MEETING OF THE
GREENSBORO PLANNING BOARD
December 17, 2014

The Greensboro Planning Board meeting was held on Wednesday, December 17, 2014 at 2:02 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, Day Atkins, John Martin, Richard Bryson and Celia Parker. City staff present included: Hanna Cockburn, Cynthia Blue, Steve Galanti, Mike Kirkman, Nicole Ward, Dana Clukey and Sheila Stains-Ramp. Also present was Jennifer Schneier, Attorney for the Planning Board.

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

MEETING MINUTES:

Mr. Isaacson moved approval of the November 2014 meeting minutes as written, seconded by Mr. Martin. The Board voted unanimously (6-0) in favor of the motion.

AMENDMENT TO GENERALIZED FUTURE LAND USE PLAN (GFLUM):

a. CP-14-07 – GFLUM amendment from Low Residential and Moderate Residential to Mixed Use Commercial, for 6.77 acres at the northwestern corner of Hobbs Road and Friendly Avenue, including 3510, 3512, 3514, 3516 W. Friendly Avenue and 805 and 807 Hobbs Road. Halpern Development Company, LLC

Hanna Cockburn explained that the Planning Board is asked to provide their comments on the proposed change to the GFLUM. She stated that the area had also been the subject of a GFLUM amendment and rezoning request about a year ago. She identified the current GFLUM designation is Low Residential along the frontage associated with W. Friendly Avenue, and Moderate Residential for the balance of the property, categories that accommodate a range of Low and Moderate density housing types. The proposed change to Mixed Use Commercial would promote a mixture of uses where commercial uses are predominant but other uses, including housing, may be included. Ms. Cockburn indicated the location of the amendment site in the context of Friendly Center and the 200-unit multi-family project at the corner of Hobbs Road and Northline Avenue. She noted that any comments offered by members of the Planning Board will be included in the staff report associated with the zoning case, scheduled to be heard by the Zoning Commission on January 12th, 2015. The Planning Board comments would be considered by the Zoning Commission before a recommendation would be made to City Council.

Chair Truby stated that the item would not involve a public hearing and there would be no speakers from the floor; Planning Board members were asked to make any comments they thought useful to the matter but the Board would not be making a recommendation on the matter.

Chair Truby asked what the comments had been from the earlier request. Ms. Cockburn stated that the one comment offered in December 2013 was that "the area is in transition". She noted that a Board member had asked how the request had come to the Planning Board, and staff had provided the Land Development Ordinance provision requiring a GFLUM amendment when a rezoning request is not compatible with the GFLUM of record.

In response to a question by Mr. Martin, Ms. Cockburn stated that the office building at the corner of Holden Road and W. Friendly is shown on the GFLUM as Moderate Residential. She also responded to Mr. Isaacson's question by noting that the area at Friendly Center is designated as Mixed Use Commercial.

Comments:
Mr. Bryson commented that his main concerns were whether the proposal represented the highest and best use of the property, and whether any development that would take place on the site would be respectful of the neighboring properties. Mr. Isaacson noted he still agreed that this is an area in transition. Mr. Truby stated that he agreed with that assessment, and that whatever is done on the property needs to reflect that it is a transitional property and so be designed to be sensitive to that fact. Mr. Martin noted that every month the Board talks about infill, and what makes for good infill. He stated that he agreed with the other members' comments and that it is important to note that everyone should be conscious of what type and intensity of development is allowed.

Mr. Allen arrived for the remainder of the meeting at 2:10 p.m.

ANNEXATION PETITION(S):

Chair Truby noted one applicant for an annexation was present and suggested that the Board take that item ahead of the other annexations. The Board agreed to take PL (P) 14-18 first.

PL (P) 14-18 Proposed Contiguous Annexation of 817 Guilford College Road, 1.99 acres generally between Guilford College Road and Sapp Roads. **(APPROVAL RECOMMENDED)**

Nicole Ward stated that the contiguous property, within the Tier I Growth Area, is proposed to be developed for commercial use. City water and sanitary sewer services would be available by developer extension. She noted the site was served by Pinecroft/Sedgefield Fire Station 23 and would be served by City Fire Station 52 upon annexation; the Police Department could provide service with little difficulty; and provision of other City services would involve a travel distance almost equal to that necessary to provide service to adjacent property. She further noted the Technical Review Committee (TRC) had reviewed and recommended approval of the annexation to the Planning Board and to City Council.

Mr. Isaacson moved to recommend approval of the proposed annexation as described by staff, seconded by Mr. Bryson. The Board voted unanimously (7-0) in favor of the motion.

PL (P) 14-12 Proposed Contiguous Annexation of alignments involved in extensions of East Cone Boulevard eastward to its intersection with the extension of Nealtown Road northward to White Elder Road. 12.41 acres **(APPROVAL RECOMMENDED)**

Nicole Ward stated that the contiguous property, within the Tier I Growth Area, is the proposed area for the construction of the East Cone Boulevard and Nealtown Road extensions. She noted the site was served by County Station 55 on Hicone Road and would be served by City Station 7 on Gatewood Avenue upon annexation; the City Police Department could provide service with little difficulty; and provision of other City services would involve travel time almost equal to that necessary to provide service to the adjacent properties. She further noted the Technical Review Committee (TRC) had reviewed and recommended approval of the annexation to the Planning Board and to City Council.

Mr. Bryson moved to recommend the proposed annexation as described by staff, seconded by Mr. Martin. The Board voted unanimously (7-0) in favor of the motion.

PL (P) 14-13 Proposed Contiguous Annexation of 1918-1920 Trosper Road, on the north side of Trosper Road across from Bedstone Drive, west of Lake Brandt Road, 18.27 acres. **(APPROVAL RECOMMENDED)**

Mr. Isaacson asked that he be recused from this matter. Mr. Isaacson was recused by unanimous vote (6-0).

Nicole Ward stated that the contiguous property, within the Tier I Growth Area, was proposed to be developed for single family residences. She noted that City water was available by connecting to an existing 8" line located along Trosper Road, and sanitary sewer service could be provided with the installation of a sewer lift station, extension and connection. She noted the site was served by Summerfield Fire Station 39 on Lake Brandt Road and would be served by City Fire Station 41 on Lake Brandt Road upon annexation. She also noted that the City Police Department could provide service with little difficulty, and provision of other City services would involve a travel time almost equal to that necessary to provide service to the adjacent property. She further noted the Technical Review Committee (TRC) had reviewed and recommended approval of the annexation to the Planning Board and to City Council.

Mr. Atkins asked if the zoning would remain the same. Ms. Ward stated that the current zoning was (County) Agriculture; Mr. Galanti stated rezoning was necessary to accommodate the proposed use.

Mr. Bryson moved to recommend the proposed annexation as submitted by staff, seconded by Mr. Martin. The Board voted unanimously (6-0) in favor of the motion.

Mr. Isaacson returned to the dais for the remaining items on the agenda.

PL (P) 14-14 Proposed Annexation of 1306, 1307, 1308, 1309, 1310 Roosevelt Court, 1307 REAR, 1308 REAR, 1309 REAR, 1310 NEAR Roosevelt Court, and 5692 NEAR Millstream Road, 18.36 acres south of Millstream Road, between Stewart Mill Road/Creek Road and Village Road. **(APPROVAL RECOMMENDED)**

Nicole Ward stated that the property, within the Tier II Growth Area, was considered a satellite annexation. She noted the site, currently vacant, was proposed to be developed as an industrial use, and that City water and sanitary sewer service were available by connection to lines on Roosevelt Court. She noted the site was served by McLeansville Fire Station 37 on Knox Road and would be served by the City Fire Station 57 on Mount Hope Church Road upon annexation, and that the Police Department had indicated they could provide service with little difficulty. The Technical Review Committee (TRC) had reviewed and recommended the annexation to the Planning Board and to City Council.

Mr. Bryson moved to recommend the proposed annexation as described by staff, seconded by Mr. Isaacson. The Board voted unanimously (7-0) in favor of the motion.

PL (P) 14-15 Proposed Contiguous Annexation of 200 Willowlake Road and NCDOT right-of-way, 27.82 acres. Northeast corner of Willowlake Road and Burlington Road, between Willowlake Road and I-840 right-of-way. **(APPROVAL RECOMMENDED)**

Nicole Ward stated that the contiguous site, within the Tier I Growth Area, was proposed to be developed for commercial use. She noted that city water and sanitary sewer service were available by extension, and that the site, currently served by the McLeansville Fire Station 37 on Knox Road, would be served by the City Fire Station 57 on Mount Hope Church Road upon annexation. She noted the Police Department estimated additional personnel and equipment would be required in order to provide service to the site upon full build-out, and provision of other City services would involve a travel time almost equal to that necessary to provide

service to adjacent properties. The Technical Review Committee (TRC) had reviewed and recommended the annexation to the Planning Board and to City Council.

Mr. Bryson moved to recommend the proposed annexation as described by staff, seconded by Mr. Martin. The Board voted unanimously (7-0) in favor of the motion.

PL (P) 14-16 Proposed Satellite Annexation of 2523-Rear McConnell Road, 16.88 acres north of McConnell Road, at northern end of Waterlyn Drive and Langston Drive. **(APPROVAL RECOMMENDED)**

Nicole Ward stated that the site, within the Tier I Growth Area, was considered a satellite annexation and was proposed to be developed for single family use. She noted city water and sanitary sewer services were available by extension; that fire service would continue to be provided through City Fire Station 14 on Summit Avenue; that Police service could be provided with little difficulty; and the provision of other City services would involve a travel time almost equal to that necessary to provide service to the adjacent properties. The Technical Review Committee (TRC) had reviewed and recommended the annexation to the Planning Board and to City Council.

In response to a question by Mr. Bryson, Ms. Ward stated that this is another phase of the existing development.

Mr. Isaacson moved to recommend the proposed annexation as described by staff, seconded by Mr. Bryson. The Board voted unanimously (7-0) in favor of the motion.

Mr. Isaacson pointed out that the several annexations underscored the returning interest in development and growth. Chair Truby stated that he agreed this was likely a sign of a turn-around in the local economy, and good for Greensboro.

EASEMENT RELEASE:

Proposed release of a portion of a 10' wide utility easement located at 2917 Round Hill Road, as recorded in Plat Book 46, Page 43. **(APPROVED)**

Nicole Ward stated that the release had been evaluated by all involved utility companies, which had supported the request

Mr. Isaacson moved approval of the easement release as described by staff, seconded by Ms. Parker. The Board voted unanimously (7-0) in favor of the motion.

AMENDMENT OF RULES OF PROCEDURE RE: MEETING TIME

a) Vote on revision to Subsection III of Appendix "J" within the "MANUAL ON GREENSBORO PLANNING BOARD" (prepared by the Office of City Attorney, Fifth Revised Edition, dated 5/8/09) concerning Rules of Procedure – Moving meeting time from 2:00 PM to 4:00 PM, effective January of 2015. **(APPROVED)**

Mr. Bryson moved to approve the Amendment, as submitted by staff, seconded by Mr. Allen. The Board voted unanimously (7-0) in favor of the motion.

ITEMS FROM THE DEPARTMENT:

a) Affordable Housing Development Request For Proposals

Cynthia Blue noted the information on the RFP that had been provided in each Board member's packet, and that she would answer any questions the Board might have. She noted she has been getting a lot of calls from interested developers so there is likely to be a good pool of projects to consider this year.

In response to a question, Ms. Blue stated that while the amount budgeted this year is $424,000, there is about $500,000.00 from last year that has been rolled into the program for this year, so the total amount to go out in the RFP is actually closer to one million.

Ms. Blue noted that Board comments were welcome in the process, which starts in January with the release of the RFP. RFP responses would be due back in February. The process would be wrapped up in May, when staff's recommendations would come back to the Planning Board, which allows those projects seeking low income housing tax credits projects to submit their final proposals to the NC Housing Finance Agency.

b) Initial Briefing on Consolidated Plan Process

Hanna Cockburn noted the information on the Consolidated Plan process that had been provided in each member's packet. She noted the first public meeting regarding the Consolidated Plan will be held January 27, 2015, with more details to be provided closer to the time of the meeting. She noted that she would be at the Board's January meeting to summarize the base data informing the Plan.

The purpose of the Consolidated Plan helps the community that receives entitlement funds from the Housing and Community Development and the federal government identifying the most pressing housing needs and allocating funds accordingly. The role of the Planning Board in this process is similar to the role related to the Comprehensive Plan so it will come back to the Planning Board for review. It is anticipated that this process will be wrapped up in April or May. At the January meeting some of the base data will be submitted for review, concerning the community that is informing the plan.

In response to questions, Ms. Cockburn stated that the community receives entitlement funds from the federal government for housing programming, and the Plan identifies the most pressing housing needs and provides a policy framework that helps allocate funds within the community.

She noted that the general public will be invited to a public hearing where staff will share information about where the city is today, what the needs are as indicated by the data collected, and seek to identify and understand people's priorities about how those needs are and should be addressed. She noted that details of the meeting time and location will be sent to the Board as soon as possible.

c) Update on Council action on Entertainment Facility Use Standards

Mike Kirkman stated that Council had directed that staff prepared some adjustments to the City Code relative to Entertainment Facilities in partial response to incidents that had occurred. He noted that Council had discussed moving regulation of these facilities to Chapter 18 in the City Code, which meant that enforcement would follow a different path than had been so far taken. Other provisions were also being built in, in terms of requiring certain levels of security with staffing and minimum required training for facilities with different occupancy limits and track records for problems. The change that Council adopted left other sorts of entertainment facilities still within the purview of Chapter 30 of the LDO. Council has not finalized their debate on the measures and may make some additional adjustments. If so, the Planning Board will be notified of those possible changes.

Counsel Schneier stated that she has received phone calls from concerned business owners wanting to know if they are exempt as they had no violent acts associated with their establishments in the past 3 years. There is also the concern about the training that is required for establishments and she has spoken with GTCC about their training classes.

d) Update on Council action of Electronic Sweepstakes Operations

Mike Kirkman stated that in response to Council direction the Board had considered a possible addition to the LDO regarding Electronic Sweepstakes Operations to establish development and use standards if the upshot of various court cases was to define the use as legal, or legal under some circumstances. After the Planning Board action, staff was informed of a determination by the Court of Appeals that these operations appeared to be illegal, relative to what the state legislature had adopted. The City Council extended a previous moratorium until January 30th, 2015, to see if that determination was going to be appealed further. Mr. Kirkman noted that as of the Board's meeting, nothing else has been heard about the potential filing of a further appeal. Similarly, the text amendment that had been on Council's agenda was also continued. If the use is deemed an illegal use, statewide, then the City would not need to adopt anything further. If the use is deemed in some form or fashion to be legal, then the framework for regulating the use has been developed and can be put before the Council for a final call.

e) Update on Council action of Watershed Stream Buffers

Steve Galanti stated that City Council adopted the LDO amendments as recommended by the Board regarding stream buffers.

f) Update on Renaming of a block of Summit Avenue to Abe Brenner Place

Steve Galanti informed the Board of Council's adoption of an ordinance renaming the stretch of Summit Avenue immediately south of the proposed Steven Tanger Center for the Performing Arts. He noted that Council had also approved a budget change for the work to relocate the road southward so there will be a "T" intersection with Summit and Davie Street. This street name change came about due to a Memorandum of Understanding between the City and the Community Foundation of Greater Greensboro, which pre-empted the normal renaming process.

g) "Trends in the News November 2014"

Noting the distribution of this monthly newsletter, Mike Kirkman commented that staff was happy to look into development trends about which that Board members had interest. Mr. Martin commented that he complimented staff on providing the information and offering relevant training.

h) 2015 Calendar for Planning Board meetings

Steve Galanti stated that the 2015 calendar for Planning Board meetings has been included in the packets for information.

Items from the Chairman
None

Items from Board Members
In follow-up to the earlier Board discussion on GFLUM amendments, Mr. Isaacson commented that he felt the Board was considering the proposed changes in a vacuum, and it was really quite difficult to evaluate

what was proposed and to say anything useful. He requested that staff memos and presentation outline the factors and criteria to use in evaluating the request. He suggested, for instance, that the Board should be informed about what had changed since the 2003 adoption of the GFLUM for the area.

Mr. Bryson commented that he felt it would be helpful to have more information on developments, present surrounding zoning, and other relevant matters provided to help the Board really understand the issues involved in the cases on which they were asked to comment.

Chair Truby noted that the Planning and Zoning Board in High Point considers both comprehensive plan changes and rezoning, and asked if that had been considered in Greensboro.

Mike Kirkman commented that when the Comprehensive Plan was put in place very few amendments were allowed, as the adoption was so recent few circumstances could really be considered to have changed. As more time passed Council found that insufficiently flexible. A hybrid was developed around 2008; up to that point Council had made all decisions on Comprehensive Plan amendments. After that point, the Zoning Committee was able to take final action on rezoning and comprehensive plan amendments if the vote was unanimous. If not, the decision would go to Council.

Mr. Martin commented that the GFLUM amendment discussion was difficult in part because realistically the rezoning drives the amendment, and the 'long range' considerations were often not as valued.

APPROVAL OF ABSENCES

The Board approved the excused absences of Seth Steele and Richard Mossman.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 3:04 p.m.

Respectfully submitted,

Sue Schwartz
Planning and Community Development, Director
SS:jd