

**PARTIAL MINUTES OF THE
ZONING COMMISSION
September 17, 2018**

Z-18-08-003 A portion of 1603 West Friendly Avenue (southwest corner of West Friendly Avenue and Westover Terrace) – A rezoning request from R-5 (Residential Single-family - 5) to CD-C-L (Conditional District – Commercial Low) with the following conditions: 1. All uses permitted in the C-L zoning district **EXCEPT** the following: All agricultural uses; all residential uses; Animal Shelters; Cemeteries, all educational facilities; all government facilities; all social service facilities; all overnight accommodations; Convenience Stores with Fuel Pumps; Caretaker Dwellings; Junked Motor Vehicles; Recycling Collection Points; Satellite Dishes/TV and Radio Antennae Towers; Swimming Pools; Land Clearing & Inert Debris Landfills, Minor; Portable Storage Units; and Temporary Wireless Telecommunication Facilities. - For a portion of the property located at 1603 West Friendly Avenue, generally described as the southwest corner of West Friendly Avenue and Westover Terrace. (0.26 Acres) - Michael S. Fox for Marshon Enterprises, LLC (**APPROVED**)

Mr. Marshall was recused from this item due to his firm's work with the property owner.

Lucas Carter explained this request and presented related photographs of the subject property and surrounding areas.

Chair Lester asked if there was anyone wishing to speak in favor of this item.

Mike Fox, attorney representing the applicant, stated that this is an odd request. The subject property has been in use as a parking lot for a long time and serves as parking for adjacent businesses there, including a vet service and a Mexican restaurant. The citywide ordinance was changed in 2010, and the parking lot is currently zoned two different zoning categories, which is unusual. The current land use ordinance was adopted in 2010 and says that you can no longer use a residential zoned parcel for commercial parking for commercial businesses. Staff brought this item to their attention and they decided to ask for the rezoning. Mr. Fox noted that there was no intention for this property to be anything other than parking and they are just wanting to bring their parking into compliance. He added that the other businesses are in support of this request. They also had a meeting with the neighbors and had a good conversation about what was planned and why they were asking for the rezoning. He also noted that staff is in support of this rezoning request.

Michael Shifton, the applicant, stated that he and his partner have owned this property for 30 years or more and tried to be good neighbors. They understand the needs of the residential neighborhood nearby. The parking lot has been commercially used since the 1950's and maybe even before that. They are trying to bring the property in compliance with the current zoning ordinance which has changed. Previously they have always used that as commercial parking and hope to continue to do so.

Chair Lester asked if there was anyone wishing to speak in opposition to this item.

Patrick Rowe, 211 Hillcrest Drive stated that he is representing the Westwood Neighborhood Association and serves as the President of the Board of Directors. They do not support the request as they have concerns about parking for larger events. They

want some more information about how the owner and tenant will handle parking for 177 people when they only have 23 spaces.

Stephanie Barnard, 1405 North Field Street, stated she is opposed to the rezoning, because when she thinks about coming home at night and not having a place to park in front of her house. She wants more information on how they are going to accommodate all the parking.

Michael Pendergraft stated that he is neither in support of or opposed to the rezoning. This is more of a public safety issue for him. His concern is that people will start backing out from some of the existing parking into the street. His request is that there be a condition to the zoning request that the DOT close that existing curb cut. He also noted that the proposal includes the ability for alcohol to be used in that space.

Marsh Prause, Attorney for the Westerwood Neighborhood, stated that the problem is that there is not any other parking in the area. The space could be used for a night club with the capacity of 180 to 200 people and the City is only going to require 23 or 25 parking spots. That is a bigger issue with the neighborhood, because the residents will have to rely on off-street parking, since the neighborhood was developed before everyone had cars. There is not enough parking there for bigger events.

Speaking in rebuttal in favor of the item:

Mike Fox stated that they have had great conversations with the neighborhood and the people that spoke here tonight. They realize that whatever businesses is in that spot they rely on those neighbors to provide customers for them. They must comply with the City's requirements for parking ordinance for whatever businesses are in there. The applicant is willing to work with the neighbors on any issues they have. They will work with GDOT on any driveway permit issues and will work with them to make sure the entrances and the exits out of the parking lot are safe.

Staff Recommendation:

Mike Kirkman stated that this site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is intended for primarily single residential development with a density of 3-5 dwelling units per acre. The proposal supports the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy. The C-L zoning district allows lower intensity commercial and service uses at the edges of residential areas and this request includes a condition prohibiting many uses generally allowed in the C-L district. Staff recommends approval of the request.

Ms. Mazzurco asked if this request went through the Planning Board and what could go here today without rezoning. Mr. Kirkman said that because this request was tied to use of property and did not trigger any type of amendment to the Comprehensive Plan, it did not need to go to Planning Board for comments. He then stated that the current residential zoning allows for single family residential and neighborhood oriented uses like churches and schools. The current zoning does not allow for the use of a commercial parking lot.

Mr. Pinto moved that in regard to Z-18-09-003, a portion of 1603 W. Friendly Avenue, that the Greensboro Zoning Commission believes that its action to approve the zoning request for this property from R-5 (Residential Single-family - 5) to CD-C-L (Conditional District – Commercial Low) with the stated conditions, to be consistent with the Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: The proposed request does support the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas as well as the Economic Development goal to promote a healthy and diversified economy, seconded by Mr. Blackstock, The Commission voted 7-0-1 in favor of the motion. (Ayes: Lester, Holston, Engle, Alford, Pinto, Mazzurco. Nays: None. Abstained: Marshall.)