Department of Budget and Evaluation Department.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE MARCH 17, 2010 REGULAR MEETING**

Mr. Williams moved to approve the minutes of the March 17, 2010 meeting, seconded by Ms. Smith. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Truby, Smith, Douglas. Nays: None.)

**PUBLIC HEARINGS:**

**C. ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING AN APPROXIMATELY 60-FOOT BY 110-FOOT UNNAMED ALLEY LOCATED ALONG THE SOUTH SIDE OF 451 NORTH EUGENE STREET (RECOMMENDED)**

Ms. Ward stated that the alley was dedicated by recording the City Property No. 374 plat (Plat Book 16, Page 35) in 1947. The alley is currently being used as part of the parking lot for the business located on the abutting property. All abutting property owners have signed the petition. The Technical Review Committee (TRC) feels circumstances here allow the City to make the two required determinations for an alley closing: (1) That closing the alley to vehicular traffic is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommended the closing of that portion of the unnamed alley with one condition: (1) In addition to retaining a water and sanitary sewer easement over any existing public utility lines, the City shall also retain a 20-foot drainage easement over any storm sewer located within the portion of alley to be closed, which carries runoff from off-site or a public street.

No one spoke in favor or in opposition to the request.

Ms. Smith moved to recommend the alley closing to City Council subject to the condition, as submitted by staff, seconded by Ms. Speight-Buford. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Truby, Smith, Douglas. Nays: None.)

Mr. Blackstock arrived and participated in the remainder of the meeting.

**A. TEXT AMENDMENT: RECOMMENDATION ON AN ORDINANCE AMENDING SECTION 30-5-2.37, FAMILY CARE HOMES, AND SECTION 30-5-2.46, GROUP CARE FACILITIES, OF THE DEVELOPMENT ORDINANCE RELATED TO PROPERTY SEPARATION (RECOMMENDED OPTION "B")**

Mr. Galanti stated that a family care home established in accordance with N.C.G.S 168-21 is a home for nine or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability. A group care facility is a facility with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people in a residential or office district and for not more than forty (40) people in any other district.

The Development ordinance includes provisions that address the spacing requirements. For both of these uses the spacing is  $\frac{1}{4}$  of a mile measured in a straight line from lot to lot. On March 16<sup>th</sup>, 2010, the City Council instructed staff to prepare a text amendment that would increase the spacing requirement to  $\frac{1}{2}$  mile, and allow facilities that do not meet the new spacing requirements to remain in operation until such time there is a change in the operator. In preparing this text amendment, staff was advised by the City Attorneys Office that requiring a nonconforming use to cease operation based on who operates the facility is vulnerable to a legal challenge, is not legally defensible, and has not been upheld by the courts in past cases.

Therefore, staff has prepared two text amendments. Option "A" is the amendment as requested by City Council, which increases the spacing to  $\frac{1}{2}$  mile, and has the provision that the grandfathered nonconforming use can remain in operation until there is a change in the operator. Option "B" is an amendment which would allow the facilities that do not meet the new spacing requirement to continue to operate regardless of who operates said facility. Staff recommends that the Planning Board receive citizen comments and consider recommending to City Council the proposed text amendment presented as Option "B."

In response to a question from Mr. Truby, Mr. Galanti stated that at the current required separation of  $\frac{1}{4}$  mile there are 10 facilities which are not in compliance with the spacing requirement that would be grandfathered in either option.

In response to a question from Chair Wolf, Mr. Galanti stated that Option "A" allows the family care home or group care facility to continue to operate as long as there is no change to the operator. They would need to get privilege licenses for the operation. Staff would be very proactive, and let all operators know there has been a change and what the effect will be on them.

Chair Wolf stated that in previous cases before the Board of Adjustment case law had been presented stating that the spacing issue is to focus on whether the homes are impacted by the spacing, not based on the feelings of the neighborhood.

In response to a question from Mr. Williams, Mr. Galanti stated that since the residents of the homes are to be rehabilitated in a neighborhood setting, Council made the request because they felt that the spacing would reduce the chances of them from congregating.

No one spoke in favor or in opposition to the request.

After a short discussion, Ms. Smith moved to recommend text amendment Option "B", seconded by Mr. Truby. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

**B. TEXT AMENDMENT: RECOMMENDATION ON AN ORDINANCE AMENDING SECTION 30-3-13.2, PROCEDURE, OF THE DEVELOPMENT ORDINANCE TO INCORPORATE NOTIFICATION REQUIREMENTS FOR MINOR MODIFICATIONS TO ZONING**



**CONDITIONS BEING HEARD BY THE PLANNING BOARD (RECOMMENDED OPTION "B" WITHOUT 1 YEAR WAITING PERIOD)**

Mr. Galanti stated that several property owners within the Michaux Road neighborhood, who had participated in the original rezoning on the neighboring Battleground North development, complained to City Council that they had not had a chance to participate in the minor modification process that resulted in switching uses on one tract from townhomes to congregate care. As a result, Council requested that Planning staff amend the Development Ordinance to require notifications to surrounding property owners (like a rezoning hearing) prior to a minor modification case being heard by the Planning Board. Currently, this is not a public hearing item for the Planning Board. Staff feels that a more effective option would be to prohibit all use changes (the source of this particular conflict) from utilizing the minor modification process, and to require that all use changes be considered a zoning change, requiring a normal public hearing at the Zoning Commission and/or City Council.

The great majority of minor modifications at the Planning Board involve changes with little effect on abutting properties, such as changes to landscape buffer specifications, utility lines that need to cross "undisturbed" buffers, etc. However, if a use change is proposed, that is usually perceived as more consequential by abutting property owners. Therefore, staff has prepared two text amendments. Option "A" is the amendment as requested by City Council, which will amend the ordinance to turn a minor modification to a zoning condition into a public hearing, and incorporate notice requirements before the Planning Board. Option "B" is the amendment which would require a minor modification involving a change in the permitted uses to be heard by the Zoning Commission as a rezoning. All other minor modifications, not involving a change to permitted uses will still be heard by the Planning Board. Staff recommends that the Planning Board receive citizen comments and consider recommending to City Council the proposed text amendment presented as Option "B." The Board has several options: make a recommendation for Option "A", a recommendation for Option "B", or propose amendments to either option.

In response to a question from Chair Wolf, Mr. Galanti stated that the LDO includes a list of items staff can use to determine whether the change is substantial. If it is substantial it would go to the Zoning Commission. Changes that are not substantial would be considered a Type 3 modification that is heard by the Planning Board.

In response to a question from Mr. Truby, Mr. Galanti stated that in the past the waiting period was not an issue on one use change case heard by the Planning Board. Mr. Truby thought there might be a case when the waiting period could cause an issue. Mr. Galanti stated that Option "B" could be amended to remove the one-year waiting period for use changes.

In response to a question from Ms. Smith, Mr. Galanti stated that the advantage of bringing use changes to the Zoning Commission is that the discussion and decision is based on issues similar to other rezoning cases, rezonings follow a public hearing process, the Comprehensive Plan is used to evaluate rezoning, and zoning staff has a notification process in place.

Marlene Sanford, Triad Real Estate and Building Industry Coalition at 115 S. Westgate Drive, stated that their concerns were that no extra time or unnecessary reviews be added to the process. These options do not seem to do that and she supported the elimination of the one-year waiting period.

After a short discussion, Mr. Truby moved to recommend text amendment Option "B" with an amendment that there not be a one-year waiting period for use changes, seconded by Mr. Williams. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

**EASEMENT RELEASE:****RESOLUTION AUTHORIZING THE RELEASE OF A 15-FOOT-WIDE WATERLINE EASEMENT RUNNING ALONG THE SOUTH SIDE OF THE PROPERTY LOCATED AT 204 CENTREPORT DRIVE (APPROVED)**

Ms. Reid stated that the easement was located at the Embassy Suites near the airport, and was originally recorded in Plat Book 84, Page 69. The hotel was built over a portion of the easement. During this process a new waterline easement was put in place. All utility companies have agreed to the release of the easement.

Mr. Blackstock moved to approve the easement release, seconded by Ms. Smith. The Board voted 7-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Williams, Blackstock, Truby, Smith, Douglas. Nays: None.)

**ITEMS FROM THE DEPARTMENT:****BRIEFING ON THE 2010-2016 CAPITAL IMPROVEMENT PROGRAM (CIP) AND PLANNING DEPARTMENT RELATED ITEMS.**

Mr. Galanti stated that since The Capital Improvement Program (CIP) is tied to the budget, City Council has requested that the Planning Board make a recommendation on the CIP. Several departments have presented their items from the CIP to the Board. This presentation on what is included in the CIP and what the Board can expect from the CIP will help tie everything together.

Mr. Carter stated that the CIP is a spending plan for projects that require an investment over \$100,000, and an estimated life of ten years. The CIP is not a budget. Projects appearing in the plan may not be completed; funding sources may not become available, and they are staff's best prediction at the time.

The CIP affects the budget in many ways; including operating funds, authorized bonds, and operating impact. CIP projects are funded primarily through authorized bonds. Revenue bonds, enterprise bonds, and, to a much smaller extent, unauthorized bonds, fund the rest. Authorized bonds make up about 36% of the CIP funding sources. Of the bonds that have been authorized, the \$215 million remaining were included the 2000, 2006, 2008, and 2009 referenda.

Last year Council gave staff the task to fast track a list of capital projects that total about \$96 million. The assumption was that they moved forward with the projects that would require a 2.25 cent tax increase for the upcoming year. Going through the budget process this year, Council tasked staff with proceeding on projects that would not cause a tax increase for debt service. The 2010-2011 Project List totals about \$40 million, and the 2011-2012 list totals \$35 million. The 2010-2011 list includes all remaining bonds for 2000, about \$4.6 million for the 2006 bonds, \$11 million for 2008 bonds, and \$500,000 for the Natural Science Center in 2009. The 2011-2012 list includes \$12 million from the 2006 bonds, \$14 million from 2008 bonds, and nearly \$10 million for the Natural Science Center. This list was developed through departmental cash-flow need analysis.

This CIP shows \$12.5 million in unauthorized bonds. These projects are landfill projects. These are listed as unauthorized projects because there is still some consideration to use two-third bonds. These are regulatory required projects for phases of the landfill that need to be closed. Unauthorized bonds are typically requests that departments have sent in as requests for future bond referenda. As

authorized bonds have been pushed back, unfunded projects have been limited in the CIP. The City is working towards a new process to prioritize and connect projects to the Comprehensive Plan.

Enterprise bonds represent funds that run like a business such as Water Resources and the Coliseum. Enterprise bonds represent about 14% of the CIP. Revenues bonds are funds borrowed on anticipated revenues, and represent about 35% of the CIP. These represent mostly water resources, solid waste, and coliseum. Grants and other funding represent about \$74 million. This includes federal stimulus funding, Powell Bill moneys, and State funds. Grants represent about 14% of the CIP. There is no funding from the general fund available for projects in the upcoming CIP.

In response to a question from Chair Wolf, Mr. Carter stated that Economic Development projects represented mostly infrastructure improvements. He also stated that the CIP is just a small portion of what makes up the City's bond rating since financial practices and factors are much more important.

In response to a question from Ms. Smith, Mr. Carter stated that to his knowledge the funding for War Memorial Auditorium was for façade renovations, and did not include any operating expenses.

Chair Wolf stated that the budget focus over the last several years has not included much of the CIP.

Mr. Carter stated that the focus of the CIP to the Council has been how much the authorized bonds are related to the tax rate.

In response to a question from Chair Wolf, Mr. Carter stated that the Board will be getting a draft CIP next month. The recommended budget could change a little before then. He also suggested contacting Mr. Galanti with questions so they can be answered by the specific projects.

In response to a question from Mr. Douglas, Mr. Carter stated that the location for the skate board park has not been decided as of yet.

### **APPROVAL OF ABSENCES**

The absences of Mr. Alston and Ms. Bachman were acknowledged as excused absences.

\* \* \* \* \*

### **ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 2:33 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE SPECIAL MEETING OF THE  
GREENSBORO PLANNING BOARD  
MAY 26, 2010**

The Greensboro Planning Board met in a special session on Wednesday, May 26, 2010 at 2:00 PM in the Engineering Conference Room, 3<sup>rd</sup> Floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Calvin Williams, Jr., Donald Blackstock, Chuck Truby, Betty Smith, and Curtis Douglas. Staff present were Dick Hails, Steve Galanti, Rawls Howard and Nicole Ward. Also present was Stephen Carter, Department of Budget and Evaluation.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE APRIL 21, 2010 REGULAR MEETING.**

Mr. Williams moved to approve the minutes of the April 21, 2010 meeting, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Truby, Douglas. Nays: None.)

**PUBLIC HEARINGS**

**C. STREET/ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING PORTIONS OF SEVERAL UN-NAMED ALLEYS, LILY STREET AND JACKSON STREET LOCATED ALONG THE SOUTH SIDE OF SPRING GARDEN STREET. (RECOMMENDED)**

Mr. Truby stated that he would recuse himself from this item due to a conflict of interest. The Board voted unanimously to recuse Mr. Truby from the matter.

Nicole Ward stated that the right-of-way for Jackson and Lily Street was recorded on the plat of the Jackson property for J. F. Jordan in Plat Book 3 on page 5; the alley to the east of Jackson Street was recorded on the Plat of the R. S. Pay property in Plat Book 2 on page 66; and the alley west of Jackson Street was established in Deed Book 1107 on page 207, in 1946. The site plan depicts combining the streets and alleys to be closed with the abutting property to build a multi-family development. One hundred percent of the abutting property owners have signed the petition. The Technical Review Committee (TRC) feels circumstances here allow the City to determine that the closing the streets and alleys to vehicular traffic is not contrary to public interest, and no property owner in the vicinity is deprived of reasonable means of ingress or egress. The TRC recommends the closing with two conditions: 1) Provide a City standard turn-around at Lily Street, and 2) The City shall retain a 20-foot utility easement over existing utility lines until such time as the lines are no longer needed for public use.

Mr. Chuck Truby, CPT Engineering at 4400 Tying St, High Point, NC and representing the applicant, presented the site plan depicting the closing of only the portion of Lily Street located within the boundary of the proposed development and stated that the current owners, Newman Machine and Spring Garden Properties, have signed the petition.

Mr. Williams moved to recommend the street and alley closings to City Council subject to the conditions, as stated by staff, seconded by Mr. Blackstock. The Board voted 4-0 in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Douglas. Nays: None. Abstain: Truby.)

Mr. Truby returned to the dais and participated in the remainder of the meeting.

**B. TEXT AMENDMENT: RECOMMENDATION ON AN ORDINANCE AMENDING THE DEFINITION FOR "FAMILY" CONTAINED WITHIN SECTION 30-2-2.72, GENERAL, OF THE DEVELOPMENT ORDINANCE (NO RECOMMENDATION)**

Rawls Howard stated that the proposed text amendment is to change the current definition of "Family" in the Unified Development Ordinance (UDO). Oxford House, the applicant, is proposing the change. In December of 2009, neighbors filed a complaint on the belief that there were several family care homes in violation of spacing requirements in the vicinity of the house on Fontaine Road. Staff found that the home was not a family care home but, did violate the City's definition of family. There were six to eight unrelated persons living in the house which violations the ordinance. He then advised Oxford House to appeal that interpretation to the Board of Adjustment (BOA). The BOA has not heard the item but rather suggested that the applicant seek this change to the Ordinance. The proposed change, as proposed from Oxford House, states that a family may also include a home for eight or fewer individuals not related by blood, marriage, or adoption for purposes of qualifications of funding pursuant to 42 US Code 300X-25. No other North Carolina jurisdiction has an exemption similar to this one and staff does not recommend changing the definition of family.

Ms. Smith arrived and participated in the remainder of the meeting.

In response to a question from Chair Wolf, Mr. Howard stated that family care homes in single-family districts could have up to six persons, and nine in a multi-family district. The Fontaine Road home is not a family care home since there is no supervisory staff. The violation issued was because there were too many unrelated individuals in one home.

In response to a question from Mr. Truby, Mr. Hails stated that the typical limit is three to four persons with the exception of Charlotte with six persons and that High Point does not have a maximum but, uses the building code requirements instead.

Greg Hefner, 1510 Twisted Oak Drive, Chapel Hill, NC and attorney representing the applicant, presented copies of the Oxford House manual to the Board. He stated that Oxford House does not run the home on Fontaine Road. The home is run by the individuals living in the home much like a family and not just a group of people living together. The proposed text amendment is drafted narrowly so it would only apply to Oxford House, as opposed to other groups. He gave a brief background on the Oxford House explaining that the houses are self supporting and self-run for person recovering from substance abuse. The premise of recovery is group financial and social support. Oxford House does not own the houses nor do they receive any fees or dues. The tenants lease the houses on a normal lease basis.

He presented a list of the 16 single-family detached homes Oxford House has in Greensboro, with the oldest dating back to 1993. He stated that Oxford House has asked for eight persons instead of six because: 1) A study from DePaul University found that these type of homes perform better with eight or more people; 2) the more people in the house the more likely everyone will succeed; and 3) eight people makes the houses more financially sustainable during times of tenant turnover.

In response to a question from Chair Wolf, Mr. Hefner stated that on average people stay in the houses for a year and a half.

In response to a question from Mr. Truby, Mr. Hefner stated that other cities have used several other methods to allow this type of use including ordinance changes, appeals of notices of violations, and litigation. Most of these houses have been in use for Oxford House in the City without issue for many years.

Mr. Hefner stated that by tying the text amendment to the US Code it is tailored just for use by Oxford House since no other group qualifies specifically for that federal funding source. He also stated the Federal law calls for making reasonable accommodations for housing under the Fair Housing Act, and is the primary defense for this use of housing.

In response to a question from Chair Wolf, Mr. Hails stated that when the City Attorney's Office was asked to help draft the suggested language so that it was reasonable if adopted, they did not discuss the possibility of court rulings concerning the case if taken through litigation.

In response to a question from Mr. Williams, Mr. Hails stated that a group home is only allowed in multi-family zoning districts and accommodates nine or more individuals.

Mr. Truby stated that he was supportive of the goals of Oxford House but, was concerned with the traffic and parking problems if the eight individuals each had a car. Mr. Hefner responded that that is usually not an issue since the inhabitants usually do not have a vehicle and/or a driver's license.

The Board discussed the possible legal issues involved with the case and the recent trends in increased Fair Housing litigation. The Board suggested that they did not feel comfortable making a recommendation on the issue without more input from the City Attorney's Office.

Ms. Smith moved to forward this item onto City Council without a recommendation, and suggested that the City Council receive more input from the City Attorney's Office prior to taking action, seconded by Mr. Williams. The Board voted 6-0 in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Douglas, Truby, Smith. Nays: None.)

#### **A. CAPITAL IMPROVEMENTS PROGRAM: REVIEW AND RECOMMENDATION ON THE 2010-2016 CAPITAL IMPROVEMENTS PROGRAM (RECOMMENDED)**

Stephen Carter presented the 2010-2016 Capital Improvements Program to the Board and stated that very little has changed since the presentation he made at last month's meeting. He went through the CIP and the list of projects by department and funding sources. A list of department submitted projects funded through unauthorized bonds is included, but is not part of the CIP. The Neighborhood Small Projects Program did not accept any new requests this year and if any funding are available staff will revert to the projects recommended last year.

Ms. Smith stated that Council should give special attention to the northern portion of the City where there is much growth. A concern is limited park land, which the 25-acre tract that the City owns could be used for Parks and Recreation and making the intersection of Horse Pen Creek Road and Battleground Avenue more pedestrian friendly.

Mr. Galanti presented a list of items contained within the CIP which are a result of previous actions taken by the Board or could affect future actions taken by the Board. He also described several items that were action steps from area plans presented to the Board, items from

presentations made by several City departments over the last year, and items which will effect annexation and the provision of services.

No one spoke in favor or in opposition to this item.

Ms. Smith moved to recommend the CIP to City Council, seconded by Mr. Truby. The Board voted 6-0 in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Douglas, Truby, Smith. Nays: None.)

**ITEMS FROM THE DEPARTMENT**

**A. REQUEST TO CALL A PUBLIC HEARING FOR THE JUNE 16, 2010 MEETING ON CHANGING THE NAME OF THE WESTERN PORTION OF HUNTMASTER TRAIL TO LAKESHORE COURT**

Steve Galanti requested that the Board set June 16, 2010 as the date for the public hearing for the request street name change.

Mr. Truby moved that the Board hear the street name change at the public hearing on June 16, 2010, seconded by Mr. Blackstock. The Board voted 6-0 in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Douglas, Truby, Smith. Nays: None.)

**ACKNOWLEDGEMENT OF ABSENCES**

The absence of Ms. Bachman and Ms. Speight-Buford were acknowledged as excuse absences, and the absence of Mr. Alston was acknowledged as an unexcused absence.

\* \* \* \* \*

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:36 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD**

**JUNE 16<sup>th</sup>, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, June 16<sup>th</sup>, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Donald Blackstock, Betty Smith, Chuck Truby, Anita Bachman, Velma Speight-Buford, and Curtis Douglas. Staff present were Dick Hails, Alec MacIntosh, Devan Reid, and Nicole Ward. Also present were Virginia Spillman from the Department of Water Resources, and Sue Schwartz and Jeff Sovich from the Department of Housing and Community Development.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE MAY 26, 2010 MEETING.**

Mr. Truby moved to approve the minutes of the May 26, 2010 meeting, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Truby, Douglas. Nays: None.)

Ms. Bachman arrived and participated in the remainder of the meeting.

**PUBLIC HEARINGS:**

**A. STREET NAME CHANGE: RECOMMENDATION ON AN ORDINANCE CHANGING THE NAME OF THE WESTERN PORTION OF HUNTMASER TRAIL TO LAKESHORE COURT. (RECOMMENDED)**

Ms. Reid stated that the street originally formed as a continuous alignment with the eastern portion, dedicated on the plat of the Sedgefield Trials Subdivision, Section 2 in October of 1966 in Plat Book 40 on Page 38. This name change is proposed due to the fact that when the Greensboro Urban Loop was constructed it divided this street into two sections, each retaining the same name. Since there are only four houses that will be affected by the name change, the Planning Department proposes changing the name of this portion of the street to Lake Shore Court. This is being proposed so there is no confusion in the future in case an emergency should arise. All property owners have been contacted, and no opposition has been received. The Technical Review Committee (TRC) recommends the name change as proposed.

In response to a question from Chair Wolf, Ms. Reid stated that the Planning Department initiated this change.

No one spoke in favor or in opposition to the request.

Mr. Truby moved to recommend the street name change to City Council, seconded by Ms. Speight-Buford. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Bachman, Speight-Buford, Blackstock, Truby, Douglas. Nays: None.)

**B. ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING A 10-FOOT-WIDE UNNAMED ALLEY LOCATED 144 FEET NORTH OF GORRELL STREET RUNNING EASTWARD FROM KING STREET A DISTANCE OF APPROXIMATELY 114 FEET. (RECOMMENDED)**



Mr. Truby stated that he would recuse himself from this item due to a conflict of interest. The Board voted unanimously to recuse Mr. Truby from the matter.

Ms. Ward stated that the alley is depicted on the Southside Traditional Neighborhood, Phase 2 plat recorded in Plat Book 160 on Page 60 in 2005. One hundred percent of the abutting property owners have signed the petition. The TRC found that closing the alley to vehicular traffic is not contrary to public interest, no property owner in the vicinity is deprived of reasonable means of ingress and egress, and therefore recommended the closing.

No one spoke in favor or in opposition to the request.

Ms. Speight-Buford moved to recommend the alley closing to City Council, seconded by Mr. Blackstock. The Board voted 5-0-1, in favor of the motion. (Ayes: Wolf, Bachman, Speight-Buford, Blackstock, Douglas. Nays: None. Abstain: Truby.)

Mr. Truby returned to the dais and participated in the remainder of the meeting.

### **ANNEXATION PETITION:**

#### **RECOMMENDATION ON AN ORDINANCE ANNEXING THE BURCH CREEK FARM AND LAND PORT INVESTMENTS PROPERTIES AT 401-421 BIRCH CREEK ROAD – 145.502-ACRE SATELLITE ANNEXATION- REGULAR ANNEXATION PETITION. (RECOMMENDED)**

Mr. MacIntosh stated that this is a regular annexation petition, where the property owners are asking for immediate annexation. It is not contiguous to the primary City limits, but is in a direction the city intends to grow. The property being petitioned for annexation is 145.5 acres. The property addresses range from 401 to 421 Birch Creek Road, and also has frontage on Knox Road. The property is in the Tier II Growth Area of the Growth Strategy Map in the Comprehensive Plan. The property is currently undeveloped. The site is currently served by the McLeansville Fire Department and upon annexation new Fire Station #57 on Mt. Hope Church Road will provide service within normal response times. Existing water service is located to the south at the intersection of Knox Road and Birch Creek Road, and to the north on Burlington Road. Providing water service to the site will require installation of a 12-inch water main within Knox Road from Burlington Road southward on Birch Creek Road to complete a loop feed. The nearest sewer service is located on the south side of the interstate. A major outfall extension of approximately 9,000 feet of 21-inch pipe would be necessary to reach this property. That line would also reach a number of other properties in an area the City will annex in the future. There are discussions underway between the City and the petitioners about financing those improvements. The Police Department estimates that it can provide service with little difficulty, but as with other annexations in outlying areas, response time would be somewhat longer. Provision of other City services would involve traveling slightly further than already existing routes. The TRC recommended the annexation.

Mr. Truby moved to recommend the annexation to City Council, seconded by Mr. Blackstock. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Bachman, Speight-Buford, Blackstock, Truby, Douglas. Nays: None.)

### **WATERSHED MODIFICATION:**

#### **APPROVAL OF A MINOR WATERSHED MODIFICATION AT 1108 GLENDALE DRIVE TO CONTROL THE STORMWATER RUNOFF FROM EXISTING BUILT-UPON-AREA (BUA) IN**

**PLACE OF THE PROPOSED BUA IN ACCORDANCE WITH SECTION 30-7-1.12 OF THE DEVELOPMENT ORDINANCE. (APPROVED)**

Ms. Spillman stated that Allen Middle School submitted a development plan for the construction of a gymnasium, classroom addition, and parking lot. A watershed modification is being requested relative to the treatment of stormwater runoff from these new built-upon areas (BUA). The Watershed Ordinance requires the treatment of all the new BUA. The applicant proposes to treat 0.62 acres of the proposed BUA but, 0.56 acres will not be treated. Instead, 2.33 acres of existing BUA, located on the abutting property, will be treated in place of the untreated on-site BUA. The applicant feels that treating a greater amount of currently untreated BUA would improve water quality and therefore requests the modifications. The TRC recommends the approval of the minor watershed modification.

Mr. Truby stated that the proposal will treat more stormwater runoff than would occur without the modification.

Ms. Bachman moved to approve the modification, seconded by Mr. Blackstock. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Bachman, Speight-Buford, Blackstock, Truby, Douglas. Nays: None.)

**COMPREHENSIVE PLAN ITEM:**

**CP-10-02 – SOUTHWEST CORNER OF WEST FRIENDLY AVENUE AND HOLDEN ROAD (FOR POTENTIAL OFFICE AND/OR RESIDENTIAL USES) – CURRENT FUTURE LAND USE DESIGNATION: LOW RESIDENTIAL – PROPOSED FUTURE LAND USE DESIGNATION: MIXED USE RESIDENTIAL.**

Mr. Hails stated that a rezoning request for General Office-Moderate Intensity or Office has been filled for this location. The associated Comprehensive Plan amendment would change the designation of this site from Low Residential to Mixed Use Residential. Mix Use Residential was felt to be most appropriate to support this rezoning, if approved, because of the multifamily directly across Holden Road to the east, the office use to the northeast, and some institutional uses in close proximity. There is somewhat of a mixed use context there, but to the west is entirely a single family area. Staff is seeking comments from the Board on the merits of this proposed Comprehensive Plan amendment.

Ms. Smith arrived and participated in the remainder of the meeting.

After some discussion the Board offered the following comments: this is a good opportunity for infill development, the site is no longer compatible for single family development due to traffic at the intersection; office and multifamily seem appropriate particularly if it is a low traffic generator, with retail being less appropriate; there is some concern about the height of the building not being compatible with the surrounding single family development and that height should be limited to approximately two stories above ground level.

**ITEMS FROM THE DEPARTMENT:**

**A. BRIEFING ON THE SUSTAINABILITY ACTION PLAN.**

Bob Powell, Co-Chair of the Sustainability Council, stated that the advisory board was established by the Mayor and City Council to look at sustainability issues for the City. They are in the process of developing a Sustainability Action Plan, which they intend to present to Council for their approval.

A Sustainability Gathering was held last year with over 60 organizations represented, which helped generate a set of ideas for the basis of the action plan to include action planning and inventory, City Operations, green jobs and buildings, maintaining nature, land use and transportation, green technologies, recycling and waste reduction, and education and outreach. The approximately \$2.5 million in stimulus funds started a series of projects related to sustainability with approximately \$1 million being designated to use for City projects and operations related to multifamily construction, recycling, energy efficient retrofits for City buildings, hydro-electric power generation, and solar LED lighting for greenways. Some money is also allocated for use by the community relative to development of green jobs, energy audits, and energy retrofits. They are also interested in how sustainability might impact the Comprehensive Plan, and some funding has been allocated for that analysis.

The metrics analyzed in the plan include energy savings, green house gas (GHG) emission reductions, and jobs creation. Greenhouse gas production from City operations is primarily caused by electricity use and transportation use. They are developing a practical goal for the City and strategies to reduce green house gases produced.

There are strategies to improve mass transit, which in turn would increase development densities and the mix of uses. Increasing development densities, improving housing diversity, and property utilization are all strategies for improvement. For transportation, these strategies include reducing vehicle miles, increasing the transit system, and improving alternative modes of transportation.

Promoting green building through the development ordinance, evaluating housing code updates for sustainable improvements, and developing different initiatives are all related to the Planning Department's participation in sustainability improvements. The City has done a number of things to lead the way in how improvements can be made. One area the City has participated in is cash-flow sustainability accounts.

In response to a question from Ms. Smith, Mr. Powell stated that the potential savings for the community of \$29 million would require \$9.3 million in up-front investment, which would include the \$2.5 million dollars already given to the City. There are also other tools, such as the performance contract as seen with the Coliseum.

In response to a question from Ms. Speight-Buford, Mr. Powell stated that the local universities are very involved.

Mr. Hails stated that staff is hoping to start the Comprehensive Plan update some time in the next year, and, as a portion of the energy efficiency grant, they are discussing including a sustainability section to the plan.

## **B. BRIEFING ON THE CONSOLIDATED PLAN**

Sue Schwartz, Department of Housing and Community Development, stated that the City is required to submit a Consolidated Plan to the Department of Housing and Urban Development. Typically this is not presented to the Board, but approximately a year ago the Interagency Partnership for Sustainable Communities was created between the Department of Housing and Urban Development, Transportation, and the Environmental Protection Agency. There was the realization that all of these sources of funding may not work in concert, and could potentially work against themselves. The City has chosen to use these partnership principles to guide how investments are framed over the next

five years with the development of the Consolidated Plan. This presentation is to give the Board background information on the plan. Part of the analysis required by HUD is a market analysis and market-gap analysis.

Jeff Sovich, Department of Housing and Community Development, stated that the current plan was adopted in 2005. The recommendations and policies of that plan were based largely on data from the 2000 Census. Newer data is available to understand how conditions have changed in Greensboro over the last decade.

Between 2000 and 2009, the City's land area grew from 109 square miles to 131.6 square miles through annexation, representing a total growth of 21 percent. The population in the 2000-City boundary was approximately 224,000; in 2009 the population had only increased by about 5,000 within that 2000-City boundary. Overall the population has grown at about 5 to 1 at the fringe compared to infill.

There was 12 percent population growth in the county, but employment only grew by 6 percent. During this eight year period, there were significant changes in how employment was distributed across sectors. Manufacturing dropped from 15.7 percent of all jobs to 11.5 percent. Retail employment grew from 11.3 percent of all jobs to 15.8 percent. This indicates the loss of higher paying, better benefit positions to lower paying and lower skilled jobs. There was a smaller shift in the other categories, but similar changes with the loss of higher paying and higher skilled positions, and the increase of lower paying and less skilled positions. This leads to more people competing for fewer jobs paying lower wages, lower benefits, lower opportunities for advancement, and often fewer hours. Unemployment in Greensboro shows that there are approximately 175 less people employed now than in 2000, even though the labor market has increased. One problem is that the decrease of the total labor force from 2008 to 2009 probably does not indicate that people have left the area, but rather they have stopped looking for work. That means there are likely close to 16,000 people unemployed in 2009. In 2000, the unemployment rate was approximately 6 percent, dropped to a low of about 4.5 percent, but by last year was up to 10.2 percent, but is actually closer to 12 percent.

Household income has changed due to these conditions. The number of households earning below 80 percent of the average median income has grown by 48 percent. The number of households earning below 30 percent of the average median income has increased by more than 100 percent. The newest data on household income is from 2007, so it does not include changes from 2008 and 2009, when economic problems continued. A greater portion of household income is being spent on housing, and there is not an adequate supply of decent lower cost housing for them to move into to lower their housing costs. Nearly all income levels experienced increases in the number of households with housing costs greater than 30 percent. Things were especially bad for renters and the lowest income groups showing they both nearly doubled.

For housing, from 2000 to 2007, the total number of new housing units built in Greensboro was less than half of what would be needed to cover the 33,000 unit affordability gap. This means those people are in housing they cannot afford. Housing production peaked in 2007, and nose-dived from there. Single family, townhome and condominium construction was the first area to decrease, but the bottom dropped out on apartment construction in 2009. In 2009, there was one-third fewer total units built than anytime in the entire preceding decade.

In the past, the focus on the Consolidated Plan had been primarily on producing affordable housing units at a rate of about 50 to 100 per year, homeless prevention, shelter, re-housing programs, programs that provide housing rehab and weatherization, and neighborhood planning and

redevelopment activities. These have been important programs that have produced positive outcomes. However, a large number of households are not able to afford decent housing, and residents have to pay a greater portion of income on housing and transportation. Based on the data analysis, we simply will not be able to build enough affordable housing units to bridge the gap. The solution has to come from expanding job opportunities, growing incomes, and directing future housing development to areas with the strongest combination of access to transportation networks. This is a very different strategic direction from the previous Consolidated Plans. They do not anticipate stopping things that have been done in the past, but need to add these strategies. This is in-line with the policy direction from the Interagency Partnership for Sustainable Communities.

In response to a question from Ms. Smith, Mr. Sovich stated that the goal needs to be redirecting development, and this will be accomplished in part through work with the Community Sustainability Committee. Ms. Smith suggested that City investment could turn around boarded up properties.

Chair Wolf stated that the data shows that there has not been enough of an effort to increase density and infill within the City. Ms. Smith stated that it also stems from the rub between neighborhoods and the need to have infill and density.

Mr. Hails stated that part of the focus for infill and density increases has been through the Corridor Plans, as seen around the UNCG/ High Point Road areas, which the Comprehensive Plan calls for as a cornerstone for promoting more infill development. Ms. Smith stated that there are also more opportunities for employment centers around the universities and the airport.

Mr. Curtis stated that this is not the first time people have left urban areas. If the City hopes to focus on job creation and building affordable housing, the City needs to be honest with its citizens so they will embrace what needs to be done.

### **C. LAND DEVELOPMENT ORDINANCE**

Mr. Hails stated that City Council adopted the new Land Development Ordinance and that the Board will see several changes and items related to the transition to the new ordinance over the next several months.

### **ACKNOWLEDGEMENT OF ABSENCES**

The absence of Mr. Williams and Mr. Alston were acknowledged as excuse absences.

\* \* \* \* \*

### **ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:26 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
JULY 21, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, July 21, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Donald Blackstock, Betty Smith, Chuck Truby, Velma Speight-Buford, and Curtis DeSean Alston. Staff present were Dick Hails, Steve Galanti, Mike Kirkman, Devan Reid, and Nicole Ward. Also present was Jeff Sovich from the Department of Housing and Community Development.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE JUNE 16, 2010 REGULAR MEETING.**

Mr. Truby moved to approve the minutes of the June 16, 2010 meeting, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Truby, Alston. Nays: None.)

**PUBLIC HEARINGS:**

**C. TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE TO GRANDFATHER CERTAIN ADULT CABARETS WITHIN THE HEAVY INDUSTRIAL (HI) ZONING DISTRICT. (CONTINUED 30 DAYS)**

Mr. Hails gave brief background on the case and stated that the appeal of the interpretation and a variance were denied by the Board of Adjustment. This text amendment is an effort on behalf of the property owner to make this use legal at this location and staff is seeking a recommendation on the from the Planning Board.

Chair Wolf stated that he received a call from the applicant, Ms. Walsh, who stated that she would not be able to attend the meeting and that historically the Board grants continuances for the first hearing.

Ms. Smith moved to grant a 30-day continuance for the text amendment, seconded by Mr. Truby. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Blackstock, Truby, Alston. Nays: None.)

Ms. Speight-Buford arrived and participated in the remainder of the meeting.

**B. TEXT AMENDMENT/DESIGN MANUAL: RECOMMENDATION ON AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE TO CREATE THE DOWNTOWN DESIGN OVERLAY DISTRICT. (RECOMMENDED)**

Mr. Hails stated that the 2003 adopted Comprehensive Plan had a number of provisions about encouraging more design standards in key locations within the community. There is a specific provision that asks to define the characteristics of desirable infill development, and ensure that new development complements the established character of the downtown. In the fall of 2004, the City Council was briefed on a range of design regulations staff was considering for different parts of the community, including a Downtown Design Overlay District.

Mr. Kirkman stated that the process began with a meeting in the winter of 2007 and the formation of a Downtown Stakeholder Committee. That group worked with staff to develop the original draft

Downtown Design and Compatibility Manual presented to the public in April of 2009. This Board held a public hearing in May, 2009 to discuss the Manual, and received a favorable recommendation with a few staff and Board amendments. That version of the Manual was pulled back out into the public arena for additional discussion of concerns raised by a number of downtown property owners. An additional stakeholder group was formed, and spent several months addressing questions and concerns with the original manual. Presented at this hearing is a revised version of the Downtown Design Manual. The latest version of the Manual was reviewed during two additional public meetings and a 30 day public comment period. It appears that there is general consensus that this version of the Manual is able to go forward.

The Manual has two parts: 1) Process and Guidelines and 2) Appendices with reference materials. The manual itself references an overlay district that will not be discussed directly by this Board. There is an establishment of three separate character areas: Urban Residential Mixed Use, Pedestrian Mixed Use, and Historic Core. The manual gives broad goals focused on various design elements. This overlay does not address use of the property or interior designs. The manual uses weighted guidelines with a score sheet. There are two review tracks for the process: 1) 75% or greater scores will continue with a staff only review. 2) Less than 75% go through the review of a citizen group called the Property Owners Review Team (PORT). They will meet with the applicant, discuss the project, offer suggestions for improvement, and then offer a recommendation on the project. That recommendation is nonbinding. If City Council action is needed then this information can be considered as part of that discussion. The revised manual strived to keep the original content while providing greater flexibility and a more incentive based regulatory framework.

Public comments indicated that this is a good balance between addressing the priorities in downtown with a pedestrian focused environment with good historic context and that of the rights of property owners to develop their property. Topics that received additional discussion included the amendment process, the makeup and role of PORT, and the applicability of bonus guidelines and those not directly applicable to a project.

This is the first of three public hearings. The Planning Board is being asked for a recommendation on the manual and text amendment of the Land Development Ordinance.

John McLendon, 2 Magnolia Ct., President of the Fisher Park Neighborhood Association, stated that historic neighborhoods in Greensboro and around the country have much experience with design guidelines. Guidelines almost always become the expected way to help preserve the character of neighborhoods. Most of the properties outside of the Downtown Design Overlay already have a design review process. Most now agree that design guidelines enhance the property values and encourage compatible development. The proposed guidelines for downtown are needed to encourage good design for new development and to help protect the investments of surrounding neighbors. The Board of the Fisher Park Neighborhood Association reviewed and voted to support the Manual.

Rob Johnston, 2201 Granville Rd., President of Johnston Properties, stated that he took part in the additional stakeholder task force. As a major property owner downtown, he had concerns with the initial mix of guidelines and standards. The revised manual shows more respect for the rights of private property owners and he supports the design manual.

Ricki Gray, 300 S. Elm St., stated that she and her husband felt the original manual was not good for downtown, but the revised manual ensures that personal financial investment is more respected. She supports the structure of guidelines over standards. She was only speaking against the design

manual because it is likely the beginning of more restrictive standards and regulations. She asked that the Board consider the option for property owners to opt out of the overlay district if it is revised in the future. She had been told by staff that this option was not possible once approved so she asked that her properties be excluded before the approval. She asked that the Board send the manual back to staff to develop a provision that will allow any property to opt out if the Manual became more restrictive, or to find a solution to her fear that this is just the beginning of more restrictive overlays in downtown.

Mr. Kirkman stated that the Board will not be addressing the boundaries of the overlay, but they can address the process.

Seth Coker, 305 Blandwood Ave., stated that the new design review process allows the guidelines not to be binding, but make sure that any developer knows what the community wants to see in downtown development. He supports the revised Manual.

Chair Wolf asked if he was comfortable as a developer with the interplay of the manual when doing a rezoning. Mr. Cocker stated that he was.

Michael Shifton, 122 S. Elm St, stated that the Manual fills gaps in the original manual and the Land Development Ordinance for downtown, and he feels that the majority of property owners in the downtown support the manual. He asked that the Board also support the document.

Ed Wolverton, 312 Gorrell St., representing Downtown Greensboro Inc., stated that as the economic development agent for downtown, they worked to devise a tool that could be easily used by the existing and prospective investors to move quickly and objectively through the review process. They recognized the need to ensure that new development or renovation projects play to the center city's strength and brand. The proposal today does a great job in meeting the needs of the diverse downtown community. He believes there is vast support for the manual.

April Harris, 317 S. Elm St., representing Action Greensboro, stated that they are in favor of the proposal. They feel the manual gives a compromise position that gives each viewpoint some of what it wants. The notion of having guidelines is important for creating a vibrant and active downtown that protects property rights.

Dan O'Shea, 1920 W. Lee St., Fairview Outdoor Advertising, in response to a question from Chair Wolf, stated that he had approximately 40 billboards within the Central Business District. He stated they supported the Downtown Design Manual overall but did not support the provision specifically for outdoor advertising. The manual as proposed will allow existing nonconforming signs to stay, which is good but short sighted as to what is needed downtown. He presented several photographs of historic advertisement in ill repair around downtown, showing that outdoor advertising has been part of the historic downtown for a long time. He then presented examples of what could be improvements to these and other possible advertising options specifically focused on pedestrian enhancement. Use of outdoor advertising should be limited in downtown, but should be allowed. He asked that the Board recommend that the issue of outdoor advertising be given more discussion through a committee to specifically examine the issue.

Chair Wolf asked how this type of advertising content could be regulated. Mr. O'Shea stated that the content of advertising could not be regulated by the City, but Fairway would self-regulate has it always has. Ten percent of all advertising space is donated back to the community for nonprofits and public service announcements. The business can regulate itself through restrictions on the type of



advertising that can be allowed. If outdoor advertising is allowed, Fairview would be prepared to enter into private agreements on content. Mr. Hails stated that court cases related to advertising allow limits on ad space but not on content. Signage regulations are a part of the list of issues to look at more closely with the adoption on the new LDO. Mr. O'Shea stated he would support the current design manual, but would want more exploration of outdoor signage issues.

Julie Curry, 711 Chestnut St., was part of the original steering committee, and stated she had a concern that the PORT review committee did not have adequate representation for preservation interests. If tax incentives are included even more extensive historic preservation review will be necessary. Tax incentive based proposals should involve another level of review above PORT.

Mr. Hails stated that the process was lengthy and involved, and there were many compromises along the way. The new manual has a good balance of protecting property rights while recognizing and supporting the unique character of Downtown. Staff recommends approval.

Ms. Smith asked staff if there was a capability to explore the expansion of the citizen review committee (PORT). Mr. Hails stated that it was possible, and the City Council could change the make up of the PORT committee during their final review. Staff is comfortable with the ex officio expertise that will likely be involved. They will have to wait to see if the review process is adequate for tax incentive proposals. In response to a question from Ms. Smith, Mr. Hails stated that the signage issue will be further explored.

After some discussion, the general consensus was that the Board supported the design manual, and the goals it helps to achieve. They were also in favor of the creation of a sign committee for the Downtown area after adoption of the Downtown Design Manual. Ms. Smith moved to recommend approval of the Downtown Design Overlay District guidelines and supporting text amendment to the LDO, and that a committee be formed to explore Downtown advertising, seconded by Mr. Alston. The Board voted, 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Alston, Speight-Buford, Blackstock. Nays: None.)

#### **A. CONSOLIDATED PLAN: RECOMMENDATION ON THE CITY OF GREENSBORO CONSOLIDATED PLAN. (RECOMMENDED)**

Mr. Sovich stated that staff has been developing the 2010-2014 Consolidated Plan since early last summer. A summary of findings was presented at the June Planning Board meeting and a copy of the final Consolidated Plan was given to the Board. He requested a recommendation that the City Council adopt the plan to allow submittal to the US Department of Housing and Urban Development. The plan is guided by seven strategic principles. The principles reflect the livability principles expressed by the federal Interagency Partnership for Sustainable Communities and the Connections 2025 Comprehensive Plan. The plan creates a framework for the required detailed annual plans, coordinates with other City plans and policies, improves coordination among several City Departments, lays the foundation for the upcoming update to the Comprehensive Plan, sets benchmarks against which to measure progress of addressing local needs, provides guidance and support for partner agencies, puts the City in a better position to benefit from a wide variety of federal funding opportunities, and helps direct development of the Capital Improvements Program. The document includes policy recommendations and a schedule of projects and funding. It covers housing and redevelopment projects funded through the CDBG program, the HOME Investments Partnership program, the Emergency Shelters Grant program, and other federal funding. The Consolidated Plan covers an area within four jurisdictions: Greensboro, Guilford County (excluding High Point),

Burlington, and Alamance County. The Burlington/Alamance County portion has been completed, and will be submitted jointly. The Interagency Partnership for Sustainable Communities developed six guiding livability principles intended to help improve access to affordable housing, expand transportation options, promote equitable development, lower transportation costs, coordinate federal investments, protect the environment, and address challenges of climate change. Staff included these principles as an integral element to the plan.

Among the key findings from the plan were that high skill jobs have been replaced by lower skill jobs that pay less, have fewer benefits, and offer fewer hours. Household incomes have declined significantly. Approximately one-third of households spend more than an affordable 30% of their income on housing. Workers are now traveling farther and spending more on transportation to find jobs. Transportation, utility, food, and other costs have risen, further aggravating pressure on housing affordability. The City's growth through annexation has exceeded the City's infill growth by 5 to 1. There is a shortage of affordable, safe, and healthy housing convenient to jobs and transportation services. The solution has to come from expanding job opportunities, growing income, and directing future housing development to areas with the strongest combinations of access to transportation networks, and proximity to jobs, schools, human services, and retail centers.

After some discussion, Ms. Speight-Buford moved to recommend the plan to City Council, seconded by Mr. Blackstock. The Board voted, 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Alston, Speight-Buford, Blackstock. Nays: None.)

**E. STREET CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING TERRAPIN RIDGE DRIVE FROM ITS INTERSECTION WITH STEWART MILL ROAD NORTHWARD APPROXIMATELY 1,500 FEET TO ITS INTERSECTION WITH BRACKISH DRIVE, TERRAPIN RIDGE COURT FROM ITS INTERSECTION WITH TERRAPIN RIDGE DRIVE EASTWARD APPROXIMATELY 240 FEET TO ITS TERMINUS, AND THE ENTIRE LENGTH OF BRACKISH DRIVE APPROXIMATELY 230 FEET. (RECOMMENDED)**

Ms. Ward stated that the right-of-way was created on the plat of Terrapin Ridge, Phase 1, recorded in 2008 in Plat Book 173 on Pages 70 and 71. 100% of the abutting property owners have signed the petition. The TRC feels circumstances here allow the City to make the two required determinations for a street closing: (1) that the closing the street to vehicular traffic is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends the closing. It is requested that the closing become effective upon the owners recording a new plat recombining the previously subdivided lots as one lot with drainageway and open space dedicated.

No one spoke in favor or in opposition to the request.

Ms. Smith moved to recommend the street closing to City Council, seconded by Ms. Speight-Buford. The Board voted, 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Alston, Speight-Buford, Blackstock. Nays: None.)

**COMPREHENSIVE PLAN ITEM:**

**CP-10-03: SOUTHERN PORTIONS OF 3919 AND 4015 WEST WENDOVER AVENUE – CURRENT FUTURE LAND USE DESIGNATION: COMMERCIAL – PROPOSED FUTURE LAND USE DESIGNATION: INDUSTRIAL/CORPORATE PARK.**

Mr. Kirkman stated this is a request to amend the Generalized Future Land Use Map for a portion of a site on W. Wendover Ave. near I-40; the former Evergreens Nursing Care Facility. The site is located in a fairly large area designated for future commercial uses. The Board has considered amendments to this commercial future land use designation in this area as a result of a few previous requests. The request is triggered by a rezoning request. The applicant is looking for light industrial uses, and an amendment was required. Staff is requesting comments on this request.

After some discussion, the consensus of the Board was that the existing pattern of development includes active industrial uses that would reasonably remain in the future and seem to support this change, and the general uses in the area are compatible with this amendment.

### **PUBLIC HEARINGS:**

#### **D. TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AS IT RELATES TO BOARD OF ADJUSTMENT VOTING. (RECOMMENDED)**

Mr. Galanti stated that as a part of the Land Development Ordinance review process, the current interpretation of the special voting requirement for the Board of Adjustments was deemed by the legal consultant to be incongruous with the special legislation the City of Greensboro obtained for Board of Adjustments voting. The interpretation is such that the "4-vote" requirement, as specified in the special legislation, only applies to interpretations or appealing actions of the enforcement officer and not to variances, special exceptions, or other business the BOA is charged to hear. The new Land Development Ordinance contains the revised wording deemed to be in compliance with the special legislation. Since the City has a 12-month option for dual Unified Development Ordinance or Land Development Ordinance administration, the Unified Development Ordinance wording needs to be amended to reflect compliance with the special legislation. This would make the Unified Development Ordinance consistent with the Land Development Ordinance and aid in the administering of both ordinances.

In response to a question from Chair Wolf, Mr. Hails stated that there has not been any BOA voting issues in the last several months and that this amendment will help ensure there will not be any in the future.

No one spoke in favor or in opposition to the request.

Mr. Truby moved to recommend the text amendment to City Council, seconded by Ms. Speight-Buford. The Board voted, 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Alston, Speight-Buford, Blackstock. Nays: None.)

Mr. Truby stated that he would recuse himself from the next two items due to a conflict of interest. The Board voted unanimously to recuse Mr. Truby from the items.

### **UNIFIED DEVELOPMENT PLAN:**

#### **PROVINCE – SPRING GARDEN STREET, FULTON STREET, HOUSTON STREET, AND LILY STREET – FOR GREENSBORO PROPERTIES I. LLC. – 8.864 ACRES – UDP TO ESTABLISH DEVELOPMENT STANDARDS FOR THE CD-PD-I ZONING DISTRICT. (APPROVED)**

Mr. Galanti stated that the property is zoned Conditional District Planned Unit Development - Infill (CD PD-I), contains approximately 8.864 acres and is located on the east and west sides of Fulton Street, south of Spring Garden Street. The applicant is proposing to develop this site with 219 multifamily dwellings. There are two main purposes for a unified development plan. One is to specify the permitted uses, the amounts of development in various sections, and the dimensional standards that will govern the development of the property. The other is to place these development standards into a form recordable at the Register of Deeds Office so as to provide notice of the requirements to future owners and occupants. The established development standards include density, building setbacks, landscaping, signage, open space and parking. The developer may borrow existing standards from the Development Ordinance, propose different ones, or do a combination. The UDP also depicts the conditions placed on the property as part of the rezoning process. The Technical Review Committee reviewed the UDP and recommends its approval.

Ms. Speight-Buford moved to approve the unified development plan as submitted, seconded by Mr. Blackstock. The Board voted, 5-0-1, in favor of the motion. (Ayes: Wolf, Smith, Alston, Speight-Buford, Blackstock. Nays: None. Abstained: Truby.)

#### **MODIFICATION OF ZONING CONDITION:**

#### **BLAKELY AT IRVING PARK – TYPE 3 MODIFICATION OF ZONING CONDITION #6 WITHIN THE CD-RM-12 DISTRICT (#3748) PURSUANT TO SECTION 30-4-11 OF THE LAND DEVELOPMENT ORDINANCE RELATED TO THE WIDTH OF THE BUFFER ALONG THE EASTERN PROPERTY LINE - NORTH SIDE OF WEST CORNWALLIS DRIVE AND WEST SIDE OF NORTH ELM STREET. (APPROVED)**

Mr. Galanti stated that Zoning Condition #6 states in part that the buffer provided along the entire length of the southern and eastern lot lines located between North Elm Street to West Cornwallis Drive will be a minimum of 20 feet wide and planted at the Type "C" planting yard rate. The property abutting this lot line has been developed and contains a bank. The Land Development Ordinance has a provision that the Planning Board, in conjunction with the Technical Review Committee, can grant a Type 3 modification if they determine that at least one of the following criteria are met: That the proposed modification will result in equal or better performance than the standard being modified; that the size, topography, or existing development of the property or of adjoining areas prevents compliance with a standard; or that a federal, state, or local law or regulation prevents compliance with the standard. The applicant proposes to reduce the buffer width to 15 feet, which is the minimum building setback required by the Land Development Ordinance, and provide evergreen understory trees within the landscape buffer. The Technical Review Committee reviewed the requested modification and recommends its approval based on the finding of equal to and better performance.

After some discussion, Ms. Smith moved to approve the requested modification, seconded by Ms. Speight-Buford. The Board voted, 5-0-1, in favor of the motion. (Ayes: Wolf, Smith, Alston, Speight-Buford, Blackstock. Nays: None. Abstained: Truby.)

Mr. Truby returned to the dais and participated in the remainder of the meeting.

#### **ITEMS FROM THE DEPARTMENT:**

#### **A. BRIEFING ON THE PENDING FEDERAL PLANNING GRANTS.**

Mr. Hails stated that the City is submitting a federal grant next month and that staff is seeking the Board's endorsement. Although City Council approved and endorsed the grant last night, staff is still meeting with different community groups. He presented a one page overview on the grants to the Board. Major federal stimulus programs started about two years ago in response to the economic problems. Also, there is increasing documentation of unfunded and growing needs for maintenance and expansion of all types of infrastructure. Global economic issues are important to note because of their impact on the US's ability to compete globally. Within cities, sustainability issues have spurred exploration of more walkable development, mixed use, higher density, and to become more energy efficient. The Interagency Partnership has been working to get federal agencies to work together to develop federal support and cooperation among federal agencies.

**B. TIGER II IMPLEMENTATION GRANT.**

Mr. Hails stated that the City will be seeking a \$10 million Transportation Infrastructure Grant for Economic Recovery (TIGER II) grant to fund the Downtown Greenway. The City is performing a cost-benefit analysis to determine how this will encourage new development, and its affect on congestion and air quality. In the future, staff plans to submit requests for a TIGER Planning Grant, a Community Challenge Planning Grant, and a Regional Sustainable Communities Initiative Planning Grant.

**ACKNOWLEDGEMENT OF ABSENCES:**

The absence of Mr. Williams, Mr. Douglas, and Ms. Bachman were acknowledged as excused absences.

\* \* \* \* \*

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 4:31 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
AUGUST 18, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, August 18, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Donald Blackstock, Betty Smith, Calvin Williams, Chuck Truby, Velma Speight-Buford, Curtis Douglas, and Anita Bachman. Staff present were Steve Galanti, Mike Kirkman, Devan Reid, Lamont Taylor and Nicole Ward representing the Planning Department. Also present were Virginia Spillman, from the Department of Water Resources, and Jim Clark, from the City Attorney's Office.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE JULY 21, 2010 REGULAR MEETING**

Ms. Speight-Buford moved to approve the minutes of the July 21, 2010 meeting, seconded by Mr. Williams. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Truby, Smith, Speight-Buford. Nays: None.)

**ITEMS FROM THE DEPARTMENT:**

**HEART OF THE TRIAD PLAN – RECOMMENDATION ON A RESOLUTION TO REVIEW, ACCEPT, ENDORSE, AND DIRECT STAFF TO BRING BACK AT A LATER DATE RECOMMENDATIONS ON WAYS TO INCORPORATE THE RECOMMENDATIONS OF THE PLAN INTO GREENSBORO'S EXISTING LAND USE AND TRANSPORTATION PLANS AND DEVELOPMENT REGULATIONS. (RECOMMENDED)**

Mark Kirstner, Piedmont Authority for Regional Transportation, stated that they are asking the Board to recommend the plan and have staff compare it to local plans and ordinances. He also stated that he hoped the City would amend any plans or ordinances that were inconsistent with the plan.

Ms. Smith moved to recommend the plan to City Council, seconded by Mr. Williams. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Williams, Truby, Smith, Speight-Buford. Nays: None.)

Ms. Bachman, Mr. Douglas and Mr. Blackstock arrived and participated in the remainder of the meeting.

**PUBLIC HEARINGS:**

**TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE TO GRANDFATHER CERTAIN ADULT CABARETS WITHIN THE HEAVY INDUSTRIAL (HI) ZONING DISTRICT (DELAY OF ACTION RECOMMENDED)**

Mr. Galanti gave a brief background on the case, and stated that the appeal of the interpretation and a variance were denied by the Board of Adjustment during its June meeting. This text amendment is another effort on behalf of the property owner to make this use legal at this location. The applicant contends that she began operation of the adult cabaret at 4922 Mary Street prior to the adoption of the UDO in July 1992. The Mary Street location does not meet the current spacing requirements due to its proximity to a church, residential property, and another sexually oriented business. This amendment would allow all adult cabarets established prior to July 1, 1992 on property zoned H, and

now zoned HI, to remain in operation without meeting the spacing requirements, and be considered a nonconforming use.

In response to a question from Chair Wolf, Mr. Galanti stated that Dick Hails the Planning Director determined that the use was never legally established at this location since the use was not permitted in the zoning district at the time. That decision was appealed to the Board of Adjustment and upheld. The applicant also applied for a separation variance which was denied. The applicant has appealed both of those decisions to Superior Court.

In response to question from Mr. Williams, Mr. Galanti stated this was the only instance that staff knows of that will make this use at this location legal.

Terry Walsh, 5912 Billet Road, stated that the business was initially grandfathered by the Planning Director through an interpretation dated March 12, 2009. A year later, on March 12, 2010, the interpretation was changed stating that the use was never legally established, and was therefore illegal. She also stated that when she obtained a business license in 1990, there were no codes for sexually oriented businesses. The closest category was clubs and dance studios, and the business was rented out for many purposes including adult oriented events. The City grandfathered her and began charging an extra fee for an sexually oriented business license. A year later it was brought to staff's attention by her competitor that she should not have been grandfathered. She asked that the Board recommend approval of the text amendment based on the facts. When established there were no codes for this type of business, and they have been allowed to rent out the building for 20 years. They were also allowed to spend quite a bit of money refurbishing the building only to have the license revoked. They were grandfathered, and considered a legal nonconforming use.

In response to a question from Mr. Truby, Mr. Galanti stated that the property does not meet the separation requirements from residentially property, a church, and the another sexually oriented business.

In response to a question from Ms. Bachman, Mr. Galanti stated there are no time limits for the letters issued by the Planning Director. The content of those letters has no bearing on the Board's recommendation on this text amendment and would not change the content of those letters. The text amendment changes the development ordinance as it relates to all adult cabarets.

Richard Greene, 3200 Northline Avenue, representing Christie's Cabaret, stated that the information being discussed to this point was the same as that presented to the Board of Adjustment and was not that which is relevant to the text amendment. It is their position that the zoning ordinance is a formalization of the City's efforts to promote the general health, welfare, and safety of this community and any text amendment should be reviewed in that context. This amendment will not promote any of those goals and he urged the Board not to recommend this text amendment.

In response to a question from Chair Wolf, Mr. Clark stated that the original decision in 2009 never rose to the level of an inquiry of the legal department. The only information that the Planning Director based that interpretation on was from the applicant, which was information showing that she had enough of a use to establish and that it was an ongoing use. The change in interpretation was based on further review of the zoning code at the time the business was established.

In response to a question from Mr. Truby, Mr. Clark stated that prior to 1992 there was no definition in the code for this type of use. The closest permitted use was 'Adult Bookstore, Adult Motion Picture Theater, or Adult Mini-Motion Picture Theater' which was not allowed in Industrial H District.

Ms. Smith stated that it appears that this business has been in operation for over 20 years, finds it hard to believe the City did not know it was there, and the Planning Director felt that the business deserved to be there according to the 2009 letter. But, she is concerned that the text amendment might have far reaching effects for the city.

In response to a question from Mr. Truby, Mr. Clark stated that the Board of Adjustment's decision is being appealed by the applicant. Mr. Truby stated that it may be better to hold off on any decisions until that appeal process is complete. Chair Wolf agreed.

After some discussion, Mr. Truby moved to recommend that the City Council delay action until the appeal process is exhausted, seconded by Mr. Douglas. The Board voted 8-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Speight-Buford, Blackstock, Truby, Bachman, Douglas. Nays: None.)

Mr. Truby moved to excuse Ms. Speight-Buford from the remainder of the meeting, seconded by Ms. Smith. The Board voted 8-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Speight-Buford, Blackstock, Truby, Bachman, Douglas. Nays: None.) Ms. Speight-Buford left the Council Chambers.

**STREET CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING HOSKINS AVENUE FROM RANDOLPH AVENUE EASTWARD A DISTANCE OF APPROXIMATELY 395 FEET. (RECOMMENDED)**

Nicole Ward stated that this portion of Hoskins Avenue was recorded on April 3, 1923, in Plat Book 6, on Page 9 for the Mathews-Randolph Avenue Subdivision. One hundred percent of the abutting property owners have signed the petition. The Technical Review Committee recommends its approval with the condition that the lots be recombined before the closing becomes effective.

No one spoke in favor or in opposition to the request.

Ms. Smith moved to recommend approval of the resolution to City Council, seconded by Mr. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**COMPREHENSIVE PLAN AMENDMENT: RECOMMENDATION ON AN ORDINANCE TO AMEND THE CITY'S ADOPTED COMPREHENSIVE PLAN TO REFLECT THE ZONING DESIGNATIONS WITHIN THE LAND DEVELOPMENT ORDINANCE (RECOMMENDED)**

Mike Kirkman stated this is a text amendment to the Comprehensive Plan document regarding when rezoning requests under the recently adopted LDO would trigger the need for an amendment to the Generalized Future Land Use Map (GFLUM). Staff had previously presented amendments to the Comprehensive Plan about a year and a half ago concerning when a rezoning request triggers the need for an amendment to the Generalized Future Land Use Map (under the UDO), where rezoning requests were fairly minor with their impact, and when amendments would proceed to City Council based on the actions of the Zoning Commission. The adoption of the Land Development Ordinance changed various zoning districts and uses so an amendment to the Comprehensive Plan is needed to address these changes. This proposal identifies specific zoning categories in the LDO: Commercial Neighborhood, Commercial Low, Mixed Use Low, and Mixed Use Medium, along with the size and scale of those uses that are considered compatible with the GFLUM's residential future land use classifications. This change does not limit potential use of the property nor determines staff's final recommendation on a rezoning request.



No one spoke in favor or in opposition to the request.

Mr. Truby moved to recommend approval of the Comprehensive Plan Amendment to City Council, seconded by Mr. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**MODIFICATIONS:**

**WAL-MART LOCATED AT 3738 BATTLEGROUND AVENUE – TYPE 3 MODIFICATION PURSUANT TO SECTION 30-4-11 OF THE LAND DEVELOPMENT ORDINANCE TO INSTALL BUILT-UPON AREA WITHIN A PORTION OF THE CITY REQUIRED STREAM BUFFERS (APPROVED)**

Virginia Spillman stated that the Development Ordinance requires a 100-foot-wide buffer for high density development along a stream. The State Division of Water Quality considers the proposed development as low density and therefore would only require a 30-foot-wide buffer. The applicant proposes to construct three bio-retention cells and an underground retention system to treat the stormwater runoff from the built upon area in the stream buffer encroachment, before it enters the stream. The applicant also contends that water quality will be improved since the stream will not be piped, the existing pond will not be changed, and that the retaining walls being constructed will limit the encroachment. The Technical Review Committee has recommended approval of the request based on the finding of equal or better performance.

Ms. Bachman moved to approve the modification, seconded by Mr. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**GUILFORD DAY SCHOOL – TYPE 3 MODIFICATION OF ZONING CONDITION #4 WITHIN THE CD-PI DISTRICT (#3671) PURSUANT TO SECTION 30-4-11 OF THE LAND DEVELOPMENT ORDINANCE RELATED TO BUILDING MATERIAL – 3310 HORSE PEN CREEK ROAD. (APPROVED)**

Mr. Galanti stated that the zoning condition states that all buildings on this site shall be of masonry construction. The applicant proposes to install three modular classrooms that are not masonry construction. As an alternate, the applicant has offered the existing vegetation, which would meet the current Type B planting rate, to screen the modular classrooms from Horse Pen Creek Road. The Technical Review Committee has recommended approval of the request based on the finding of equal or better performance.

Ms. Smith moved to approve the modification, seconded by Mr. Blackstock. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**NEW GARDEN SQUARE – TYPE 3 MODIFICATION OF ZONING CONDITION #3 AND #9 WITHIN THE CD-C-M DISTRICT (#3629) PURSUANT TO SECTION 30-4-11 OF THE LAND DEVELOPMENT ORDINANCE RELATED TO BUILDING SQUARE FOOTAGE – NORTHWEST CORNER OF NEW GARDEN ROAD AND GARDEN LAKE DRIVE (APPROVED)**

Mr. Galanti stated that the two zoning conditions require a maximum of 6,000 square feet be devoted to one single retail use, and that there should be a maximum of 50,000 square feet devoted to non-

residential use on this site. The applicant is proposing to increase the single retail use to 18,500 square feet while decreasing the total building square footage to 45,000 square feet. The Technical Review Committee has recommended approval of the request based on the finding of equal or better performance.

In response to a question from Ms. Smith, Mr. Galanti stated that the adjoining properties were not notified, since this is not a public hearing item.

Mr. Truby stated this represents an overall reduction in the size.

Ms. Smith stated that she was concerned that the development would not meet the residents' expectations.

Mr. Truby moved to approve the modification, seconded by Mr. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

### **COMPREHENSIVE PLAN ITEM**

#### **CP-10-04 – NORTH OF STEWART MILL ROAD, SOUTH OF MILLSTREAM ROAD, EAST OF AT&T DRIVE, AND WEST OF CREEK ROAD – CURRENT FUTURE LAND USE DESIGNATION: POTENTIAL EMPLOYMENT CENTERS (PENDING FURTHER STUDY) – PROPOSED FUTURE LAND USE DESIGNATION: INSTITUTIONAL**

Mr. Kirkman stated that the request is to amend the Generalized Future Land Use Map for property currently under discussion for a new Southeast Elementary School by Guilford County Schools and Guilford County. The proposed site was given an interim land use category designation when the City and County adopted their revised Water/Sewer Service Agreement in 2007. The purpose of the existing designation is to directly support business development in the area, given close proximity to major highways and potential industrial and mixed use corporate park uses. The current property owner, in addition to Guilford County Schools Board of Education made the request and intended to continue moving forward with the site at the time of the hearing and staff still needs comments from the Board.

Chair Wolf stated this is putting the cart before the horse. If the plan is approved and this does not become a school site, the applicant will then ask for a change to something else. Mr. Kirkman stated that such a change would be discussed in a public hearing as this item is being discussed. In response to a question from Ms. Smith, Mr. Kirkman stated that the area is now zoned for low density residential and that most schools in designated industrial areas were directly related to business training or trade schools that directly support these uses.

After some discussion, the Board indicated that the Comprehensive Plan does not have much Institutional uses designated, and if the Board of Education feels this is an appropriate location, they do not have an issue with the change in designation.

### **EASEMENT RELEASES:**

#### **RESOLUTION AUTHORIZING THE RELEASE OF A PORTION OF THE 20-FOOT STORM SEWER EASEMENT LOCATED AT 3515 NORTH ELM STREET AND THE 30-FOOT CROSS ACCESS**

**AND UTILITY EASEMENT AND 15-FOOT STORM DRAIN EASEMENT ALONG THE COMMON LOT LINE BETWEEN 3515 AND 3519 NORTH ELM STREET. (APPROVED)**

Lamont Taylor stated that the site was originally setup as two development lots, but it is now proposed to be developed as one lot. The combination removes the need for the easements. All utility companies have been contacted and agree to the release of the easements.

Mr. Truby moved to approve the release of the easements, seconded by Mr. Williams. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**RESOLUTION AUTHORIZING THE RELEASE OF A 10-FOOT EASEMENT AND 20-FOOT UTILITY EASEMENT LOCATED ON TRACT 3 OF COTTON MILL SQUARE (APPROVED)**

Mr. Taylor stated that the 10-foot un-described easement is no longer necessary and the 20-foot easement contains a sewer line to be relocated as part of the site development plan. Therefore, Water Resources recommends that its release be subject to the utility relocation. All other utility companies have been contacted and agree to the releases.

Ms. Smith moved to approve the release of the 10-foot easement, and conditionally release the 20-foot utility easement upon the relocation of existing utility lines, seconded by Ms. Bachman. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**ELECTION OF OFFICERS:**

Ms. Smith moved that Mr. Wolf continue to serve as Chairman and that Ms. Speight-Buford continue to serve as Vice Chairman, seconded by Mr. Truby. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Smith, Williams, Blackstock, Truby, Bachman, Douglas. Nays: None.)

**ACKNOWLEDGEMENT OF ABSENCES:**

The absence of Mr. Alston was acknowledged as excused.

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**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:36 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
SEPTEMBER 15, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, September 15, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Donald Blackstock, Betty Smith, Calvin Williams, Chuck Truby, and Velma Speight-Buford. Staff present were Dick Hails, Steve Galanti, Mike Kirkman, and Nicole Ward representing the Planning Department.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE AUGUST 18, 2010 REGULAR MEETING**

Ms. Smith moved to approve the minutes of the August 18, 2010 meeting, seconded by Ms. Speight-Buford. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock. Nays: None.)

**ANNEXATION PETITIONS:**

**A. RECOMMENDATION ON AN ORDINANCE ANNEXING THE MID-STATE PETROLEUM PROPERTY AT 4501 BURLINGTON ROAD – 4.02 ACRE SATELLITE ANNEXATION – REGULAR ANNEXATION PETITION (RECOMMENDED)**

Steve Galanti stated that the property is located within the Tier 2 Growth Area (2013-2019) on the Growth Strategy Map in the Comprehensive Plan. The applicant is proposing to construct a convenience store with gas pumps on a portion of this site. The site is currently served by McLeansville Volunteer Fire Department, and would be served by City Station #57 on Mount Hope Church Road. Fire service to this site would be improved by the annexation. Water service is available by connecting to the existing 12-inch waterline located within Burlington Road. The applicant will be required to extend that waterline along the Willow Lake Road frontage of the site. The nearest sanitary sewer outfall is located approximately 3,000 feet to the southeast of this site. The extension of the water and the sewer service to this site will be the responsibility of the applicant. The Police Department estimates that it can provide service with little difficulty. Providing other City services will require a travel distance almost equal to that necessary to provide service to the previously annexed property to the east and west. The Technical Review Committee recommends the annexation.

In response to a question from Mr. Truby, Mr. Galanti stated that the applicant is investigating whether to extend sewer to the site or using a septic system.

Mr. Truby moved to recommend the annexation to the City Council, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock. Nays: None.)

**B. RECOMMENDATION ON AN ORDINANCE ANNEXING THE BOMO3 PROPERTY AT 500 KIVETT DAIRY ROAD – 2.71 ACRE CONTIGUOUS ANNEXATION- REGULAR ANNEXATION PETITION (RECOMMENDED)**

Mr. Galanti stated that the annexation is considered contiguous because it abuts the primary city limits along a portion of its southern boundary. The property is located within the Tier 1 Growth Area on the Comprehensive Plan Growth Strategy Map. The applicant is proposing to convert the existing

office building into a faith-based school. The site is currently served by McLeansville Volunteer Fire Department and would be served by City Station #57 on Mount. Hope Church Road, upon annexation. Although response time would increase, it will still be within the Greensboro Fire Department's goal of four minutes or less travel time. Water service is available by connecting to the existing 120inch waterline located within Knox Rd. The nearest sewer outfall is located approximately 9,000 feet to the southeast and across the interstate. It will be the applicant's responsibility to extend water and sewer service to this site. The Police Department estimates that it can provide service with little difficulty. Providing other City services will require a travel distance almost equal to that necessary to provide service to the previously annexed property to the south. The Technical Review Committee recommends the annexation.

In response to a question from Ms. Smith, Mr. Galanti stated that it is the applicant's responsibility to extend the services, but annexation does not require them to do that.

Ms. Smith moved to recommend the annexation to the City Council, seconded by Ms. Speight-Buford. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock. Nays: None.)

Mr. Williams arrived and participated in the remainder of the meeting.

#### **PUBLIC HEARINGS:**

#### **A. TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT THAT WILL MAKE SEVERAL TECHNICAL CHANGES TO THE LAND DEVELOPMENT ORDINANCE (RECOMMENDED)**

Mr. Galanti stated that the City Council adopted the Land Development Ordinance on June 16, 2010, including a list of more than 75 changes that had been requested by citizens during the review process. The effective date of the new ordinance was July 1, 2010, by which time a final adopted version of the LDO was posted online and copies distributed. Since that date, citizens and staff have noted a limited number of non-substantive technical changes. The technical nature of these changes means that the proposed changes do not change the ordinance standards. The changes make the text more concise and clear. The majority of the technical changes are one of two types: 1) a provision of the UDO was inadvertently not carried over to the LDO in all the appropriate locations; or 2) the changes conflict with some other existing text, and some clarifying text or corrected cross references are needed. An updated copy of text amendment was presented to the Board. Mr. Galanti explained that the new "Section 4" was a change requested by staff and corrects the current Historic Preservation Commission process. New "Section 6" clarifies acceptance of open space. Staff asks that the Board recommend these changes to City Council.

In response to a question from Mr. Truby, Mr. Galanti stated that the easement width changes reflect those within the design manuals and does not change the requirements. Ms. Smith requested staff to confirm the State requirements.

After some discussion, Mr. Truby moved to recommend the text amendment to the City Council with the exploration and confirmation of the sections discussed, seconded by Ms. Smith. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock, Williams. Nays: None.)

**B. STREET CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING FIRST AVENUE FROM COLE STREET WESTWARD A DISTANCE OF APPROXIMATELY 175 FEET. (RECOMMENDED)**

Nicole Ward stated that the street was created on the Woodlawn Park Plat recorded in 1923 in Plat Book 5 on Page 375. One hundred percent of the abutting property owners have signed the petition. The Technical Review Committee has reviewed the petition and recommends approval of the closing.

In response to a question from Ms. Smith, Mr. Galanti stated that the right-of-way would be split between the adjoining properties.

No one spoke in favor or in opposition to the request.

Mr. Williams moved to recommend the closing to City Council, seconded by Ms. Speight-Buford. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock, Williams. Nays: None.)

**C. ALLEY CLOSING: RECOMMENDATION ON A RESOLUTION CLOSING A 10-FOOT-WIDE UNNAMED ALLEY FROM ITS INTERSECTION WITH NORTH EUGENE STREET EASTWARD APPROXIMATELY 126 FEET AND SOUTHWARD APPROXIMATELY 80 FEET. (RECOMMENDED)**

Ms. Ward stated that the alley was recorded on the J. L. Armfield and C. N. Herndon Plat in Plat Book 4 on page 204. One hundred percent of the abutting property owners have signed the petition. The Technical Review Committee has reviewed the petition and recommends approval of the closing.

No one spoke in favor or in opposition to the request.

After some discussion, Ms. Smith moved to recommend the closing to City Council, seconded by Mr. Williams. The Board voted 6-0, in favor of the motion. (Ayes: Wolf, Truby, Smith, Speight-Buford, Blackstock, Williams. Nays: None.)

**COMPREHENSIVE PLAN ITEM:**

**CP-10-06 – 4501 BURLINGTON ROAD – CURRENT FUTURE LAND USE DESIGNATION: MIXED-USE CORPORATE PARK – PROPOSED FUTURE LAND USE DESIGNATION: COMMERCIAL**

Mr. Kirkman stated that the request is to amend the Generalized Future Land Use Map for the annexation request just voted on. There is an area of mixed-use commercial immediately to the north, and an area of moderate residential further to the west. The map amendment is specifically for that site.

Chair Wolf asked why the area was designated as mixed-use corporate park. Mr. Kirkman stated there is some scattered industrial along the south side of U.S. 70, and that may have been part of the reasoning. Mr. Hails stated that the Future Land Use Map was put together about eight years ago, and shows a massive area of corporate park in this area. As it has been reevaluated in recent years, staff feels a portion of the area will end up as mixed-use corporate park, but there has been development with other uses.

The Board indicated that this is an ideal location for commercial given the other uses in the area and the proximity of the Urban Loop.

**ACKNOWLEDGEMENT OF ABSENCES**

The absence of Mr. Alston, Mr. Douglas, and Ms. Bachman were acknowledged as excused.

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**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 2:35 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
OCTOBER 20, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, October 20, 2010 at 2:00 PM in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Donald Blackstock, Betty Smith, Curtis Douglas, and Anita Bachman. Staff present were Steve Galanti and Nicole Ward. Also present were Virginia Spillman and Michael Borchers representing the Department of Water Resources, Adam Fischer representing Greensboro Department of Transportation and Tom Carruthers from Legal.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2010 REGULAR MEETING.**

Ms. Smith moved to approve the minutes of the September 15, 2010 meeting, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

**PUBLIC HEARINGS:**

**A. RECOMMENDATION ON AN AMENDMENT TO THE LDO RELATED TO THE NUMBER OF COMMERCIAL VEHICLES KEPT ON-SITE IN CONJUNCTION WITH A HOME OCCUPATION. (RECOMMENDED)**

Steve Galanti stated that a home occupation is any use conducted entirely within a dwelling, and carried on by the occupants. In the LDO there is a list of regulation related to the operation of a home occupation. One of those restrictions is that only one commercial vehicle, up to 30 feet in length may be kept on site. This amendment is being requested by Mr. Koontz, who operates a business with two limousines. This amendment would allow a second vehicle, if it is not a truck, bus or other non-automobile vehicle, and is located behind the front line of the principle building.

In response to questions from the Board, Mr. Galanti stated that amendment would not allow two large commercial work trucks or recreational vehicles but, pickup trucks and passenger vehicles would be allowed.

In response to a question from Ms. Smith, Mr. Galanti stated the second vehicle would need to be behind the front wall of the building but, could be stored on the side of the building.

Chris Koontz, 1407 Spry Street and owner of Carolina Limousines, stated that his vehicles are kept in a large car port behind the front wall of the dwelling. He has a petition signed by some of his immediate neighbor in support of the request. When he started his business he could find nothing related to having two vehicles for a home occupation. The business does not create any parking or traffic issues. There is also no storage facility in the City or area that is large enough to store the vehicles.

Chair Wolf stated that he was less concerned about the applicants use than what it could potentially lead to for others. Ms. Smith agreed.



After some discussion, Ms. Smith moved to recommend approval of the text amendment to City Council with a sunset clause of one year to review the impact of the change, seconded by Ms. Bachman. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

**B. RECOMMENDATION ON AN AMENDMENT TO THE LDO TO MODIFY THE SIDEWALK INSTALLATION REGULATIONS. (RECOMMENDED)**

Mr. Fischer, Director of the Greensboro Department of Transportation, stated that in 2002 Council passed a Walkability Policy requiring any new developments within the City Water Sewer Service Area (WSSA) to install sidewalks. The text amendment would give more flexibility to projects outside of the City limits related to sidewalk installation. Existing industrial parks have been built in the City's WSSA without sidewalks. This amendment would change the regulations so that sidewalks would not be required to be built along collector streets and local streets in areas where no sidewalks exist, were the area is already built-out, and it is unlikely to be pedestrian generators in the future. Sidewalks would still be required on thoroughfares. He also stated that the Bi-Ped Plan, adopted in 2006, created tiers for targeting sidewalk installation and GDOT has plans to install about 90 miles of sidewalk over the next five years. In some cases those sidewalks will fill gaps in the network.

In response to a question from Chair Wolf, Mr. Fischer stated that the ordinance would only affect development outside of the City limits and within the WSSA.

Richard Beard, 2908 Round Hill Road and manager of Rock Creek Investments, stated that he was concerned about requiring sidewalks in Rock Creek Center and developments within the City limits. Rock Creek Center, which started in 1983, is about 75% built out, does not have sidewalks and only one road has curb and gutter. The sidewalk requirement is an unnecessary expense to the developer since there is no pedestrian traffic. Under the current regulations, constructing a new building would require the installation of sidewalks that would not connect to anything. He is not opposed to sidewalks, but in the context of industrial and corporate parks it simply does not make sense. There are two residential developments in the area that were developed with sidewalks, and residential developments should have sidewalks. There would also be a pedestrian safety issue. The Lake Herman Corporate Park, annexed into the City within the last five years, has three sites that if developed would have the same issues as Rock Creek Center. If these sites were developed with sidewalks, he doubts that the City would be filling in the gaps. He encouraged the Board to recommend the approval of this text amendment for both projects outside the City limits and within the City.

Marlene Sanford, 115 South Westgate Drive and representing TREBIC, stated that they support the text amendment since it would allow flexibility. She also asked the Board to consider changing the text amendment to apply to projects inside and outside the City, that it apply to projects regardless of whether buildings are existing, and regardless of the average lot size or lot frontage. The determining factor in the decisions related to sidewalks should be the character of the development and the pedestrian demand. If there is no pedestrian demand in an industrial park, then sidewalks are unnecessary regardless of the size of the lots.

In response to a question from Ms. Smith, Ms. Sanford stated that they are not opposed to grading the area for sidewalks. Grading the extra five feet for a future sidewalk is minimal compared to that necessary for developing the site and would not have much of an impact on the overall project.

After some discussion, Ms. Smith moved to recommend the text amendment to City Council with the deletion of the word "existing" and ending the sentence after the word "development" in Section (F)(1), and ending the sentence after the word "limited" in Section (F)(2). Ms. Bachman seconded the motion. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

### **ANNEXATION PETITION:**

#### **RECOMMENDATION ON AN ORDINANCE ANNEXING THE NORTON HEIRS AND REEDY FORK BAPTIST CHURCH PROPERTIES AT 4617 AND 4701 YANCEYVILLE ROAD – 32.99-ACRE CONTIGUOUS ANNEXATION – REGULAR ANNEXATION PETITION. (RECOMMENDED)**

Mr. Galanti stated that the property is located in the Tier 3 Growth Area on the Growth Strategy Map in the Comprehensive Plan. The site is currently undeveloped and Guilford County is proposing to combine the site with the property located immediately to the south to construct an elementary school. The site is currently being served by City Fire Station #2 located on North Church Street and will continue to be served by the station upon annexation. Water service is available by extending the 12-inch waterline located within Yanceyville Road across the frontage of the site and the nearest sewer line is an 8-inch line located within the Storrington Subdivision to the southwest of the site. Extension of the water and sewer service and gaining the approval of the Department of Water Resources is the applicant's responsibility. The Police Department estimates that it can provide service with little difficulty, and providing other City services will involve a travel distance almost equal that necessary to provide service to previously annexed property to the south and east.

Ms. Smith moved to recommend the annexation to City Council, seconded by Mr. Douglas. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

### **PUBLIC HEARINGS:**

#### **C.TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT THAT WILL MAKE CHANGES TO THE LAND DEVELOPMENT ORDINANCE AND UNIFIED DEVELOPMENT ORDINANCE AS FOLLOWS:**

##### **I. AMEND CHAPTER 30 OF THE LDO RELATED TO TECHNICAL CHANGES, JORDAN LAKE STREAM BUFFERS**

##### **II. AMEND CHAPTER 30 OF THE UDO RELATED TO JORDAN LAKE STREAM BUFFERS AND RANDLEMAN LAKE STREAM BUFFERS**

##### **III. DELETE CHAPTER 27 OF THE UDO WHICH IS NOW CONTAINED IN THE LDO (RECOMMENDED)**

Ms. Spillman stated that the proposed text amendments would revise the City's ordinances to meet the minimum requirements for the Jordan Lake and Randleman Lake stream buffers mandated by the State's Division of Water Quality. The other changes are technical in nature since they include

clarification language, correct minor clerical errors, and add new definitions. The State's requirements aim to restore and maintain water quality, protect the lakes, classify uses, and maintain or enhance protection currently implemented by local governments. The new rules require local jurisdictions to address stormwater management for new development, existing development, and the protection of stream buffers. The City is required to adopt the changes by December 1, 2010 to comply with the requirements.

In response to a question from Ms. Smith, Ms. Spillman stated that these changes only meet the State's minimum requirements.

Marlene Sanford, 115 South Westgate Road and representing TREBIC, stated that they have reviewed the text amendments and support the changes.

Ms. Bachman moved to recommend the three text amendments to City Council, seconded by Mr. Douglas. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

#### **UNIFIED DEVELOPMENT PLAN:**

#### **BABY DIAPER SERVICE – SPRING GARDEN STREET AND CHAPMAN COURT – FOR GREENSBORO PROPERTIES I, LLC- 1.66 ACRES – UDP TO ESTABLISH DEVELOPMENT STANDARDS FOR THE CD-PUD ZONING DISTRICT (APPROVED)**

Mr. Galanti stated there are two purposes for a Unified Development Plan. One is to specify the permitted uses, the amount of development in various sections, and the dimensional standards that will govern the development of the property. The second is to place these development standards into a form recordable at the Register of Deeds Office, as a way to provide notice of the requirements to future owners and occupants. The established development standards will include density, building setbacks, landscaping, signage, open space, and parking. The Technical Review Committee has reviewed this UDP and recommends its approval.

After some discussion, Ms. Smith moved to approve the UDP as submitted, seconded by Mr. Blackstock. The Board voted 5-0, in favor of the motion. (Ayes: Wolf, Smith, Blackstock, Douglas, Bachman. Nays: None.)

#### **ITEMS FROM THE DEPARTMENT:**

#### **A. BRIEFING ON THE PRIORITY LDO TEXT AMENDMENT LIST:**

Mr. Galanti stated that last month the Board took action on the technical amendments to the Land Development Ordinance. The priority list contains substantial changes, both major and minor, that will be the next set of amendments staff will begin to prepare. The major amendments include those that would take time to prepare since they involve pulling together a stakeholders group to work through the issues. The minor amendments should take less time to resolve issues. The major issues covered will be signs, open space, and a point system for buffer regulations.

**B. UPCOMING PLANNING BOARD ITEMS: DOWNTOWN AREA CONSOLIDATED PLAN AND THE LANDMARK PROJECT**

Mr. Galanti stated that there will be a presentation on the Downtown Area Consolidated Plan, and the Landmark Project at the November Board meeting.

**ACKNOWLEDGEMENT OF ABSENCES:**

The absence of Mr. Truby, Mr. Williams, and Ms. Speight-Buford were acknowledged as excused, and the absence of Mr. Alston was acknowledged as unexcused.

\* \* \* \* \*

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned at 3:33 PM.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
NOVEMBER 17, 2010**

The Greensboro Planning Board met in a regular session on Wednesday, November 17, 2010 at 2:00 p.m. in the City Council Chamber, 2nd floor of the Melvin Municipal Office Building. The Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Calvin Williams, Jr., Donald Blackstock, Anita Bachmann, DeSean Alston, Chuck Truby, Betty Smith and Curtis Douglas. Planning Staff present were Steve Galanti, Nicole Ward, and Lamont Taylor. Also present was Margaret Cleaton from the Department of Housing and Community Development.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE OCTOBER 20, 2010 REGULAR MEETING.**

Ms. Smith moved to approve the minutes of the October 20, 2010 meeting, seconded by Ms. Bachmann. The Board voted 9-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

**EASEMENT RELEASE:**

**RELEASE OF SEVERAL 15-FOOT-WIDE PORTIONS OF WATER QUALITY CONSERVATION EASEMENTS WITHIN THE COMMON ELEMENTS FOR HOWARD'S WALK SUBDIVISION.**

Lamont Taylor presented the request and stated that revisions made to the subdivision removed the need for these watershed easements. All utility companies have been contacted and agree to the release of the easements.

Ms. Speight-Buford moved to approve the release of the easements, seconded by Mr. Blackstock. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

**ANNEXATION PETITION:**

**RECOMMENDATION ON AN ORDINANCE ANNEXING THE UNITARIAN UNIVERSALIST CHURCH OF GREENSBORO PROPERTY LOCATED AT 5603 AND 5605 HILLTOP ROAD – 5.44 ACRE SATELLITE ANNEXATION – UTILITY AGREEMENT AND ANNEXATION PETITION.**

Steve Galanti This property is within the Tier 1 Growth Area (2007-2013) on the Growth Strategy Map in the Comprehensive Plan. This site is currently developed with a bank and a church, which are connected to City water and sanitary sewer. The City's Fire Department notes that this site is currently served by Pinecroft-Sedgefield Fire Station #23 on MacKay Road. Upon annexation it will continue to be served by Pinecroft-Sedgefield Fire Station #23 and City Station #52 on

Meadowood Street. Therefore, the level of service will remain the same and/or improve with a GFD response. The Police Department estimates it can provide service with little difficulty. Provision of other City services will involve a travel distance almost equal to that necessary to provide service to the previously-annexed property to the east. TRC has reviewed and approved the proposed annexation.

Mr. Truby moved to recommend the annexation to City Council, seconded by Mr. Alston. The Board voted 9-0, in favor of the motion. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

### **ITEMS FROM THE DEPARTMENT:**

#### **A. UPDATE ON THE BOUNDARY OF THE YANCEYVILLE ROAD ANNEXATION.**

Steve Galanti provided update information. No action was necessary from the Board at this time.

#### **B. PLANNING BOARD MEETING SCHEDULE 2011:**

Steve Galanti stated that the 2011 meeting schedule has been presented to each Board member.

### **PUBLIC HEARINGS:**

#### **DOWNTOWN AREA CONSOLIDATED PLAN – VISION, POLICIES, CONNECTIONS: RECOMMENDATION ON THE CITY OF GREENSBORO'S DOWNTOWN CONSOLIDATED PLAN.**

Dick Hails stated there is a long history of planning for the downtown area with eleven previous plans and studies carried out over the last ten years. The project was a partnership of the City, Guilford County, Downtown Greensboro, Inc., and Action Greensboro with assistance by several consulting firms. There were several public meetings, and Core and advisory teams met at various points during the past twelve to eighteen months. The plan itself is a combination of two documents: the Downtown Area Consolidated Plan; Vision, Policies, Connections and the Downtown Greensboro Economic Development Strategy. The vision policy document gives a long term perspective and guidance to decisions in downtown in three to five years. Some of the priorities addressed include: focusing public investments to draw high quality private investment; creating or enhancing significant connections with nearby neighborhoods, higher education and employment centers; creating and expanding public/private partnerships; and determining the best programs and processes to achieve these priorities. This plan will offer more consistency and a better roadmap for City and County activities in downtown. Some guiding policies include: promoting higher intensity, quality mixed-use development with an emphasis on pedestrian-oriented development; preservation and redevelopment of historic properties; improving transportation connections and corridors with an emphasis on linking auto, bicycle, transit and roadway facilities to enhance economic development and housing in key downtown destinations;

developing comprehensive strategies and commitments for public capital projects and development incentive programs to encourage private development; expanding connections between downtown and adjacent colleges, universities and other economic drivers; and effective implementation and administration of this plan through the Capital Improvement Program. The economic development strategy has a short term focus on priorities and key actions to be taken over the next few years such as: completing the downtown greenway; improving connectivity through a comprehensive streetscaping program; assisting with new quality mixed use development and enhancing downtown's unique historic building stock; encouraging the development of a performing arts center; and supporting the knowledge community by inviting colleges and universities to bring programs and facilities downtown.

Ed Wolverton, 122 N. Elm Street and representing the Board of Directors of Downtown Greensboro, Incorporated, stated that this organization includes 33 business and property owners as well as the 900 businesses in downtown, 21,000 workers on a daily basis, the 1,500 residents in center-city, and the 10.8 million annual visitors. He seeks the endorsement of the Board to move forward. Many things have been accomplished from the previous planning efforts. The City list of about 120 different projects was filtered down to about six projects with the the advisory team also making recommendations during the extensive engagement process.

The Board members commented that they are excited and enthusiastic about the plan and feel that incentives are necessary. One of the major concerns is that a grocery store is a much needed facility for those living and working in the downtown area.

Ms. Speight-Buford moved to recommend the Downtown Area Consolidated Plan to City Council, seconded by Mr. Truby. The Board voted in favor of the motion 9-0. (Ayes: Wolf, Speight-Buford, Smith, Williams, Blackstock, Bachmann, Alston, Truby and Douglas. Nays: None.)

#### **ITEMS FROM BOARD MEMBERS:**

Mr. Blackstock stated that last night he had graduated from Greensboro's City Academy which was a very nice experience to go through to see how the City operates in every-day situations.

Adjournment:

There being no further business before the Board, the meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/jd

**MINUTES OF THE REGULAR MEETING OF THE  
GREENSBORO PLANNING BOARD  
DECEMBER 15, 2010**

The Greensboro Planning Board met in regular session on Wednesday December 15, 2010, at 2:00 p.m. in the City Council Chamber, 2<sup>nd</sup> floor of the Melvin Municipal Office Building. Planning Board members present were: Chairman Gary Wolf, Velma Speight-Buford, Donald Blackstock, DeSean Alston, Chuck Truby, Betty Smith and Anita Bachmann. Planning staff present were Steve Galanti, Mike Kirkman, Sheila Carmon and Nicole Ward.

**MEETING MINUTES:**

**APPROVAL OF MINUTES OF THE NOVEMBER 17, 2010 REGULAR MEETING.**

Ms. Speight-Buford moved to approve the minutes of the November 17, 2010 meeting, seconded by Mr. Alston. The Board voted 6-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Blackstock, Alston, Truby, and Bachmann. Nays: None)

Ms. Smith arrived and participated in the remainder of the meeting.

**PUBLIC HEARING:**

**TEXT AMENDMENT: RECOMMENDATION ON AN AMENDMENT TO THE LDO TO PERMIT RESIDENTIAL USES IN THE C-M ZONING DISTRICT WITH MIXED-USE ELEMENTS. (RECOMMENDED)**

Steve Galanti stated that the adoption of the LDO converted the General Business and Highway Business zoning districts in the Unified Development Ordinance to the Commercial-Medium zoning district, mainly for retail, service and office uses. The LDO allows residential within the C-M zoning district as a mixed use project. The project would need to have a non-residential component since no more than 33% of the floor area may be devoted to multi-family dwelling units. This text amendment is being requested by Mr. Tom Flanagan from NAI Piedmont Triad, who in proposing to develop the parcel at 2000 Roseland Street with nine residential units. This amendment would allow a development to contain only residential units, if in close proximity to existing non-residential development and when incorporating mixed-use elements such as a clearly defined pedestrian connections; a prominent entrance oriented to the street; ground level façade fenestration and transparent windows; and building orientation parallel to the prominent street. The text amendment also establishes the development standards for density, setbacks, building height and open space.

In response to questions, Mr. Galanti explained that the RM districts provide a transition and buffer between non-residential and single family uses with large building setbacks. This amendment is another option for developers. The building design features of the amendment involve more than just transparent glass. The other architectural features could include doors, fenestration, change in the building elevation, and building materials.

Tom Flanagan, Alliance Commercial Properties, stated that the first floor elevation will incorporate garage doors, entry elevation bump-outs, building off-sets and decorative



windows. The amendment is being requested since it is a very tight site and they want to press the buildings out to the maximum area possible to provide an interior private alley for access to the homes.

After some discussion, Ms. Smith moved to recommend the text amendment to City Council, seconded by Mr. Truby. The Board voted 7-0 in favor of the request. (Ayes: Wolf, Speight-Buford, Blackstock, Alston, Truby, Smith and Bachmann. Nays: None)

### **ANNEXATION PETITIONS:**

Mr. Galanti stated that these three annexations are a result of the City receiving utility agreement and annexation petitions for the Guilford Commons Subdivision, the Schwarz property and Miracle Deliverance Church when the buildings were connected to City water and/or sewer. Since City Council approved the annexation for the Gateway University Research Park on East Lee Street, the Planning Department has begun the process to roll the utility agreement and annexation petitions in this area. This property is within the Tier 1 Growth Area (2007-2013) on the Growth Strategy Map in the Comprehensive Plan. The City's Fire Department notes that this site is currently served and will continue to be served by City Station #56 on Franklin Boulevard. Water service is available since there is a 12-inch water line located within East Lee Street and within Cedar Park Road. Sewer service is available by connecting to the existing 72-inch sewer outfall parallel to Buffalo Creek. The Police Department estimates it can provide service with little difficulty, with a need for one additional officer. Provision of other City services will involve a travel distance almost equal to that necessary to provide service to the previously-annexed property to the west. The Technical Review Committee recommends these annexations.

### **A. RECOMMENDATION ON AN ORDINANCE ANNEXING THE GUILFORD COMMONS SUBDIVISION AT 3105-3113 CEDAR PARK ROAD AND A PORTION OF THE A&T FARM PROPERTY AT 3205 EAST LEE STREET – 96.98-ACRE CONTIGUOUS ANNEXATION - UTILITY AGREEMENT AND ANNEXATION PETITION AND INTERVENING STATE PROPERTY. (RECOMMENDED)**

Mr. Galanti stated that this site contains a hotel and several vacant lots to be developed with commercial uses in the future. As part of the subdivision, 5.9 acres along the western portion of this site was dedicated as "Drainageway and Open Space" and will not be developed. As a result of this petition, State Law would trigger the annexation of a strip of the "State" property located between this site and the primary city limits. A majority of the strip is A&T Farm property which is either in flood plain or wetlands. There are no plans in the works to develop that portion of the A&T Farm; all indications are that it will continue to be used in its current state. This annexation is contiguous because it abuts the primary city limits along its western boundary.

Ms. Bachmann moved to recommend the annexation to City Council, seconded by Ms. Speight-Buford. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Blackstock, Alston, Truby, Smith and Bachmann. Nays: None)

**B. RECOMMENDATION ON AN ORDINANCE ANNEXING THE SCHWARZ PROPERTY AT 3123-A CEDAR PARK ROAD – 20.17-ACRE SATELLITE ANNEXATION - UTILITY AGREEMENT AND ANNEXATION PETITION. (RECOMMENDED)**

Mr. Galanti stated that this site contains several warehouse buildings and there are no plans to further develop this site. Although this request is currently being processed as a satellite annexation, it will become contiguous to the primary corporate limits upon the annexation of the Guilford Commons Subdivision with the intervening A&T Farm property.

Mr. Truby moved to recommend the annexation to City Council, seconded by Ms. Smith. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Blackstock, Alston, Truby, Smith and Bachmann. Nays: None)

**C. RECOMMENDATION ON AN ORDINANCE ANNEXING THE MIRACLE DELIVERANCE UNITED HOLY CHURCH PROPERTY AT 1416 BRIDGEPOINT ROAD - 2.5-ACRE SATELLITE ANNEXATION - UTILITY AGREEMENT AND ANNEXATION PETITION (RECOMMENDED)**

Mr. Galanti stated that the City received the utility agreement and annexation petition for this site when the church connected to City water and that there are no plans to further develop this site. Sewer service is available to this site but will require the owner to extend an eight-inch sewer line, approximately 1,700 feet, to the existing 72-inch outfall located northwest of the site.

Mr. Truby moved to recommend the annexation to City Council, seconded by Mr. Blackstock. The Board voted 7-0 in favor of the motion. (Ayes: Wolf, Speight-Buford, Blackstock, Alston, Truby, Smith and Bachmann. Nays: None)

**ITEMS FROM THE DEPARTMENT:**

**A. BRIEFING ON THE WESTERN AREA PLAN.**

Mike Kirkman stated that the Western Area Plan will determine the appropriate land use and future development in areas located to the west of the airport. It will take into consideration items that have been completed, are in process and contained within the Heart of the Triad related to future land use, transportation, and infrastructure. The boundary of the study includes the area between West Market Street, Sandy Ridge Road, I-40 and Bunker Hill Road.

The Western Area Plan will be completed in two phases with the consultants first taking a look at potential impacts to tax revenues, job generation, and job relocation. The second phase will address land use and appropriate infrastructure to support different types of uses.

Chair Wolf encouraged staff to pay strong attention to the airport's 50-year plan and its impact on development and real estate values.

In response to a question, Mr. Galanti stated that the City/County water/sewer agreement will terminate on December 31, 2010 and that the Manager’s Office is working with the County on formulating a new agreement to be adopted by City Council.

**B. BRIEFING ON THE POTENTIAL WEST FRIENDLY AVENUE/GUILFORD COLLEGE ROAD LAND USE PLAN AMENDMENT.**

Mike Kirkman stated that over the next several months it is possible that a land use amendment may be coming to the Planning Board. There has been a request from neighborhoods along West Friendly Avenue and the Urban Loop concerning residential densities, appropriate future land uses, historic properties, and neighborhood conservation districts. This could also involve discussions related to the Activity Center designation. Staff will hold meetings to gather information from the interested parties.

**C. DEVELOPMENT SERVICES.**

Steve Galanti stated that the new Development Services Office will open January 3, 2011, on the UG Level of MMOB with access from West Washington Street. Site review personnel will be available from 8 am to 12 noon.

He also stated that the Planning Department and the Department of Housing and Community Development have been merged with Sue Schwartz is the interim director.

**APPROVAL OF ABSENCES:**

The absence of Mr. Williams and Mr. Douglas were acknowledged as excused.

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**ADJOURNMENT:**

There being no further business before the Board, the meeting adjourned at 3:09 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director