

**PARTIAL MINUTES OF THE
ZONING COMMISSION
November 19, 2018**

Z-18-11-001 A portion of 1703 East Wendover Avenue (north of East Wendover Avenue and west of Gatewood Avenue) – A rezoning request from R-5 (Residential Single Family - 5) to CD-LI (Conditional District - Light Industrial) with the following conditions: 1) Uses shall be limited to all uses permitted in the LI district except the following: recreational uses; overnight accommodations; eating and drinking establishments; any use with drive-thru service; convenience stores with fuel pumps; taxi dispatch terminals; truck stops; car washes; park and ride facilities; flea markets; and junked motor vehicles. 2) No principal structures are permitted on the property associated with this rezoning. – For a portion of the property located at 1703 East Wendover Avenue, generally described as north of East Wendover Avenue and west of Gatewood Avenue (approximately 1.93 acres of the 3.88 total acres) – Benjamin D. Ridings for Mema II, LLC. **(FAVORABLE RECOMMENDATION)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Chair Lester asked if there was anyone wishing to speak on this matter.

In Favor of:

Ben Ridings, 301 N. Elm Street Suite 700, stated that he is here on behalf of the applicant. His client purchased this property sometime last year from Penn National and then discovered the zoning issue. Unfortunately, his client did not make Penn National fix this issue before they bought the property so he is now asking the Commission to approve this rezoning request. He added that they intended for the subject property to remain as a parking lot.

In Opposition of:

Odell Swinney, 1925 Teller Street, stated that he is against this rezoning for one purpose. He is afraid of the effect that it will have on the neighbors and the ability to get loans. This is more of a low-income neighborhood.

Mauricio Rocha, 1880 Macer Avenue, stated that he agrees with Mr. Swinney. He lives right behind the rezoning property. He wants to know how this will affect his property.

James Johnson, 1902 Woodside Drive, stated that he is two streets over from the rezoning. He spoke to Mr. Carter earlier about the situation. He said Mr. Carter said the neighborhood would not be affected by it. However, he wants to make sure that it will not affect the neighborhood. Ms. Mazzurco asked if staff told him the difference in the zonings and what that looks like if the current property owner sells the property. Mr. Johnson said he does not, but Mr. Carter explained that it was just that portion of the parking area that was requesting to be rezoned. Mr. Johnson said that he just does not want his area to be affected by this rezoning. Ms. Mazzurco said that if a neighbor came and asked for his property to be rezoned to LI then it is likely that more owners could come and ask for the same zoning as well, because they are setting precedent here. Chair Lester said that there are conditions on this property so that condition number 2 says “no principal structures are permitted on the property associated with this rezoning”. So, if the zoning is approved to Light Industrial it would remain a parking lot. Mike Kirkman stated that is correct and if the zoning is approved it will be subject to these conditions regardless of who the owner is. Ms. Mazzurco asked if they could tell them what accessory structures mean. Mike Kirkman said that an accessory structure is something that is associated with the principal use of the property. So the applicant could use some type of storage building on the subject lot.

In Favor Rebuttal:

Ben Ridings, stated that the zoning staff did a good job of explaining the conditions. In terms of communications, he sent out 71 letters on November 2. A lot of the properties are occupied by renters and the City's mailing list is based on property owners. Mr. Holston asked if they had any intentions to build on that property. Mr. Ridings said the parking lot is to stay the same but the owner does want to place one or two storage sheds. One is 10x20 and they needed a building permit for this building. Mr. Holston asked if they plan on making any kinds of changes in lighting. Mr. Ridings said it was going to stay a parking lot and there would be no change in lighting

In Opposition Rebuttal:

None

There being no other speakers, the public hearing was closed.

Staff Recommendation

Mike Kirkman stated that this site is designated as Low Residential. The Low Residential category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Under Council adopted policy, a Generalized Future Land Use Map amendment is not required because the request does not involve a significant physical change resulting in new or expanded structures (based on Condition # 2). The proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy as well as the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-LI district includes zoning conditions that will limit negative impacts on the surrounding neighborhood. Staff recommends approval of this request.

Discussion:

Chair Lester asked staff if the purpose of this rezoning is to continue to use it as a parking lot and bring the parking lot into conformity. Mike Kirkman said that is correct.

Mr. Holston asked staff what happens if the Commission does not approve this request. Mr. Kirkman said that the change of use in the adjacent building from an industrial use to an office use increased the amount of required parking and some of this parking was on the adjacent residential zoned lot. Mr. Engle asked what the property with the proposed office was zoned. Mr. Kirkman said that it is zoned Light Industrial. Mr. Engle said that for it be used as LI it requires a certain amount of parking, correct? Mike Kirkman said that was correct. Mr. Engle asked how many spaces would be required. Mike Kirkman said that office uses requires one space for every 300 square feet. Mr. Engle asked how many spaces were in the parking lot. Mr. Kirkman said he does not have that information.

Mrs. Mazzurco asked if the Board of Adjustment could handle this through a variance. Mr. Kirkman said the Board of Adjustment does not address use issues. He added that this is an issue where a citywide ordinance was changed that previously allowed for parking to encroach into residential zoning. The only way to address that is to bring the parking lot into conformity. Ms. Mazzurco asked what would happen if the Commission denied this request. Mr. Kirkman said they would have to look at other options then. Chair Lester stated that he would support this application because it does not push Light Industrial into the residential area any further but does allow accessory parking and storage for the office use.

Chair Lester moved that in regard to Z-18-11-001, 1703 East Wendover Avenue, the Greensboro Zoning Commission believes that its action to approve the zoning amendment from R-5, residential single family to CD-LI, Conditional District-Light Industrial to be consisted with the Connections 2025 Comprehensive Plan and considers this action taken to be reasonable and in the public interest for the following reasons: The request is consistent with the economic development goal to promote a healthy, diversified economy, the request is consistent with the land use goal to promote sound investments in Greensboro's urban

areas and the request includes conditions that limit potential negative impact to the surrounding area, seconded by Mr. Pinto. The Commission voted 5-2 in favor of the request. (Ayes: Lester, Holston, Pinto, Alford, Engle. Nays: Mazzurco and Dansby-Byrd.). Chair Lester noted that because the motion to approve got less than 6 affirmative votes, the action became a favorable recommendation and the item will now move on to the City Council.