

**MEETING OF THE  
ZONING COMMISSION  
May 12, 2014**

**Z-14-05-002** 1304 Woodside Drive (northeast intersection of Summit Avenue and Woodside Drive and north of Mayfair Avenue) – An ordinance rezoning from O (Office) to CD-C-L (Conditional District-Commercial-Low), with the following conditions: (1) Uses shall be limited to all uses permitted in the C-L district except any use with a drive-through facility, (2) The total building area shall not exceed 3,600 square feet – for property located at 1304 Woodside Drive, generally described as the northeastern intersection of Summit Avenue and Woodside Drive and north of Mayfair Avenue (0.31 acres) – Waheed A. Tijani **(DENIED)**

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

Chair Skenes asked if there was anyone wishing to speak in favor of the request.

Waheed Tijani, 1708 Dillard Road, stated that this property has been vacant for some time. He does not want to lose the property to the bank. He would like a new commercial use for the building. He sent letters to his neighbors on April 10, 2014 and a meeting was held on May 10, 2014. Only one person attended the meeting. He stated that he went through foreclosure on the property last year because his tenant would not pay the rent. He said that nobody has the money to purchase his property. Mr. Tijani reiterated that he does not want to lose the property and he hopes to make use of it with a small retail operation.

Responding to a question from Ms. Mazzurco, Mr. Tijani stated that he is not rezoning to make the property more attractive to sell. He intends to use the property himself for some sort of business.

**Opposition:**

Mike Galagany, 1305 Summit Avenue, does not support the rezoning because the area is changing and he is uncertain what type of business will move into the location. He is comfortable with the daycare facilities across the street that only operates during week days only. If zoning is changed to a commercial use, the entire area could possibly be rezoned and torn down for a larger shopping center. He expressed his support for a daytime office-type use instead of a commercial use.

Patty Galagany, 1305 Summit Avenue, is also opposed to the request. She was concerned about the neighborhood changing in the future as a result of commercial zoning. She was supportive of an office use at the property.

Tanya Brandon has owned 1319 Mayfair Avenue since 1957. She said that the neighborhood is old and most of the properties are rental. She is unsure what the applicant plans to put at the property. She said that the property used to be a doctor's office and she suggested that if the applicant cannot sell it as an office; he should convert the property to a rental unit like many of the neighbors.

Ms. Bachman joined the meeting at 6:25 p.m.

Perry Wyatt, 1303 Summit Avenue, said that the subject property is surrounded by daycare facilities. The property is located in a high traffic area and another commercial building would only increase the traffic load. If the property is rezoned, it would open up the possibility for even more commercial redevelopment all the way down to Textile Drive. He does not want to reside in a house surrounded by commercial stores.

**Rebuttal in Support:**

Mr. Tajani stated that the property has been zoned as commercial for 10 years. He is requesting that the property be zoned from Office to Low Retail. He said that whatever he does with the property, if it is rezoned, will bring the property up. He does not want to lose his property but it is not easy to rent or sell. His preference is to sell the property.

Ms. Mazzurco commented that the property is actually zoned Office which is different from Commercial with different uses that can be done with CD-C-L (Conditional District-Commercial-Low). She asked the applicant to clarify his intent for the property. Mr. Tijani would like the property to be a retail store.

**Opposition in Rebuttal:**

Mr. Galagany was concerned that it was not known if the retail store would be open during the day, evenings, or weekends. He said that the daycare facilities work just fine in the residential area at this point but he is opposed to rezoning to accommodate a retail type of establishment. Mr. Galagany commented on the increased traffic generated from yard sales on a median between Summit Avenue and Mayfair Avenue.

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

**Staff Report:**

Mr. Kirkman stated that this site is currently designated as Low Residential on the Generalized Future Land Use Map (GFLUM). The requested CD-C-L zoning district is generally inconsistent with this GFLUM designation; however, per Council adopted policy any requests less than one acre in size are considered compatible. The Low Residential designation applies to neighborhoods or districts where the predominant use is single-family residential and other compatible housing types that can be accommodated within a density of 3 to 5 units per gross acre. The proposal encourages "homegrown" and community-based businesses and entrepreneurs in traditionally underserved parts of the community. The proposal includes measures to protect neighborhoods from negative impacts of development. The proposed CD-C-L request allows low intensity shopping and services intended to serve nearby neighborhoods and staff is recommending approval of the request.

Mr. Pinto asked staff if any zoning designations put limitations on hours of operations, in particular Office and Commercial Low. Mr. Kirkman explained that the zoning districts themselves do not have anything in terms of hours of operation. There are several specific uses such as clubs and lodges that have a development standard that talks about closing at a certain time but in general, hours of operation are not designated. Previous rezoning requests have included hours of operation for different activities but they were specific conditions associated with those requests. Neither the Office, nor the Commercial-Low designation would automatically prescribe any kind of hours of operation.

Mr. Gilmer asked if a little grocery store would be considered high intensity in this designation. Mr. Kirkman stated that it would be considered general retail and would be an allowed use in a Commercial-Low district.

Mr. Parmele asked what would be permitted in the current Office designation. Mr. Kirkman said some commercial uses are currently permitted in the Office designation. For example, all personal and professional services without a drive-through would be allowed, including a real estate office, insurance office, attorney's office, doctor's office, day care facilities, barber shops and salons. The Commercial-Low district would allow a restaurant without a drive-through use that an Office district would not. Mr. Parmele said that there are a lot of businesses under current zoning that could lease the building.

**Discussion:**

Mr. Pinto was not in support of the request because there is no commercial land use in the area close to the site. There are offices nearby and everything else is residential. This would be one small piece of property zoned commercial in the middle of a lot of residential uses.

Mr. Gilmer plans to support the request. Summit Avenue is a main thoroughfare and there have been rezonings on the opposite side of the street. He viewed the request as a neighborhood business.

Mr. Parmele commented that the block is zoned Office. It seems that because it is zoned Office, there are numerous commercial applications that could go in there without the zoning change. He felt it would be appropriate to leave the zoning as it is. He does not plan to support the rezoning request.

Ms. Mazzurco was concerned that if the zoning classification changes it could have a negative impact on the neighborhood. There are numerous things that can be done in the Office classification and the property is marketable as is. She does not plan to support the request.

Ms. Mazzurco moved that in the matter of case **Z-14-05-002**, the Greensboro Zoning Commission believes that its action to deny the zoning amendment located at 1304 Woodside Drive from O to CD-C-L is consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is inconsistent with the Reinvestment/Infill Goal to promote sound investment in Greensboro's urban areas; the request does not implement measures to protect neighborhoods from negative impacts of development; and even with the proposed conditions the request is not compatible with the surrounding properties; seconded by Mr. Placentino. The Commission voted 5-3 in favor of the motion. (Ayes: Skenes, Mazzurco, Pinto, Parmele, Placentino. Nays: Griffin, Gilmer, Johnson.)

Chair Skenes noted that Ms. Bachmann did not vote on this item because she was not here for the duration of the hearing.