

**MEETING OF THE
GREENSBORO PLANNING BOARD
August 19, 2015**

The Greensboro Planning Board meeting was held on Wednesday, August 19, 2015 at 4:00 p.m. in the City Council Chamber, 2nd floor of the Melvin Municipal Office Building. Board members present were: Marc Isaacson, Chairman; Day Atkins, Marc Isaacson, Steve Allen, Chuck Truby, Celia Parker and Seth Steele. City staff present included Steve Galanti, Mike Kirkman, Hanna Cockburn and Sheila Stains-Ramp. Also present was Jennifer Schneier, City Attorney's Office.

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

1. MEETING MINUTES:

Mr. Allen moved approval of the July 15, 2015 meeting minutes as written, seconded by Mr. Steele. The Board voted 5-0, in favor of the motion. (Ayes: Isaacson, Truby, Steele, Atkins and Allen. Nays: None.)

2. PUBLIC HEARINGS:

a) Recommendation on a Land Development Ordinance and Text Amendment Regarding Section 30-15-19 to define what constitutes a "Truck Stop" for the use specifically identified in the Permitted Use Table. (CONTINUED)

Steve Galanti, Planning Department, presented a PowerPoint presentation of the Amendment to Section 30-15-19. This Text Amendment will create a definition for the term "Truck Stop", which appears in the Permitted Use Table. Currently, truck stops are a permitted use under General Retail Sales and Service group and they are actually listed in the Permitted Use Table, which is located Article 9 and they are permitted in the LI and HI zoning districts. Currently, there is no definition in the LDO for truck stops so staff relies on Webster's Dictionary's definition for what a truck stop is, shown on the PowerPoint presentation. "Restaurant or service station located along an interstate highway that caters specifically to truck drivers." That definition is lacking in several terms and it needs to be better defined. There is also a term called, "Convenience Stores" and they are "designed to carry large number of convenience items and are permitted in the CN district, each one of the mixed use districts, the Business Park district and also in the LI and HI zoning districts. In some of those zoning districts there are some additional development standards that relate to the design, especially when they are in close proximity to residential uses. This Text Amendment will define "truck stops" and it contains several different components: that it would allow convenience stores with fuel pumps to also provide no more than three (3) truck fueling stations and/or they can do either, overnight parking spaces for no more than five (4) trucks.

Ms. Parker arrived at 4:08 p.m. for the remainder of the meeting.

Tom Terrell, attorney representing Sheetz Corporation, stated that this seems to be a very limited and practical solution to an existing problem. This is for a definition of what a truck stop is not, which is how Sheetz is approaching this. Sheetz is not a truck stop and its business model is not geared towards or around serving trucks, but does have stores in certain locations where trucks do come through, especially on the major highways. The catalyst for this concerns a site on Neal Lane off Highway 29, which is a highway and there are many trucks that come through this site and occasionally truck will need to use that Sheetz location for fuel. The question is, do you allow trucks to squeeze in on a highway location or do a re-design so they can safely get in and out. This location does not have the showers, and the many products used by truckers. This is an example of a business that just does not fit and this is an effort to create a very narrow and practical exception for something that does not fit. There is no issue with limited use on highways and Sheetz is not trying to create something for all of its stores, only in one spot. He asked that the Board recommend the amendment with a stipulation that they work closely with the Neighborhood Congress to come up with wording that would limit something like this to a highway use.

Steve Galanti stated that some information came up just before the meeting about the Text Amendment to the LDO which would apply to all properties throughout the City, not just this one particular property. He is concerned that in order to address the concerns of both Mr. Terrell and the Neighborhood Congress, there may have to be some major revisions to the document before the Board. He is not comfortable proceeding with this particular case not knowing what that outcome will look like. He is hesitant to continue with a recommendation when the document that is prepared by staff to address those concerns which may be very different from the document currently before the Board.

Mr. Terrell stated that there is also the option of interpretation and as they read the Ordinance and the Standard Industrial Code definitions are applied, the North American Industrial Code classifications, are looked at, this is definitely not a truck stop and staff was initially asked to make an interpretation so they could proceed. It was staff's decisions that they proceed with a text amendment rather than an interpretation.

Mike Kirkman stated that staff's interpretation, based on the information, they felt that at least provisionally, that this was a truck stop and there was a disagreement on the interpretation question.

Michael Pendergraff, Neighborhood Congress, presented a handout and stated that he is on the Issues and Bylaws Committee of the Greensboro Neighborhood Congress and this issue was presented to the congress last Thursday night. The Congress's purpose is to weigh in on matters of city-wide interest so from strictly a technical point of view, they have no interest or opposition or position with respect to this Sheetz. A drawing was placed on the overhead for the Board members' review which shows the Sheetz property which is on the edge of Greensboro. The truck stop definition does not say anything about major thoroughfares, highways or interstate roads. The last sentence of the paragraph says, "A business that would otherwise meet this definition shall not be deemed a truck stop if. . ." So it is not a truck stop if it has no more than three fueling

stations for more than three tractor-trailers or overnight parking spaces large enough for no more than five tractor-trailers. So while defining a truck stop they're also defining what is not a truck stop and that is the key to Mr. Terrell's problem, which is he does not want this to be a technical truck stop, he wants to be able to have some limited truck stop services. So as a concept it works but if you then look at a document from staff, which says, "Convenience stores are allowed in all commercial zoning districts except Commercial Neighborhood, all Mixed Use zoning districts except Mixed Use Low, all Business Park districts, in addition to the Light Industrial." The problem is from the Congress's point of view, is that known of how many neighborhoods are impacted by this. So the second slide shows a one-acre auto repair shop and that site is actually two legal sites; one is a Shell station and those two tracts are zoned C-M and total an acre and a half, and those about a student apartment complex and a small neighborhood. From an initial zoning point of view, if someone wants to put a truck stop there, they can if they meet all of the other qualifications, some of which are set out in the district use requirements of office, retail and commercial uses. From a neighborhood point of view, that is an issue, should that be able to be done without informing the neighbors while depriving the neighbors of any right for direct input as to that consideration. He then looked at the intersection of Aycock and Gate City Boulevard and there is a Circle K convenience store and a Great Stops residential student housing that is being developed by the University. So those are additional spots are eligible to be considered from a strict zoning point of view, as truck stops. The Congress's concern is not with this site, specifically, but with the fact that they do not know, given the broad definitions of the zoning code, how many properties this may potentially effect.

Chair Isaacson suggested that it might be more feasible to continue this matter since there is no time urgency on this matter.

After a short discussion Mr. Truby moved to continue this matter, seconded by Mr. Allen. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

- b) Recommendation on a Land Development Ordinance Text Amendment regarding Section 30-7-1.4(C) to allow the landing portion of handicap ramps to encroach into the required setbacks with the ramps. **(RECOMMENDED)**

Steve Galanti stated that currently the LDO establishes a distance, a building setback, that a structure has to be from a property line. The LDO also allows several smaller items to be placed closer to property lines. These exceptions are actually listed as permitted encroachments. Several of those permitted encroachments were shown on the overhead for viewing. One of those encroachments is handicap ramps, but it has a caveat, except for the porches and landings, so only the slope portion of the handicap ramp, not the level sections where you enter the house or make a turn on the ramp are not permitted in the building setback. This has an impact on the design and installation of handicap ramps due to the ramp's slopes, the ramp lengths, the topography of the site, and the location of existing buildings it is making it difficult to provide handicap ramps for houses or buildings that have disable persons in them and it is very difficult to

provide them a handicap ramp and as a result, access to their dwelling or building. Under the reasonable accommodations requirements, this text amendment will allow the ramp and its level landings and the entrance into the building to entirely encroach into the building setback. This eliminates the exception. Staff recommend approval of this Text Amendment. In response to a question, Steve Galanti stated that the ramps would still have to be built to building code and properly permitted. He further explained the building setback requirements in the different zoning districts. This change will bring Greensboro in line with Guilford County and High Point.

Mr. Truby moved to recommend the text Amendment as presented by staff, seconded by Mr. Allen. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

- c) Recommendation on a Land Development Ordinance Text Amendment regarding Sections 30-4-5.8 and 30-15-16 to hereby remove Protest Petitions from the Ordinance. **(RECOMMENDED)**

Steve Galanti stated that the intent of the Text Amendment is to remove the provisions that currently allow Protest Petitions to be submitted as part of the rezoning request. Protest Petitions affects the vote that happens when the rezoning request moves on to City Council. Currently, the NC General Statutes which outline what cities can and cannot do, referred to as Section 160(A), used to allow cities in North Carolina to use this provision and it has been included in the LDO under Articles 4 and 15 which outlines the mechanisms for submitting and using the Protest Petition provisions. Recently, House Bill 201 removed the allowance for Protest Petitions to be used by municipalities so Greensboro's ordinance needs to be amended to adjust what the State legislature has done and the Text Amendment will actually remove those provisions from the ordinance. Staff recommends the Text Amendment as submitted.

Mr. Allen moved to recommend the text Amendment as presented by staff, seconded by Mr. Truby. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

3. Redevelopment Plan Review

- a) Heritage House Redevelopment Plan Presentation. Request for Certification to Redevelopment Commission and Recommendation to City Council **(RECOMMENDED)**

Hanna Cockburn presented the draft Redevelopment Plan, and explained the requested action of the Board. She stated that this is a technical review of the proposed Redevelopment Plan for the Heritage House Redevelopment Area. A copy of the draft Plan and a copy of the North Carolina Urban Redevelopment provisions, out of the General Statutes, were provided to each Board member. The Redevelopment Area for the Heritage House is a total of ±6.9 acres which includes both the Event Center which was not declared blighted and the condominium complex that this Board declared blighted last September. Ms. Cockburn explained the Plan is broken into several

sections that correspond to the elements required under the NC Urban Redevelopment Law. An existing conditions report was compiled last spring which includes a range of data that influences the development potential for this site, including employment and income in this study area lag behind the City as a whole; the median income in this area is roughly half of the City as a whole; and the unemployment rate is almost 19%. The high level of residential vacancy in the area indicates the residential market is very soft, and replacing units in this location could further depress the market. The location itself has excellent access to two interstate interchanges and relatively high traffic counts, particularly along Randleman Road. Commercial space along Randleman Road is well occupied and there is a growing demand for light industrial and warehouse uses in this area. This location is not in a residential neighborhood, but is surrounded by commercial, Light Industrial and institutional uses. The Connections 2025 Comprehensive Plan calls for industrial and corporate park uses in this area, and no changes to the proposed future land use plan are suggested with the Redevelopment Plan.

There were two primary documents that were commissioned that influenced the recommendations in the Redevelopment Plan. The first is a structural analysis that was produced by SKA Engineering who performed both a visual and code review of the structure and produced estimates to compare the relative costs of renovating the building versus demolition. Renovation requires the replacement of almost all the major elements of the building: stairs, elevators, reconfiguration of the units, repair of structural connections between each concrete slab, significant repair to the exterior of the building, replacement of the windows, roofing and mechanical and fire suppression systems. The probable construction costs exceeded \$16 million compared to the selected demolition which would preserve the Meridian Center, as is, and repair locations where the buildings were connected at just over \$1 million. The second report was a market analysis produced by Teska Associates which demonstrated the weaknesses in the housing market in the vicinity of this site and highlighted the growing demand for Light Industrial space. The condition of the building and a weak housing market led to a set of recommendations that are found in the Plan for the reuse of the site.

Three conceptual site reuse scenarios are included in the Plan. These are conceptual in nature and are meant to be illustrative of what is possible for the site in the future. In each of the scenarios, the Meridian Center is preserved. The first concept is a business park that would allow for the expansion of senior services complementary to facilities adjacent to the site. The second concept expands the light industrial footprint by adding an additional building for a total of 32,000 square feet. The third scenario includes light industrial and indoor recreational uses on the site. All three scenarios aim at adding jobs to the area.

The Redevelopment Area as currently zoned Planned Unit Development (PUD), a district that allows a diverse mixture of residential and non-residential uses in accordance with an adopted Unified Development Plan. The current zoning scheme is tied to a Plan that does not support any of the proposed reuse scenarios. In order for

redevelopment to occur, the site is proposed to be rezoned at a future date to a Conditional Use PUD, to allow for the development of both a new Unified Development Plan for this site that would support the reuse concepts and allow for some of the continuing controls. The site has significant public road frontage on Village Green Drive and an existing driveway connection to West Meadowview Road with limited frontage. Both roads are in good condition and offer curb and gutter cross-sections and adequate right-of-way. A sidewalk is proposed along the south side of Village Green Drive to improve pedestrian access to the site.

The estimated costs include all of the things that would need to be done in order to purchase the site and get it ready for future development. Acquisition includes appraisals, legal fees, staff support and some contingency. The demolition costs are primarily for the contract to demolish the site and make necessary repairs to the Meridian Center. Disposition includes all of the costs that the City would incur over the course of holding the property and preparing it to be developed by a third party private developer. The City proposes to use two primary funding sources to undertake these redevelopment activities; through the Capital Reserve to acquire the site and then using Nussbaum Housing Partnership Funds to do the demolition of those housing units and the disposition. These costs are expected to occur over a long period of time, anywhere between three and six years. All the blighted parcels associated with the Redevelopment Area are intended to be acquired, according to this Plan and must be for redevelopment to occur. Acquisition occurs based on a fair market value that is established by an official appraisal of the properties and each unit is taken into consideration for its own unique circumstances. The Event Center is not intended to be acquired and was included in the Redevelopment Area due to its proximity and shared interest in the surrounding parking.

The completion of the redevelopment activities within this Plan are expected to occur over numerous years and the disposition schedule could be compressed if a site developer is identified quickly and can move through the necessary steps to secure redevelopment of the site. Continuing Controls are required as part of the Redevelopment Plan and this ensures, for both the City and the Redevelopment Commission, that the property will have some long-term stability and prevents the return of uses that blighted the property. These Continuing Controls are enforced in a number of ways, by the Redevelopment Commission applying them through Restrictive Covenants that are attached to the deed but also reinforced through things like the Unified Development Plan and the Conditional PUD zoning of the site.

The Planning Board's role is to review the elements of the Plan and make a Certification to the Redevelopment Commission that the Plan meets the standard of the Urban Redevelopment Law and to make a recommendation to the City Council to either approve, revise or deny the Plan as presented. To complete the public review process, this will go to City Council, tentatively scheduled for September 15th, and the individual property owners will be notified. More information is available on the City's website.

After a short discussion Mr. Truby moved to recommend the Heritage House Redevelopment Plan as presented by staff for consideration by City Council and to Certify to the Redevelopment Commission that the Plan includes all the required elements, seconded by Ms. Parker. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

4. Annexation Petition

a) Proposed Annexation PL(P) 15-06: 4016 South Elm-Eugene Street including one-half of the public right of way of both South Elm-Eugene Street and Wolftrail Road. 2.5 acres, property of South Elm-Eugene Street Partners, LLC. Northwest corner of Wolftrail Road and South Elm-Eugene Street **(RECOMMENDED)**

Lucas Carter, Planning Department, presented a PowerPoint presentation and stated that this property is just south of I-85 at S. Elm-Eugene Street. The applicant is South Elm Street Partners, LLC., 4016 S. Elm-Eugene Street and is approximately a 1.77 acre property and the proposed use would be commercial. This is in the Tier I growth area and it is recommended for annexation. The property is considered contiguous with existing City corporate limits and is also part of a concurrently run rezoning. The Zoning Commission voted unanimously to recommend approval of the rezoning at their August 10th meeting. This also went through the Technical Review Committee (TRC) and they also recommended approval. This is scheduled to go before City Council on September 15th along with the rezoning application. City services can easily be provided to this property with no restraints.

Mr. Allen moved to recommend the text Amendment as presented by staff, seconded by Mr. Steele. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

5. Easement Releases

a) Proposed release of a portion of a 15' wide utility easement located at 2902 Crossfield Drive, as recorded in Plat Book 90, page 50 **(APPROVED)**

Sheila Stains-Ramp stated that this is the proposed release of a 15' wide utility easement located at 2902 Crossfield Drive. All of the utility companies involved have indicated their agreement to release of this easement.

Mr. Allen moved to recommend the text Amendment as presented by staff, seconded by Mr. Truby. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

a. Proposed release of a portion of a 20' wide sanitary sewer easement located at 8 Sunfish Point, as recorded in Plat Book 128, page 129. **(APPROVED)**

Sheila Stains-Ramps stated that this is the proposed release of a 20' wide sanitary sewer easement located at 8 Sunfish Point. All of the utility companies involved have indicated their agreement to release of this easement.

Mr. Truby moved to recommend the text Amendment as presented by staff, seconded by Ms. Parker. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

b. Proposed release of a portion of a DMUE located at 9013 W. Market Street as recorded in Plat Book 138, page 80. **(APPROVED)**

Sheila Stains-Ramp stated that this is the proposed release of a portion of a DMUE located at 9013 W. Market Street. All of the utility companies involved have indicated their agreement to release of this easement.

Mr. Allen moved to recommend the text Amendment as presented by staff, seconded by Mr. Truby. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

6. Set Public Hearing for September

a) Street Name Change to be heard in September – from Spring Oak Drive to Carter Woods Drive **(APPROVED)**

Steve Galanti stated that the street name change process before the Planning Board to make a recommendation is a two-step process. The first step is for the Planning Board to set a public hearing and then at the next meeting to hold the public hearing.

Mr. Truby moved to recommend the public hearing for a street name change from Spring Oak Drive to Carter Woods Drive as presented by staff, seconded by Mr. Steele. The Board voted unanimously, 6-0, in favor of the motion. (Ayes: Isaacson, Truby, Parker, Steele, Atkins and Allen. Nays: None.)

7. Amendment to Generalized Future Land Use Plan (GFLUM):

a) CP-15-09: Portion of 4001 Springbrook Drive from Low Residential to Commercial; 1 acre.

Hanna Cockburn stated that a map was presented on the overview for the Board members' review. This is partially within the Commercial Future Land category and the Low Residential. The property sites near intersection of Springbrook and Holden Road and there is a variety of uses in this corridor and this area is very transitional. Comments from the Board members are incorporated into the staff report, as this is considered by the Zoning Commission for rezoning.

Chair Isaacson asked if there were any conditions included in the application that would buffer the use against the residential uses.

Robert Russell, Associated Surveying and Engineering, stated that the request is for Conditional Low use which is deemed compatible with residential uses and there would be three conditions that they are proposing and will be holding meetings with the residents. They would limit the building size to 9,000 square feet, no uses that would require drive-thru services and no sexually oriented businesses.

Mr. Atkins stated that this proposed rezoning makes sense for this site and he does not see any problems with the request. Chair Isaacson stated that this would help make correct alignment to the map.

Mr. Truby left the meeting at 5:30 p.m.

b) CP-15-10: 102, 104 and 105 E. Vandalia Road, and 108 W. Vandalia Road, from Low Residential and Moderate Residential to Mixed Use Commercial.

Hanna Cockburn stated that staff has evaluated a zoning proposal which incorporates the property to the south and east of this intersection. Looking at the pattern of development and pattern for already approved changes to the zoning, would indicate a greater change to the Generalized Future Land Use Map (GFLUM). The area shown are in both Low Residential and Moderate Residential Future Land Use categories. There is a mixture of uses in the vicinity, including High Density Residential, Mixed Use Commercial, and Industrial and Corporate Park uses.

Mr. Isaacson as well as other Board members stated that this makes sense for the area and the corridor that is becoming popular with commercial development uses.

8. ITEMS FROM THE CHAIR

Chair Isaacson stated that he had nothing to add.

9. ITEMS FROM BOARD MEMBERS:

None.

APPROVAL OF ABSENCES:

Chair Isaacson acknowledged that the absence of Mr. Martin, Mr. Mossman and Mr. Bryson as approved.

Hanna Cockburn stated that the City Council did approve the Fresh Food Retail Access Plan that was presented to the Board at a previous meeting.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Sue Schwartz

Planning and Community Development, Director
SS/jd