

**MEETING OF THE
GREENSBORO PLANNING BOARD
JUNE 17, 2020**

The Greensboro Planning Board meeting was held on Wednesday, June 17, 2020, at 4:00 pm virtually via Zoom. Board members present were: Chair Steve Allen, Mike Cooke, Dave Blackman, Homer Wade, Richard Bryson, Donald Brandon, Carol Carter, and John Martin. Planning staff present included Steve Galanti, Mike Kirkman, Luke Carter, Russ Clegg, Andy Lester, and Sue Schwartz, Planning Director. Also present was Terri Jones, from the City Attorney's Office and Virginia Spillman, from the Department of Water Resources.

APPROVAL OF MINUTES OF MAY 20, 2020 PLANNING BOARD MEETING (APPROVED)

Ms. Carter moved to approve the minutes of the May 20, 2020, Planning Board meeting, seconded by Mr. Wade. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Carter, Wade, Blackman, Bryson, Cooke, Brandon, and Martin. Nays: None).

PUBLIC HEARINGS:

**AMENDING SECTIONS 30-1-4, 30-3-3, 30-3-4, 30-3-6, 30-3-7, 30-3-16, TABLE 3-1, 30-4-1, 30-4-1, TABLE 4-1, TABLE 4-2, TABLE 4-3, TABLE 4-4, 30-4-3, 30-4-4, 30-4-5, 30-4-6, 30-4-7, 30-4-8, 30-4-10, 30-4-11, 30-4-12, 30-4-14, 30-4-15, 30-4-17, 30-4-25, 30-6-2, 30-6-6, 30-6-9, 30-8-10, 30-12-3, 30-12-4 AND 30-14-7 OF THE LAND DEVELOPMENT ORDINANCE RELATED TO THE PLANNING BOARD, ZONING COMMISSION, BOARD OF ADJUSTMENT, EASEMENT RELEASES, SPECIAL USER PERMITS, GSO 2040 COMPREHENSIVE PLAN, REZONING PROCESS, ACTIVITY CENTER OVERLAY DISTRICT, RM-40 ZONING DISTRICT, LIGHT INDUSTRIAL-MIXED ZONING DISTRICT, C-M, C-H, AND BP ZONING DISTRICTS, POLE MOUNTED BANNERS, PLANNED UNIT DEVELOPMENT ZONING DISTRICT, AND UNIFIED DEVELOPMENT PLANS.
(RECOMMENDED APPROVAL WITH CONDITIONS)**

Mr. Galanti stated after approximately two and one-half years of work, City Council adopted the update to the Comprehensive Plan, GSO 2040, on June 16th with an effective date of September 1, 2020 to allow time for these amendments to be prepared. Mr. Galanti explained that the cross references to the Future Built Form Map 8 will be used to implement the concepts within the new Comprehensive Plan. He described the zoning districts and overlay zones to aid in carrying out the ideas in the plan. He described the three levels of activity centers as Neighborhood-Scaled, Community-Scaled, and Regional-Scaled. The activity centers are a focus of community, civic, and commercial activities based on the size of area served. The LDO's encourages development intensity and building bulk in the Activity Center Overlay Zone, the RM-40 zoning district, and the Light-Industrial Mixed Use zoning district. The overlay district is used to modify development standards in an area in order to meet the policies and goals of an activity center. He further explained the update to the cross reference to allow pole mounted banners within designated corridors. In addition to changes to the General Statutes, the new Comprehensive Plan eliminates the need for plan amendments with rezonings. Instead, the Zoning Commission will make a consistency statements and if

inconsistent with the plan, the plan would be amended with the rezoning. There is a process for an annual review of the Comprehensive Plan to be presented to the Boards and Commissions. City Council also directed staff to evaluate the efficiency and effectiveness of Boards and Commissions compared to other municipalities and to start incorporating changes coming forth in North Carolina General Statute 160D. The goal was to better align Commission and Board's expertise with the items being decided. The amendment will move Special Use Permits to the Board of Adjustment, a quasi-judicial body with an appeal to Superior Court instead of City Council, a legislative body. The application process for planned unit development rezonings would require the application to include the Unified Development Plan, which is a recordable map representing the zoning conditions and the development standards for the zoning district. Since the Unified Development Plan would not need Planning Board review and approval, the current three step process would be a reduction in time needed to complete the public hearing process. These changes are being implemented as part of NC General Statute 160D and Council's direction to consolidate Boards and Commissions. The duties of the Planning Board are shifting to the Zoning Commission, with one exception, easement releases will be moved to the Technical Review Committee. This was being done since most of the easement releases come out of permit requests through the Development Services Office or the Technical Review Committee. He requested that the Board hold a public hearing to receive public comments and if they find the amendment is not contrary to the public interest, make a recommendation to City Council.

In response to a question from Chair Allen, Mr. Galanti stated that since the effective date of this ordinance is not until September 1, 2020, there will still be Planning Board meetings in July and August.

In response to a question from Ms. Carter, Mr. Galanti stated that the text amendment would only allow the use of the RM-40 zoning district in the District-Scaled and Regional-Scaled Activity Centers and Corridors.

In response to a question from Ms. Carter, Mr. Clegg stated that the Reinvestment Corridors were carried over from the previous plan.

Ms. Carter stated that she thought it was typical for the Board of Adjustment to handle Special Use Permits in other cities and that working through the quasi-judicial format for Special Use Permits was proper and appropriate.

In response to a question from Ms. Carter, Ms. Jones stated that the City Charter allows Council to delegate easement releases to a designated Board and the TRC is a Planning Board under state law.

In response to a question from Ms. Carter, Mr. Kirkman stated that this amendment would not change to notification requirements for Special Use permits.

In response to a question from Ms. Carter, Mr. Clegg responded that the activity center at the intersection of Guilford College Road and Friendly Avenue is a Neighborhood-Scaled Activity Center based on the research of the characteristics in the Comprehensive Plan and that there

were a variety of tools available in the LDO to accomplish its goals, such as having a mix and higher intensity of uses.

Ms. Carter stated that she felt Guilford College was a Neighborhood-Scaled Activity Center and should remain so designated.

In response to several question from Ms. Carter, Ms. Schwartz state that with adoption of the Comprehensive Plan a recommendation for implementation was to create a work plan and system for neighborhood and corridor plans. Planning has met with Transportation, Parks and Recreation, Libraries, and Neighborhood Development to determine areas of interest using joint resources to plan. A suggestion was made for criteria to be developed. A number of rezoning cases are being looked at within in area to determine if there are growth pressures and looking at the alignment to city projects. If a neighborhood wants to initiate the planning processes, there will be a way to make sure people are aware of how to do that.

Ms. Carter stated that doing an annual review of the plan was waiting too long and she recommended quarterly reviews.

In response to a question from Mr. Cooke, Mr. Galanti responded that a Planning Board recommendation is needed for the text amendment to move on to City Council for final action. Ms. Schwartz added that the Board's recommend is need on the other aspects of the amendment and that Greensboro is the only municipality, as far as they know through the School of Governments research that has two separate boards as Planning and Zoning. It appears is has been that way since the 1970's. Ms. Schwartz talked to Tom Martin who was Planning Director at one point and it pre-dated him.

Mr. Blackman stated that he was comfortable with the recommendation as he felt the Board could only give opinions but not much more than that. Plans need to be very carefully evaluated by citizens before City Council consideration. The planning process should not be pushed so far away from people that they don't understand it, don't care about it, or don't feel the importance of their input. The planning process needs to include significant citizen oversight.

Chair Allen stated that the RM-40 zoning district was new to him but needed to include affordable housing units. Chair Allen stated that this Board is a very serious endeavor and that the Board's goal and intent was to make the City better in accordance with the member's different perspectives. Chair Allen stated that he was sorry to see the Planning Board go but understood and has been aware of their unique position within the hierarchy and how things developed. This has been a worthwhile effort and hopes there has been a difference made within the time constraints. The experience has been an educational process and he has seen a lot of members come and go. All of them would say that they definitely spent their hard earned time throughout the process working on developing the city and moving it forward. Chair Allen thanked everyone for their commitment and dedication to this point. This is the best time for voices to be heard and constituted and alignment with the goals as a Planning Board. This is ultimately transfer of power from the Planning Board to the Zoning Commission.

Mr. Martin stated this change made sense. It creates efficiencies with planning items that align with zoning items.

Bill McNeil, 1014 Gretchen Lane, representing New Garden Guilford College Community Alliance, stated that in Section #42 of the draft ordinance, the activity center overlay is only available to District-Scaled and Regional-Scaled Activity Centers. He suggested the Ordinance should not preclude activity centers from being created in Neighborhood-Scaled Activity Centers. An activity center overlay should be a possibility in Neighborhood-Scaled Activity Centers. Currently there has been community planning and some recommendations have been identified but, is a long way from having a good set of ideas for having an overlay ready to be adopted. The New Garden Guilford College Community Alliance suggested the language in Section #42 be changed to allow all activity centers to be eligible for activity center overlays.

Ms. Carter stated that she understands that there are other areas in Greensboro with small area plans but, the Guilford College Plan is different since it is neighborhood-oriented and will need some type of overlay.

Mr. McNeil stated that the Planning Board has brought a variety interest to the table for consideration on all sorts of development matters in the city. There is a concern with consolidating everything in the Zoning Commission that the city not lose neighborhood-based, community input in the form of members of the Zoning Commission. Mr. McNeil suggested consideration to be given, if not in the text amendment, in the set of recommendations to Council. Mr. McNeil suggested half of the Zoning Commission should be drawn from community-based and neighborhood-based civic organizations.

Mr. Bryson stated that the public should be given opportunities to speak about development in their neighborhoods. He referred to the amount of time for himself and other members being on the Planning Board, and was hopeful they made a difference in the community that they served and in Greensboro as a whole.

Ms. Carter stated the Board has done good things and could be very useful in citizen-based planning for the department and encouraged the members of the board to find a role.

Ms. Carter moved to recommend the text amendment to City Council with a quarterly evaluation of the comprehensive plan, that Activity Center Overlay Districts be allowed in the Neighborhood-Scaled Activity Centers, and (motion amended by Chair Allen) that affordable housing units be required within the RM-40 zoning district, seconded by Mr. Brandon. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Carter, Wade, Blackman, Bryson, Cooke, Brandon, and Martin. Nays: None).

Ms. Schwartz stated that there was very important commentary made by the Board that will be forwarded on to Council about the makeup of the Zoning Commission and to ensure that there are community-based members on the Commission for a balance. She stated that staff appreciated the time and insights provided by the Board and their dedication in making Greensboro a better place to live, work, and play.

AMENDING SECTIONS 30-12-3.4, 30-12-3.11, TABLE 12-6 AND TABLE 12-7 OF THE LAND DEVELOPMENT ORDINANCE TO CREATE MODIFICATION PROVISIONS TO ALLOW SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENTS WITHIN THE GWA AND OTHER WATERSHED DISTRICTS TO USE PERCENTAGE OF BUILT UPON TO MEASURE DENSITY. (RECOMMENDED APPROVAL WITH CONDITIONS)

Mr. Galanti stated the state mandated watershed regulations require certain development standards for development based on density. The denser the development, the stricter the regulations. Since the creation of the watershed regulations, the City of Greensboro has measured density in the single-family subdivisions by a unit per acre measurement. Several months prior, the development community notified Greensboro staff that there has been an interpretation of the North Carolina Department of Environmental Quality that allows municipalities to use either the unit per acre or the built upon area calculation to measure density within single-family subdivisions. The proposed text amendment will modify the Land Development Ordinance to include an option for single-family detached residential developments, within the general watershed area and the other watershed districts, to use the percentage of built upon area to measure density. The amendment also includes the provision that a Type 2 modification must be granted by the Technical Review Committee in order to use this option. Mr. Galanti requested that the Planning Board receive public comments and if determined it is not contrary to the public interest, make a recommendation to move this item on to City Council.

In response to a question by Ms. Carter, Ms. Spillman responded that stream buffers and all of the previous requirements will still apply to development in the watershed, and that this is a way to calculate the built upon that the state has approved for other jurisdictions.

Chair Allen stated that in speaking with Mr. Galanti there are two ways to calculate the water quality and there was a legal judgment making the built upon area option accessible for use.

Mr. Galanti stated that this amendment would allow a second option for doing the measurement in single-family subdivisions.

In response to a question from Chair Allen, Mr. Galanti stated that this change would not allow for an increase in density, it is just another way to measure it.

In response to a question from Mr. Wade, Mr. Galanti state that using this option would require a Type 2 modification to be granted by the TRC. The Type 2 modification would be used to determine if there is something particular about the site that would allow the use of this type of calculation.

Mr. Wade stated that he did not understand the need for the Type 2 modification, and that since the State regulation states that low density is either 2 units per acre or 24%, and that his firm was instrumental in getting this change made.

Mr. Galanti stated that the calculation is the tipping point between the development either being low density or high density, that would require a water quality device. The subdivision

would still need to comply with the zoning requirements as it relates to density. The reason for the Type 2 modification is to have a staff level review through the Technical Review Committee to look at the specifics of the site. Also, when staff researched the use of this option, it was discovered that High Point has this option and also requires a Type 2 modification through their TRC.

Ms. Carter stated that even with it being state law, she was not in support.

Judy Stalder, TREBIC, 115 South West Gate Drive, stated that this recommendation came from a member who had been working regularly in High Point and saw an advantage to having some flexibility in this particular standard. TREBIC is hopeful the Board will recommend this change to have consistency among ordinances across the Triad.

Mr. Wade moved to recommend the text amendment to City Council without the requirement for a Type 2 modification, seconded by Mr. Blackman. The Board Voted 6-2 in support of a favorable recommendation. (Ayes: Allen, Wade, Blackman, Cooke, Brandon, and Martin. Nays: Bryson and Carter).

Ms. Jones advised that in accordance with Section Law 2020-3, written comments may be submitted up to 24 hours after the conclusion of these public hearings.

ANNEXATIONS:

PL(P) 20-12 PROPOSED CONTIGUOUS ANNEXATION OF 2126 AND 2146 SCOTT ROAD, (47.76 ACRES). (RECOMMENDED APPROVAL)

Mr. Galanti stated that this annexation request contains approximately 47.76 acres. City Water is available by connecting to the 12-inch water line located approximately 2,300 feet to the west at the corner of 2126 Scott Road. City Sewer is available by connecting to the 10-inch outfall that runs along the back of 2126 and 2146 Scott Road. The applicant has been advised that the line has not been put into service and no connection can be made until it is in service. The City's Fire Department noted this site is served by City Station #14 under a reciprocal agreement. Upon annexation the property will continue to be served by City Station #14 and response time will remain the same. The Police Department can provide service to this site with little difficulty. The abutting property to the north is in the county's jurisdiction and contains single-family dwellings; to the east is in the county's and city's jurisdiction and contains single-family dwellings and undeveloped property; to the south is in the city's jurisdiction and contains single-family dwellings, and to the west is in the county's jurisdiction and contains single-family dwellings and undeveloped property. The property is located within Growth Tier 1 on the Growth Strategy map in the current Comprehensive Plan and is considered contiguous to the City's primary corporate. The Technical Review Committee reviewed the annexation and recommended approval at their June 5, 2020 meeting.

Ms. Carter moved to recommend the annexation to City Council, seconded by Mr. Wade. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Carter, Wade, Blackman, Bryson, Cook, Brandon, and Martin. Nays: None).

PL(P) 20-13: PROPOSED CONTIGUOUS ANNEXATION OF 1898 CUDE ROAD AND 8005 LEABOURNE ROAD (43.7 ACRES). (RECOMMENDED APPROVAL)

Mr. Galanti stated this annexation request contains approximately 43.7 acres. City Water is available by connecting to the 16-inch water line running along the north side of Leabourne Road. City Sewer is available by connecting to the existing 12-inch sewer line located north of Leabourne Road. The applicant has been advised that this 12-inch sewer line will need to be extended from the existing manhole southward to the southwest border of this property. The City's Fire Department noted that the site is currently served by Colfax Fire Station #16. Upon annexation, the property will be continued to be served by Colfax Fire Station #16, in accordance with a paid contract. City Station #20 will also respond to the property. Services for this location will remain the same for single unit responses, multi-unit responses will slightly improve but will still not meet the Fire Department's standard of cover for structure fires due to the travel times of the outlying stations. The Police Department can provide service to this site with little impact. The abutting property to the north is located in the county's jurisdiction and contains single-family dwellings; to the east is in the county's jurisdiction and contains an equestrian center and single-family dwellings; to the south is the county's jurisdiction and contains single-family dwellings; and to the west is in the county's jurisdiction and contains undeveloped property and single-family dwellings. The property is located within Growth Tier 1 on the Growth Strategy map in the Comprehensive Plan and is considered a satellite annexation as it is not contiguous to the primary corporate limits. The Technical Review Committee reviewed this annexation request and recommended its approval at the June 5, 2020 meeting.

Ms. Carter moved to recommend the annexation to City Council, seconded by Mr. Bryson. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Blackman, Cooke, Wade, Brandon, Martin, Bryson, and Carter. Nays: None).

PL(P) 20-14: PROPOSED CONTIGUOUS ANNEXATION OF 351, 359, AND A PORTION OF 367 AIR HARBOR ROAD (5.618 ACRES). (RECOMMENDED APPROVAL)

Mr. Galanti stated this annexation request contains approximately 5.618 acres. City Water is available by connecting to the 12-inch water line located approximately 1,000 feet to the west of the property within Air Harbor Road. City Sewer is available by connecting to the 8-inch outfall to the south of 367 Air Harbor Road. The applicant has been advised that the extension of the public line would be required in order to provide service to the upstream property. The City's Fire Department noted that the site is currently served by Fire District #13, Station #58. Upon annexation, the property will be served by City Station #43 and the response time for this site will improve. The Police Department can provide service to this site with little difficulty. The abutting property located to the north is in the city's and county's jurisdiction and contains undeveloped land and single-family dwellings; to the east is in the county's and city's jurisdiction and contains single-family dwellings; to the south is in the city's jurisdiction and contains undeveloped land; and to the west is located with the city's and county's jurisdiction and contains a place of religious assembly. This property is located within Growth Tier 1 on the Growth Strategy map in the Comprehensive Plan and is considered to be contiguous to the

City's primary corporate limits. The Technical Review Committee reviewed this annexation request and recommended its approval at the June 5, 2020 meeting.

Mr. Blackman moved to recommend the annexation to City Council, seconded by Mr. Wade. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Blackman, Wade, Bryson, Cooke, Carter, Brandon, and Martin. Nays: None).

STREET CLOSING:

PL(P)20-10: PROPOSED CLOSING OF A PORTION OF WALKER AVENUE, FROM A POINT 105.81 FEET FROM SOUTH TATE STREET WESTWARD A DISTANCE OF 260 FEET TO ITS TERMINUS. (RECOMMENDED APPROVAL)

Mr. Lester stated that the closing of this portion of the right-of-way associated with Walker Avenue was requested by Franklin D. Gilliam, representing the University of North Carolina at Greensboro and the State of North Carolina. The petition was signed by land owners having 100% of the frontage along this portion of Walker Avenue. Two determinations are required by the Board in order to recommend the closing of a street; that the closing of the street to vehicular traffic is not contrary to public interest, and no property owner in the vicinity is deprived of reasonable means of ingress and egress. The Technical Review Committee recommended approval of the closing at its June 8, 2020 meeting with the following conditions: The lots north of this portion of Walker Avenue are to be combined in order to maintain frontage and have direct vehicle access to an existing public street; a minimum 20-foot utility easement will be retained by the City of Greensboro, centered on each existing utility line located in the portion of the street to be closed; the official map depicting the private streets within UNCG's campus will be updated after this closing; and UNCG shall coordinate this closing with the Department of Field Operations.

Ms. Carter moved to recommend the street closing to City Council, seconded by Mr. Bryson. The Board voted 8-0 in favor of the motion. (Ayes: Allen, Carter, Bryson, Blackman, Cooke, Wade, Brandon and Martin. Nays: None.)

ITEMS FROM THE CHAIR:

Chair Allen thanked everyone who attended the meeting and stated it appears there could be a couple of more meetings to still make a difference. He stated that all of the Board members have made a difference and appreciated everyone for their time, efforts, and attention.

ITEMS FROM BOARD MEMBERS:

Ms. Carter stated she was very disappointed with how the Planning Department handled the demise and believed the Board members should have been treated with more respect than having to read it in the agenda packet prior to the meeting or giving Chair Allen the notice on the day of the meeting. Ms. Carter felt it was very unprofessional. All of the Board members have done well and will continue to do well. It was disappointing to think others did not think the group had done well. This Board was how the Comprehensive Plan got going.

APPROVAL OF ABSENCES:

The absences for Mr. Clark was acknowledged as unapproved.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 5:35 p.m.

Respectfully submitted,

Sue Schwartz, FAICP
Planning Department, Director

DRAFT