

**PARTIAL MINUTES OF THE
ZONING COMMISSION
DECEMBER 19, 2016**

Z-16-12-006 1906 New Garden Road (south of New Garden Road and east of Strathmore Drive) – A rezoning request from R-3 (Residential Single-Family) to CD-O (Conditional District-Office) with the following conditions: (1) Uses shall be limited to single-family residential, personal and professional services and general office; (2) Maximum principal building square footage shall not exceed 1,400 square feet; (3) Exterior building walls must include at least 75% brick, stone or hardy-board; (4) Exterior facades facing New Garden Road must have a minimum 35% transparent openings/fenestration. Any windows facing New Garden Road must include shutters; (5) Flat roofs are prohibited; (6) Signage shall be limited to one freestanding monument sign with a maximum height of 6 feet and one attached sign limited to 6 square feet in size and 6 feet in height. Signs may not have any internal illumination; (7) Freestanding light poles, if installed, shall be limited to a maximum 15 feet in height. – For the property located at 1906 New Garden Road, generally described as south of New Garden Road and east of Strathmore Drive (0.71 acres) – Jenna Hill McKenzie on behalf of Hill Family Properties, LLC.

(APPROVED)

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

Chair Bachmann noted that this case came up for rezoning in May, 2016 and she asked what prompted this rezoning request and why this is being heard for a second time in less than 12 months.

Mr. Kirkman said that under the Land Development Ordinance, two rezoning requests per year on any City property can be heard if the second zoning request is deemed to be substantially different from the first request. This request and the previous request are both Conditional District-Office; however, tonight's request further restricts uses that would be allowed if this zoning is approved. In addition the current request includes conditions addressing items such as signage, lighting, and architectural features that were not addressed in the previous request. As such, staff determined this request was different enough to not have to wait an additional 12-month period of time for the request to be heard.

Dan Hill, 227 Thomas Road, Lexington, North Carolina, asked to amend a condition and add a condition to this request.

Amended Condition:

(1) Uses shall be limited to personal services and general office.

Additional Condition:

(8) Hours of operation for any uses on the site shall be between the hours of 8:00 a.m. and 8:00 p.m.

In the matter of Z-16-12-006, Ms. Mazzurco moved to accept the amended condition and additional condition as presented by staff, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Bachmann, Gilmer, Lester, Griffin, Pinto, Mazzurco, Duggins. Nays: None.)

Mr. Hill purchased this property in May 2016 and described the numerous commercial, retail and professional services located in the broader area.

A meeting was held at the property to answer questions about the request and the consensus was that neighbors had no problem with the high-end salon being proposed for the property. However, they were concerned that approval of this request might set a precedent for commercialization of the entire strip of land.

Mr. Hill said that the house on the property was constructed in 1952 and has had little to no updates. The outside is deteriorated and the foundation is in disrepair. The inside has mold and water damage. He met with other parties and determined that instead of leaving the property in its current condition or turning it into low-income rental property, Conditional District-Office zoning should be requested and conditioned with further restrictions. With a CD-O zoning change with restrictive conditions, the neighbors can be put at ease. The proposed use of a high-end salon/office will be a low impact use. The structure would be based off the original footprint of 1,400 square feet and the exterior walls will contain brick, stonework and hardy board. The outside lighting will be restricted to no more than 15 feet in height which would eliminate light shining into surrounding backyards. He noted that once the business closed at 8:00 p.m. at night, no one is at the building and it will be quiet. The property will be well maintained and will be an asset to the neighborhood versus what is there now.

Responding to questions, Mr. Hill explained that the building will be taken down to the foundation, keeping the footprint the same, and then it will be rebuilt. The walls are rotten and there is termite damage. The structure will look like another house to a passerby when it has been completed.

Mr. Hill added that there is now a circle driveway around the house. They will demolish the sheds at the rear of the building and leave the large trees on the property when they do the landscaping. Parking will be at the rear to allow for a smooth transition in and out of the property. Parking will not be on the circle drive. There will be one way into the property and one way out.

Mr. Kirkman pointed out that because this is a change of use, the application will go through the Technical Review Committee process who will evaluate the parking arrangement.

Members viewed letters of support for the zoning change that were received from Dr. Cobb and Marck Medder who live on New Garden Road.

In Opposition:

Michael McIntosh, 3705 Timberoak Drive, lives across the street from the subject property. He said that most of the changes to the property appear to be cosmetic in nature. They are not consistent with the Zoning Commission's May, 2016 findings regarding the plans and goals of the New Garden Corridor. He felt that the request was spot zoning. The corridor is saturated with over 100 commercial properties down Battleground and Guilford College Road including many empty commercial properties. He noted the numerous hair salons along the corridor along with concerns about traffic. He was opposed to replacing R-3 property with commercial property in the last section of New Garden Road that is exclusively residential, with the exception of Moose Lodge. He expressed concerns with safety and lowered property values in the neighborhood.

Howard Cohen, 1913-A Strathmore Drive, canvassed the neighborhood and collected a petition with signatures of persons opposed to this request. He contacted all but seven of the houses in the neighborhood and none of these households were in favor of this decision. Battleground Avenue is 7/10 of a mile from the subject house. From the house to Battleground Avenue, Mr. Cohen counted 19-20 commercial fronts that are vacant. Going up to Battleground Plaza, located within a mile, there are 9 more vacancies of retail space. He questioned the need for this salon and felt that Mr. Hill's financial position should have no bearing on whether or not this request is approved.

Hugh Willis, 1902 New Garden Road, lives on the right side of the subject property. He and his wife purchased their home with the intention of retiring there and upon purchase of the house, his research showed that it was located within a clearly residential area. Improvements to his home have doubled its value. He noted that the entire area with the exception of New Garden Road itself has new residential construction. He also noted the abundant supply of commercial services in the area. He felt that commercialization in residential zones will put a burden on everyone who has to drive and commute through that area on a daily basis. He pointed out the need for good traffic flow in the area. Mr. Willis presented a petition with 135 signatures opposed to the request who feel that Greensboro should be protected from commercialization.

Rebuttal in Support:

None.

There being no other speakers, Chair Bachmann closed the public hearing.

Ms. Mazzurco asked staff if the petition presented to the Commission by Mr. Willis was required to be notarized. Counsel Jones said that technically petitions do not have to be notarized and should be afforded the weight that the Commission deems appropriate. A petition is just like any other form of information that is received from the public such as an email or other type of comment. If the petition is not notarized then the authenticity of the signatures cannot be verified.

Staff Recommendation:

Mr. Kirkman stated that this site is currently designated as **Low Residential** on the City's Future Land Use Map. The Low Residential category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of three to five dwelling units per gross acre. Per Council adopted policy rezoning requests that are less than one acre in size are considered compatible with the Comprehensive Plan. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goals to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy, diversified economy. This CD-O request has now been conditioned to just personal service and office uses and based on the uses as well as the conditions offered, staff is recommending approval of the request.

Mr. Kirkman clarified that although he was not present when the signatures were secured for the petition, he did work with Mr. Willis to verify that the format of the petition was correct

Comments:

At the request of Mr. Duggins, Mr. Kirkman explained that a home occupation means that the principal use remains the residence and therefore, the majority of activity is accorded to residential use. Home occupations are allowed in single-family residential zoning but there is a limitation on the amount of square footage that can be associated with a home occupation in that it cannot be more than 30 percent of the gross floor area. There are also restrictions in terms of the types of commercial activity, customers coming to the site on a regular basis, and outdoor storage and activities. The applicant indicated that their activity and requirements would exceed these thresholds and they decided to rezone with restricted uses.

Mr. Kirkman explained for Ms. Mazzurco that the condition offered originally at the May request was any use that was allowed in the Office district except for drive-through uses. The other request was to maintain the existing structure without expansion. The range of uses at that hearing included a single-family residential use which is an allowed use in the Office district and therefore, the applicant did have the option to live in the house. The current request restricts the uses down to only personal service and office uses and adds other conditions such as building materials that were not present in the application at the May request. In addition, he explained that the Moose Lodge is a use that would be allowed in a residential district with a Special Use Permit. The Special Use Permit for the Moose Lodge was approved in 2005.

Mr. Lester asked Mr. Tipton, GDOT, to comment on the traffic consideration. Mr. Tipton explained GDOT's determination that there would be no impact on traffic in the area if the request is approved. Mr. Kirkman commented that staff considers office uses to be a more lower to moderate intensity scale of use.

Mr. Gilmer stated that he supported the request at the May meeting and he plans to support this rezoning request. He considers this to be reinvestment infill and not spot zoning. The project will result in an upgrade to the house that is presently in poor condition and there will be adequate buffering on both sides. He felt the upgraded home will blend in and be an asset to the neighborhood. He will be supporting the request.

Mr. Pinto commented that he cannot support this request. He feels this is still a residential area and this stretch between Brassfield Road and Jefferson Road should remain residential.

Mr. Duggins plans to support this request. The previous request was much broader in terms of zoning which was problematic. He felt that traffic was a non-issue with this request. This comes down to precedent and future use and this application really address concerns much more than before. This business will not be denser, traffic will be minimal, and leaving the property as an eyesore is not the best use for the City.

Ms. Mazzurco also plans to support the request. She felt that the application was better conditioned than at the previous hearing. It cannot be considered a home business. It will be a nice addition to the neighborhood and to everyone who lives and works in that area. The house is currently an eyesore that is located within a hodge-podge of mixed uses in that area. She did not feel that traffic generated from the request would be an issue.

Mr. Griffin also plans to support the request. This time the applicant did a better job working with the City on conditions. The new facility will look much better than what is there now.

Chair Bachmann commented on the diverse area. She was comfortable with the request based on the type of conditions placed on the application. She felt the use would fit nicely into the area.

In the matter of **Z-16-12-006**, Ms. Mazzurco moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 1906 New Garden Road from R-3 (Residential Single-Family) to CD-O (Conditional District-Office) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action 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; it is consistent with the Economic Development goal to promote a healthy diversified economy; and the request does implement measures to protect neighborhoods from potential negative impacts of development. The motion was seconded by Mr. Gilmer. The Commission voted 6-1 in favor of the motion. (Ayes: Bachmann, Gilmer, Lester, Griffin, Mazzurco, Duggins. Nays: Pinto.)