

**MEETING OF THE
GREENSBORO PLANNING BOARD
September 17, 2014**

The Greensboro Planning Board meeting was held on Wednesday, September 17, 2014 at 2:03 p.m. in the City Council Chamber, 2nd floor of the Melvin Municipal Office Building. Board members present were: Chuck Truby, Chairman; Marc Isaacson; Steve Allen, Richard Mossman, Seth Steele, Day Atkins, Richard Bryson and Celia Parker. City staff present included Steve Galanti, Mike Kirkman, Nicole Ward, Hanna Cockburn, and Sheila Stains-Ramp, from the Planning Department; Caitlin Warren from Neighborhood Development Department; and Terri Jones and Tom Carruthers from the City Attorney's Office.

Chairman Truby welcomed everyone to the meeting and explained the procedures of the Planning Board.

MEETING MINUTES:

Mr. Isaacson moved approval of the August, 2014 meeting minutes as written, seconded by Ms. Parker. The Board voted unanimously in favor of the motion.

PUBLIC HEARINGS:

Annexation Petition - PL (P) 14-09 – 5209 – R1 & R2 Liberty Road, 51901 – 5103 Foxworth Drive, 33.746 acres, between Field Horney Road and Forest Oaks Drive (CONTINUED to October 2014 Planning Board Meeting)

The petitioner, David Michaels, 621 Eugene Court, requested that the item be continued to the October meeting to resolve some concerns with the neighbors. He noted that the Zoning Commission has allowed a continuance to their October 13th meeting.

Mr. Isaacson moved to continue this matter to the October meeting, seconded by Mr. Steele. The Board voted unanimously in favor of the motion.

Comprehensive Annual Performance Evaluation Report (CAPER) for Federal Programs, Fiscal Year 2013-2014 (Report ACCEPTED)

Caitlin Warren, Neighborhood Development Department, presented the Comprehensive Annual Performance Evaluation Report (CAPER) and took the Board's questions. She noted that the Report summarizes the performance of several federally funded programs towards meeting the goals of the five-year Consolidated Plan, including the Community Development Black Grant Program, the HOME Program, the Housing Opportunities for Persons with AIDS (HOPWA) Program, and the Emergency Solutions Grant, as well as the Lead Remediation Grant Program. She noted the funds are used for community development and improvement projects like Willow Oaks, the South Elm Street Redevelopment Plan, Brownfields Rental and Homeowner Rehabilitation, Rental and New Home Owner New Construction, Home Buyer Assistance and Counseling, Fair Housing Activities, Economic Development and Small Business Assistance, and Homelessness Prevention Activities. She also noted that, because the City of Greensboro is the lead agency, the report addresses

programs from the City of Burlington, Alamance County and Guilford County as participating agencies in the HOME Program.

Ms. Warren noted the number of persons served by the various programs, and directed those interested in having more information to the Neighborhood Development Department's webpage within the City's website.

There being no other speakers, the public hearing was closed by unanimous vote of the Board.

Mr. Isaacson moved to accept the Comprehensive Annual Performance Evaluation Report (CAPER) for Fiscal year 2013-2014, seconded by Mr. Allen. The Board voted unanimously in favor of the motion.

BLIGHT CERTIFICATION:

Certification of 310 West Meadowview Road (Heritage House) as a 'Blighted Property'; Certification of 312 West Meadowview Road (Meridian Event Center) as a 'Rehabilitation, Conservation and Reconditioning Area'; Establishment of Boundaries of New Redevelopment Area (Resolution APPROVED)

Tom Carruthers, City Attorney's Office, provided a summation of the situation to date, noting that Heritage House has been a 177-unit homeowner condominium building since approximately 2005. He stated that for the last four years the City has been aware of an increasing number of problems, including operational defects and violations of the building code, as well as reported illegal activities. The City obtained civil warrants and code enforcement officers entered each of the units and all public areas, documenting multiple violations of the Minimum Housing Code. He reported that City staff worked with each of the unit owners, and by March of 2013 the Code violations had been cleared. However, the illegal activities did not abate, and Home Owners Association (HOA) was unable to collect sufficient dues to properly maintain the building, or to pay the water and utility bills. By March 2014 the City acknowledged that normal code enforcement procedures and law enforcement options had not proven sufficient to address the issues and the living conditions were untenable.

Mr. Carruthers noted that with the inability to continue to provide water and power, the situation had become a humanitarian emergency; residents were given notice that the water would be cut off and owners were given notice the units and the overall building were going to be condemned for occupancy. City staff and volunteers from several non-profit organizations provided assistance to help families into apartments, shelters or hotel rooms.

Mr. Carruthers noted that in the consideration of City staff, the appropriate avenue to recover the situation is to begin the redevelopment process allowed by the General Statutes of North Carolina.

Mr. Carruthers stated the proposed Redevelopment Area would cover the Heritage House complex and the adjacent Meridian Event Center, which while physically attached is separately owned and still functioning as a business. The blight declarations and designation of the redevelopment area will give the City the power to develop approaches to resolve the deficiencies. If a taking of the property by eminent domain is authorized by City Council, after the third public hearing, then the condemnation process will take place in Superior Court and each property owner will have the legal right to have their legal counsel compensated if it is necessary.

Hanna Cockburn, Planning Manager, explained that the Planning Board was being asked to take the first step in the Redevelopment process by 1) approving the Certification of Blight for 310 W. Meadowview Road; 2) approving the Certification of a Rehabilitation, Conservation and Reconditioning Area for 312 W. Meadowview Road; and 3) establishing the boundaries of a new Redevelopment Area containing these two locations. She noted the Planning Board had been provided the relevant NC General Statutes on redevelopment and would be provided evidence substantiating the blight designation. Ms. Cockburn noted that Redevelopment is not a quick process, with several steps detailed by the General Statutes to protect ownership rights and several opportunities for public input; the present agenda item, the legislative determination of blight and the boundaries of the blighted area, is only the first step. She noted that the designation is a final action of the Planning Board, based on sufficiency of evidence, and there is no right of appeal. If the designation is approved, the Redevelopment Plan will be created, a process involving staff, property owners, and other stakeholders, and requiring public hearings before the Redevelopment Commission, the Planning Board and City Council. That Plan will include a series of recommended implementation activities and each of those will have a role for the Redevelopment Commission and Council to play.

Ms. Cockburn noted that Redevelopment law sets out five different factors to consider when declaring a parcel or an area "blighted": Dilapidation, deterioration, age and obsolescence; Inadequate provision of ventilation, light, air, sanitation or open spaces; high density population, overcrowding, unsanitary or unsafe conditions which endanger life or property; conditions which substantially impair the sound growth of the community; and conditions conducive to ill health, the transmission of disease or crime and detrimental to the public. She described each and outlined the evidence offered in support of the declaration of blight for 310 W Meadowview Road (Heritage House.)

Ms. Cockburn noted that the property located at 312 W. Meadowview Road (Meridian Event Center) is in proximity to the blighted conditions and is an attached facility sharing a common fire wall. In staff's view it meets the criteria for the declaration of a blighted area, i.e., show evidence of clear and present danger of blight.

In summary, Ms. Cockburn stated staff recommends that the three actions before the Planning Board be taken, by adoption of a resolution to be provided by the City Attorney's Office. She also asked that people in attendance who are interested in staying involved leave their contact information on the sign-up sheet. She stated that staff looks forward to involving the neighborhood in finding strategies to restore the building as a vital part of the community.

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

Ms. Cockburn noted that the Planning Board had been provided an email from the owner of the Meridian Event Center, stating their support for the blight certifications and establishment of the Redevelopment Area.

Charles Coffee, 1903 Freeman Mill Road, stated that he was an owner of 27 units. He stated that many of the problems were due to irresponsible owners and the tenants they rented to, citing a roach infestation caused by tenants leaving trash in hallways and public areas, the vandalizing of walls, light fixtures, elevators and the fire system, smoking in non-smoking areas, discharge of fire extinguishers in common areas, and other anti-social behaviors. He stated he had worked with the Police Department to deal with the drug dealers, but some owners did not evict tenants who had been arrested for drug trafficking. He stated that many were delinquent paying HOA dues, presently

totaling around \$230,000, with this non-payment resulting in the closure because there was no way to keep the building operational. He stated that the Heritage House had a lot of potential and the irresponsible homeowners threw it away. He urged the Board vote for the blighted status and redevelopment area designation as recommended by staff.

Beth McKee-Huger, Greensboro Housing Coalition, 122 N. Elm Street, stated that she supports the staff recommendation, which would give the City the authority to consolidate ownership. Owners would get a fair price for their unit and hold-outs trying for unreasonable prices would not be as successful. Once the ownership is consolidated, the City can look at who could rehabilitate the property and be held accountable for maintaining it appropriately. She noted the substantial need for safe, affordable housing in the community and she would like to see Heritage House restored. She feels the designation as a blighted area would be an essential first step for that.

Mark Royster, a unit owner, stated that his family bought the unit in 2005 as a home for their daughter who was attending NC A&T State University. They ended up moving her out of the unit because they were concerned for her safety, given the inability of the HOA to maintain the building and public areas, and the illicit activities of an increasing number of residents. He stated his support for the blight designation and redevelopment approach.

Board Member Bryson asked who would be responsible for compensating homeowners for legal representation. Counsel Carruthers stated that it will be the taxpayers or the financing vehicle, ultimately, that they are able to arrange for the hoped for rehabilitation of this structure.

Mr. Bryson asked how the condition of the Heritage House has affected the Meridian Event Center. Counsel Carruthers stated that Event Center is part of the building that was the original Royal Villa Hotel and was part of the original condominium declaration in 2005. It is now a separate parcel, having been purchased and removed from the condominium declaration, but its close proximity to the documented problems are such that it is in clear and present danger of becoming blighted itself.

Mr. Bryson asked who was responsible for the continued operation of the elevators. Counsel Carruthers stated that this was the responsibility of the Homeowner's Association.

Mr. Bryson asked where the tenants are now. Councilwoman Sharon Hightower, in attendance in the audience, stated that she represents District 1, where Heritage House is located. All the residents that they were able to contact are in safe, affordable housing. Housing was found for about 67 families, and about 15 families are in transitional housing while more permanent housing is sought. For the most part, people are in safe places and thankful for the City's action. She pointed out that a lot of the residents were families, not prostitutes or drug dealers.

Board Member Isaacson inquired about the loans that some of the homeowners may still owe on their units and asked what happens to outstanding amounts on mortgages if the City acquires the units. Counsel Carruthers stated that the City will be paying fair market value for the units, which may not cover deeds of trust or entire amounts of mortgages. However, North Carolina is not a state that allows deficiency judgments against homeowners, so this will have to be on a case-by-case basis.

Board Member Atkins asked what would happen to this area and the property if the proposed blight designation and Redevelopment Area establishment are not approved. Counsel Carruthers stated that the building would remain condemned to occupancy. He noted there is a group of owners hoping to re-form an HOA, which would technically be possible if they could address the blight, but that would have to be addressed before they could move forward. He noted he is not optimistic that

would solve the problem as the same inadequacies that stalled effective code enforcement and police enforcement would remain. On the other hand, if the building never reopens, it would continue to deteriorate to the point where it reaches a state of imminent peril to those around it, and the City would then have legal authority to tear down the structure.

Mr. Isaacson stated the statute says the Board is authorized to declare this a blighted area where the conditions are beyond remedy or control by standard regulatory processes and the exercise of City's police power. He asked if there were no other private or public sector routes to explore.

Counsel Carruthers stated that the redevelopment power is relatively rarely used, in part because the tests to reach the required authorization are substantial, but when the situation reaches the scope of a humanitarian crisis it is a legal, proper and necessary thing to do to address the problem.

Counsel Carruthers suggested that the Resolution be published to the record. (The Resolution in its entirety is appended to these minutes.) The Resolution would designate 310 W. Meadowview Road a/k/a The Heritage House Condominium as a blighted parcel in a blighted area and declare that and 312 W. Meadowview Road, known as the Meridian Event Center, as a rehabilitation, conservation and reconditioning area, and as such, it is defined as a Redevelopment area. Mr. Carruthers called attention to two paragraphs in particular:

THEREFORE NOW LET IT BE RESOLVED, the Planning Board of the City of Greensboro does hereby incorporate the above recital, the staff report memorandum and the attachments. The Planning Board of the City of Greensboro does hereby certify that 310 W. Meadowview Road, the Heritage House Condominiums, including each of the 177 individual condominium units together with their common elements, which include the parking lot, grounds, building and interior common areas, are blighted and blighted parcels within the meaning of and as described by Article 22, Section 160(A)-503 Subpart 2 and Subpart 2A of the General Statutes of North Carolina.

And:

The Planning Board of the City of Greensboro does hereby certify that the site described in Attachment A, within the City Block bounded by Village Green Drive to the north, Soabar Street to the East, Meadowview Road to the south and Randleman Road to the west, and encompassing the addresses of 310 W. Meadowview Road and 312 W. Meadowview Road, is a rehabilitation, conservation and reconditioning area, within the meaning as described in Article 22, 160(A) – 503 Subpart 21, and do further certify that within said area that 310 W. Meadowview Road, Heritage House Condominiums including each of the 177 individual condominium units together with their common elements, which include the parking lot, grounds, building and interior common areas, are blighted and blighted parcels within the meaning of the statutes as previously read.

Mr. Bryson moved to approve the Resolution as presented by Counsel Carruthers, seconded by Ms. Parker. The Board voted unanimously in favor of the motion.

TYPE 3 MODIFICATION:

4017 Yanceyville Road – Change to Zoning Condition regarding location of required fence (WITHDRAWN)

Attorney Amanda Hodieme, on behalf of her client, requested that the Modification item be either continued indefinitely or withdrawn.

Steve Galanti recommended that the item be withdrawn, noting it could return to a later agenda if desired. He noted there is no penalty for withdrawal. Attorney Hodierna agreed to the withdrawal.

AMENDMENT TO GENERALIZED FUTURE LAND USE PLAN (GFLUM):

For 1301, 1309, 1313 and 1317 New Garden Road, from Moderate Residential to High Residential (Comments)

Hanna Cockburn stated that this is an opportunity for the Planning Board to provide comments on an proposed amendment to the Generalized Future Land Use Plan (GFLUM) for property located at 1301, 1309, 1313 and 1317 New Garden Road. A change from Moderate Residential to High Residential is proposed. This impacts an area of 7.63 acres.

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

Barry Siegel, 3929 Tensley Drive, Suite 104, High Point, stated that the proposed amendment, in concert with a rezoning application, would allow for a type of senior adult housing for those transitioning from larger free standing homes who are not yet ready for assisted living or retirement facilities, at a density that responds to the costs involved in dealing with some challenging site topography and the lengthy sewer extension. Their rezoning request proposes several conditions, including a maximum unit count to reassure the neighbors.

In response to a question by Mr. Bryson, Mr. Siegel stated 5 neighborhood meetings had been held, and their site designs have been reworked to take the comments into consideration. He stated that a fair number of neighbors support the use.

Mr. Isaacson commented that this seems to be a reasonable transitional use of the property and appropriate for this area given the proximity of the medical facility and the day care and other factors that were presented. He asked that staff provide more zoning and informational background on future requests so the members could better assess it.

There was general agreement with Mr. Isaacson's comments.

EASEMENT RELEASES:

Portion of a utility easement release located at 3320 and 3322 Kettering Place, as recorded in Plat Book 74, page 103. (APPROVED)

Nicole Ward stated that all utility companies have reviewed the request and offered no objections to the approval of the easement release.

Mr. Isaacson moved to approve the easement release as presented by staff, seconded by Mr. Steele. The Board voted unanimously in favor of the motion.

Utility easement within the former right-of-way of Old Battleground Road, Deed Book 6438, page 1076; and a drainage maintenance and utility easement (DMUE) and an access easement, at 4000 Battleground Avenue and 4606 Old Battleground Avenue as recorded in Plat Book 144, page 43. (APPROVED)

Nicole Ward stated that all utility companies have reviewed the request and offered no objections to the approval of the easement release.

Mr. Isaacson moved to approve the easement release as presented by staff, seconded by

Mr. Bryson. The Board voted unanimously in favor of the motion.

ITEMS FROM THE DEPARTMENT:

Update on College Hill Neighborhood Plan

Hanna Cockburn stated that, as the Planning Board instructed, staff has offered additional public outreach and activities in the neighborhood. These included a survey distributed in paper form and on-line, and drop-in information and comment sessions at 3 Tate Street businesses to get additional feedback from people in the neighborhood who may not have responded otherwise. Staff will continue to do similar forms of outreach.

Consideration of Alternative Meeting Times

The Board members discussed moving the meeting time to a later hour. It was decided that the members would give this some consideration and make a decision at the October meeting. It appeared that the most popular meeting time would be at 4:30 p.m. This will be discussed in more detail at the October meeting and a final decision will be made.

Dedication Ceremony

Sheila Stains-Ramp noted the invitation in the agenda package to a Dedication Ceremony for one of the housing projects the Planning Board had heard about in earlier presentations.

Text Amendment Approval

Mike Kirkman stated that City Council approved the text amendment for the technical adjustments that came before the Board a couple of months ago for the Auto-Oriented and Neighborhood Support zoning districts.

Election of Chair

Ms. Parker nominated Mr. Truby to remain as Chair and Mr. Isaacson to take the position as Vice Chair. There were no other nominations. Mr. Allen seconded the nomination. These nominations were approved by unanimous vote of the Board.

SPEAKERS FROM THE FLOOR ON ITEMS UNDER PLANNING BOARD AUTHORITY:

None.

APPROVAL OF ABSENCES:

Chair Truby acknowledged that the absence of Mr. Martin is approved.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 3:45 p.m.

Respectfully submitted,

Sue Schwartz
Planning and Community Development, Director
SS:jd