

**MEETING OF THE
ZONING COMMISSION
NOVEMBER 16, 2015**

Z-15-11-005 4900 & 4908 Summit Avenue (east of Summit Avenue and north of Pineneedle Drive) – A rezoning and original zoning request from City-R-3 (Residential Single-Family) and County-RS-30 (Residential Single-Family) to City-CD-C-L (Conditional District-Commercial-Low) with the following conditions: (1) All uses permitted in the C-L district except drive through facilities and convenience stores with the fuel pumps; (2) The maximum building height shall be limited to 50 feet; (3) Building exteriors shall consist of 50% brick or stone veneer and shall be similar in architecture to surrounding buildings; (4) There shall be pedestrian walkways connecting to abutting properties; (5) The gross floor area of the proposed building shall not exceed 9,000 square feet. – For the properties located at 4900 & 4908 Summit Avenue, generally described as east of Summit Avenue and north of Pineneedle Drive (0.7484 acres rezone & 0.9516 original zoning) – Greensboro-Summit FDS 712258, LLC on behalf of Edith Ann Wilson.

(FAVORABLE RECOMMENDATION)

Ms. Smith described the subject property, as well as surrounding properties, and noted issues in the staff report.

Jason Mathis, 106 Foster Avenue, Charlotte, North Carolina, is with the Durbin Group. He stated that the proposed use for this site is a commercial retail store selling name-brand household goods, seasonal items, clothing, and other similar items. An illustrative site plan was distributed to Commission members for their review. The applicant was not required to perform a traffic study. The proposed user is a convenience oriented retailer to serve needs that are already present in the neighborhood. Mr. Mathis reviewed conditions placed on the application and said that they have also kept within the standards for light pollution, buffers, and landscaping to protect adjacent properties. The illustrative site plan is subject to review by departments in the City as part of their process.

In Opposition:

Brenda Roberson, 4833 Summit Avenue, said that the site for the proposed building is located near an intersection that has a history of many wrecks. There are two schools in the area and buses go by the site all the time. The intersection finally has a stoplight but there are still accidents. Another business close to the intersection will only cause more congestion. She was also concerned with the safety of children getting off and on the school buses. Ms. Roberson said they were not opposing a building on the site; however, a small doctor or dental office would be preferable because it would generate less traffic congestion and noise. She submitted a petition to Commissioners for review. Ms. Roberson confirmed for Chair Pinto that the petition was signed by 60 individuals who were opposed to the request.

Dale Simmons, 4836 Summit Avenue, is the owner of nearby Frosty's Barbecue. He was not actually opposed to the rezoning request but he was concerned that there may too much located on the corner at the site. He indicated that he did not sign the distributed petition.

Rebuttal in Support:

Mr. Mathis stated that they do not feel this project will draw in additional traffic because it will serve the needs of people already there in the neighborhood. No road widenings have been suggested. This will not be a 24-hour business and the operating hours will be 8:00 a.m. until 9:00 p.m. Mr. Mathis said that letters were mailed to neighbors and he only heard back from one person, Ms. Roberson. He invited neighbors to contact him with any concerns they might have and Ms. Roberson was the only person who responded. Mr. Kirkman commented that three comments were received by the City and these were forwarded to Mr. Mathis.

There being no other speakers, Chair Pinto closed the Public Hearing.

Staff Report:

Mr. Kirkman stated that this is designated as **Low Residential** on the Generalized Future Land Use Map (GFLUM). The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3 to 5 dwelling units per gross acre. Per City Council adopted policy, GFLUM amendments are not required if a rezoning request is for neighborhood-oriented non-residential or mixed uses in residentially designated areas under certain zoning districts, which include the C-L, conditioned to limit size and scale. The proposal does meet the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use and the Economic Development goal to promote a healthy and diversified economy. The proposed CD-C-L (Conditional District-Commercial-Low) district, as conditioned, supports a wide range of neighborhood-oriented non-residential uses. Staff recommends approval of this request.

Comments:

Mr. Lester said that this area of Summit Avenue is a neighborhood having predominantly residential character with churches dotted up and down the street. However, this corner is different in character in that it has an intersection in close proximity with commercial uses including Frosty's Barbecue, an auto body shop, and a church parking lot. If there was a spot for additional commercial development, it appears that this would be the location. He felt it was incumbent on the developer to make sure that whatever use is made of the property is consistent with the neighborhood's wishes because they will become the customers.

In the matter of **Z-15-11-005**, Mr. Marshall moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 4900 and 4908 Summit Avenue from City-R-3 (Residential Single-Family) and County-RS-30 (Residential Single-Family) to City-CD-C-L (Conditional District-Commercial-Low) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because it is consistent with the Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use; it does implement measures to protect from potential negative impacts of developments; it promotes new patterns and intensities of use to increase economic competitiveness and enhanced quality of life in urban areas; seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Bachmann, Blackstock, Lester, Griffin, Marshall. Nays: None.)