

April 27, 2014

TO: Tom Carruthers, City Attorney

FROM: Jennifer Schneier, Associate City Attorney

SUBJECT: Zoning Protest Petition Z-15-03-010 (Hobbs and Friendly)

I have reviewed the Protest Petition for the proposed rezoning at 3510-3516 West Friendly Avenue and 805, 807 Hobbs Road in Greensboro by Halpern Development Company, and it is valid.

The North Carolina General Statutes §160A-386 require any protest petition to be filed at least 2 business days before the City Council meeting which will consider the proposed rezoning. The petition was filed on April 24, 2015 at 10:04 am and is within the required time period for the May 19, 2015 City Council meeting. The petition is in the form prescribed by the Planning Department in accordance with the City of Greensboro land Development Ordinance §30-4-5.8.

The petition must be signed by owners of either 20% or more of the area to be rezoned or 5% of a 100 foot wide buffer around the area to be rezoned. Here, the required calculation will be for the 5% of the 100 foot wide buffer, which has been met because the petition is signed by owners of 12.18% of the buffer, which exceeds the 5% requirement. The calculation is as follows:

The total square footage of the surrounding property owners in the 100 foot wide buffer who could sign the petition is 257,126.96 square feet. The square footage of the owners who signed the petition is 31,308.39 square feet, which is 12.18% of the total square footage. The petitioners exceed the 5% square footage requirement.

Owners of three properties signed the petition: Scott and Michelle Kinsey at 703 Hobbs Rd; Robert H. Hanna at 3201 Hobbs Landing Ct; and Paul and Martha Romer at 3207 Hobbs Landing Ct. The Legal Department researched ownership and property records of the petitioners, and the signatures to the petition are valid.

The Protest Petition is valid under applicable City Ordinance and State law.

[Attachments: Area Calculation map from Planning Dept., Petition, Ownership Records]

Protest Petition Analysis For 3510-3516 W Friendly Ave 805-807 Hobbs Rd Rezoning Case



1:200

N HOLDEN RD

HOBBS LANDING CT

HOBBS RD

17-CE

RAMSGATE CT

19-
17-

ONE DR

W FRIENDLY AV

PL(Z) 15-13

Parcel	Address	Owner	Area (Sq Ft)	Signer
0036167	3201 HOBBS LANDING CT	HANNA, ROBERT H	9061.58	YES
0059173	703 HOBBS RD	KINSEY, SCOTT DUANE ; KINSEY, MICHELLE F	15688.89	YES
0036188	3207 HOBBS LANDING CT	ROMER, MARTHA K ; ROMER, PAUL A	6558	YES
Total Area of Petition Signers			31308.47	
0036189	3209 HOBBS LANDING CT	OCONNOR, CRYSTAL PULLIAM ; OCONNOR, MARK P		NO
0036192	3215 HOBBS LANDING CT	PIERCE, NED L ; PIERCE, MARGARET M		NO
0036190	3211 HOBBS LANDING CT	BERRY, WILLIAM JOSEPH		NO
0036191	3213 HOBBS LANDING CT	BURTON, JANE H ; BURTON, JOSEPH F		NO
0020447	3360 W FRIENDLY AVE	CBL-SHOPS AT FRIENDLY II LLC		NO
0036170	3205 HOBBS LANDING CT	CROSSROADS BUILDING AND DEVELOPMENT LLC		NO
0036202	3600 W FRIENDLY AVE	FIRST EVANGELICAL LUTHERAN CHURCH OF GREENSBORO INC		NO
0059781	17 CE FOLKSTONE DR	FRIENDLY WEST TOWNHOUSE ASSOCIATION		NO
0059171	4 HEATHER CT	HARPER FAMILY TRUST ; HARPER, CHARLES A TRUSTEE ; HARPER, CONSTANCE R TRUSTEE		NO
0036168	3203 HOBBS LANDING CT	ROLLMAN, ROGER F		NO
0059174	616 WEDGEDALE AVE	SOUKUP, JAMES E		NO
0059772	17 FOLKSTONE DR	STULTZ, ALFRED W JR		NO
0059170	6 HEATHER CT	WILEY, RICHARD L ; WILEY, GAYLE E		NO
0059771	19 FOLKSTONE DR	WOLF, JEAN E		NO

Signers Comprise 12.18%
of Total Buffer Area



Rezoning Case: Z-15-03-010[PL(Z) 15-13]



Guilford County Parcels



100Ft Buffer Area: 257,126.96 Sq Ft

Protest Petition, City of Greensboro, North Carolina

For City Clerk Use Only (Date Submitted: 4/24/15 Time Submitted: 10:04 AM Received by: Angela Ford
Deputy City Clerk

1. The undersigned owner(s) of real property, pursuant to NCGS 160A-385 and 386, hereby protest the following request to amend the zoning map as submitted by

HALPERN DEVELOPMENT COMPANY and amending the

Zoning map from R-3 to PUD for the property located at

3510-3516 W FRIENDLY AVE, 805+807 HOBBS RD, GREENSBORO

and further described by official rezoning case # Z-15-03-010

2. Statutory Requirement(s)

NCGS 160A-385. Changes.

a)(2) To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.

NCGS 160A-386. Protest petition; form; requirements; time for filing.

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk insufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitioners that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

RECEIVED

APR 24 2015

CITY CLERK'S OFFICE

CC: Legal

CC: Mike Kirkman

