

**MEETING OF THE
ZONING COMMISSION
May 16, 2016**

Z-16-05-003, An Original zoning request from County AG (Agricultural) to City CD-C-M (Conditional District-Commercial-Medium). For the property located at 1730 Young Mill Road which is generally described as west of Youngs Mill Road and north of East Lee Street(2 acres) **(APPROVED)**

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

Henry Isaacson, 804 Green Valley Road, represents Piedmont Properties of NC, LLC. He distributed booklets and asked the Commission to consider a new condition. The condition being along the northern property line within the required buffer additional evergreen material should be provided at a minimum height of fifteen feet to augment existing vegetation in order to create a visual screen. Additionally, an opaque fence of about six feet in height will be permitted and installed on the subject property within the buffer area.

Chair Pinto moved acceptance of the new condition, second by Mr. Gilmer. The Commission voted 9-0 to add the condition. (Ayes: Pinto, Bachman, Blackstock, Griffin, Parmele, Gilmer, Marshall, Lester, Duggins. Nays: None.)

Mr. Isaacson presented a booklet for the Commission members' review. He brought attention to the properties relationship to I-85. He presented a zoning map to the panel and brought attention to a "Node of Mixed Use." Mr. Isaacson read the definition of "Node of Mixed Use:" Areas containing a mixture of uses of high, medium or moderate intensity, primarily providing services for the surrounding area. Examples include a small size shopping area, higher density housing, office and institutional uses. These nodes are typically located in the vicinity of local access interchanges and major roadway intersections.

He added that this is the reason no Comp Plan change is needed for this zoning application. The node of mixed used is already identified on the Comprehensive Land Use Plan. The Plan includes a convenience store and a parking lot, Mr. Isaacson added a new condition with includes a buffer and fencing. Mr. Isaacson communicated with the surrounding area by sending out mailings. Gilbert Rockson is in support and sent a letter and Robert Osborne also wrote a letter in support.

Chair Pinto asked if there was anyone else wishing to speak in support of the request.

Ms. Sharon Edmonds, the property owner of 5029 and 5025 East Lee Street, stated she is in favor of a retail location near her and supports the request.

Chair Pinto asked if there was anyone wishing to speak in opposition of the request.

Ms. Renita Broyton, 2213 Flora Vista Court, president of the Trinity Lake Homeowners Association, asked the residents in the audience to stand who were in opposition, there was an estimate of 25 to 30 people in opposition. Ms. Broyton is suggesting another area for this use and she had met with Mr. Isaacson previously. She has five reasons why she and her community are opposed to the construction of the gas station/convenience store use; 1) The traffic study should consider the traffic flow into the community; 2) Light pollution;

Chair Pinto interjected by reminding Ms. Broyton of the commission's role which does not include choosing the type of business that goes into the requested zoning district, but by determining the highest and best use of the land.

Ms. Broyton does not want the change of zoning designations from Agricultural to Commercial.

In response to a question Mike Kirkman noted that there is a City Agricultural (AG) zoning district, but it is not appropriate for the proposed land use.

Ms. Broyton continued with her points, Number 3) The economical impact, they want to make sure the growth does not negatively impact their home values and lead the way for transient occupants in the Trinity Lake subdivision; 4) Environmental impact of Trinity Lake; and 5) They want to protect the wildlife that is in the Trinity Lake.

Mr. Roy Thompson, 2400 Clover Leaf Court, is concerned about contamination from underground gas tank leakage and contaminated water table to Trinity Lake. The community has invested significant capital in preserving the lake. He does not want an environmental accident to upset the ecosystem.

Mr. Samuel Mosely, 2206 McLaughlin Drive, claims that he was not told what kind of commercial business was being proposed. He doesn't want a commercial business in his neighborhood because it could be a "slippery slope" of building up businesses. He is also worried about noise.

Chair Pinto asked for a rebuttal of support.

Mr. Isaacson rebutted the statements of Ms. Broyton. 1) Traffic concerns; the impact is directed by GDOT's scoping decision, nothing on the study can predict the future. 2) Lighting concerns are handled by city ordinance, no bleeding of light into other neighborhoods. 3) There is no evidence of decline in property value. 4) The environmental issue, any underground fuel tanks now much have a "secondary containment" which is two walls and an installation of a leak detector that is regulated. 5) The Lake contamination or run off will be handled with a bio-retention plan.

Mr. Lester asked Mr. Isaacson why on the application he chose Commercial-Medium instead of Commercial-Neighborhood or Commercial-Low.

Mr. Isaacson said that he picked Commercial-Medium because of a drive thru potential that would be accessory to the convenience store with fuel pumps.

Chair Pinto asked for rebuttal in opposition.

Mr. Samuel Mosley stated that the community does not need another convenience store when there are at least four within a one-mile radius.

Mr. Roy Thompson stated his concern for run-off thorough neighborhood and potential for a heavy rain that will overflow and travel through their neighborhood.

Mr. Samuel Mosley also added that they don't have the resources of Mr. Isaacson and need more time to gather data and evidence so they can bring a more compelling argument.

Mr. Keith Fantroy, 4269 Holloway Drive, supports changing the zoning from Commercial to Residential.

Mr. Lester asked when the Trinity Homeowners Association was established. A retort came from the audience of "1999..."

There being no other speakers, the Public Hearing was closed.

Mr. Kirkman stated that this is designated 1/4 mile Node of Mixed Use on the Generalized Future Land Use map. The Node of Mixed Use category contains areas with a mixture of uses of high and moderate intensity, primarily providing services to the surrounding area. Nodes are typically focused in the vicinity of local access interchanges at major roadway intersections. Proposal supports the growth at the fringe goal to

promote sound and sustainable patterns of land use and the economic development goal to promote a health and diversified economy. The CD-C-M district will accommodate a wide range of retail, service and office uses. Staff recommends approval.

Mr. Lester asked how long I-85 road had been open.

Mr. Gilmer stated that it's been open for 25 years, or at least a "long time." He said that on the land use plan it's mix of everything and the neighbors should take their argument to City Council in considering the annexation. He added that there usually isn't low density residential around an interchange, commercial is at interchanges and this is reflected on the Comprehensive Plan. Mr. Gilmer stated that he supports the request.

Chair Pinto asked if the request is denied does this matter go to City Council. Mike Kirkman clarified that it would go to the City Council regardless of the Zoning Commission's decision since their action would only be a recommendation due to the associated annexation with this request.

Mr. Parmele stated that it is no longer an agricultural area because the interstate runs through it. Mr. Parmele supports the proposed commercial zoning request.

In the matter of **Z-16-05-003**, Mr. Gilmer moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 1730 Young Mill Road from County-AG(Agricultural) to City CD-C-M(Conditional District-Commercial-Medium)to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the actions taken to be reasonable and in the public interest because it is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development Goal to promote a health and diversified economy. In addition, the request does implement measures to protect neighborhoods from potential negative impacts seconded by Mr. Duggins. The Commission voted 8-1 in favor of approval for rezoning.

(Ayes: Pinto, Bachman, Griffin, Parmele, Gilmer, Marshall, Lester, Duggins. Nays: Blackstock.)