

**PARTIAL MINUTES OF THE
ZONING COMMISSION
November 20, 2017**

Z-17-10-006 3522 and 3524 Lawndale Drive (north of Lawndale Drive and east of Hathaway Drive) – A rezoning from R-3 (Residential Single Family) to CD-O (Conditional District – Office) with the following conditions: 1) Permitted uses shall include all uses allowed in the Office (O) zoning district except the following: a) All uses in the Group Living use category. b) Wireless Telecommunications Facilities; and c) Funeral Homes and Crematoriums – 1. Maximum Building Height shall not exceed three (3) stories. 2. Maximum building square footage shall not exceed 25,000 square feet. - for the property located at 3522 and 3524 Lawndale Drive, generally described as north of Lawndale Drive and east of Hathaway Drive, (1.33 acres) – Clint Cogburn for Estate of Joseph M. and Janice S. Waynick. **(FAVORABLE RECOMMENDATION)**

Mr. Marshall stated that he should be recused from this item since he represented one of the homeowner associations on other matters and this association was taking an official position on this request. Mr. Marshall was recused by unanimous vote.

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

Chair Bachmann asked if there was anyone to speak on this matter.

Mike Fox, attorney representing the applicant, stated that this item was continued from the previous meeting due to an error in advertising the correct conditions from the applicant. Mr. Fox then asked that the existing Condition #2 for this request be amended to read:

“Maximum building height shall not exceed two (2) stories.”

Ms. Mazzurco moved to amend Condition #2, as stated by the applicant’s representative, seconded by Mr. Gilmer. The Commission voted 7-0-1 in favor of the motion. (Ayes: Bachmann, Holston, Lester, Pinto, Blackstock, Mazzurco, Gilmer. Nays: None. Abstained: Marshall.)

Mr. Fox then continued explaining the purpose of the rezoning request. He noted this is an infill project and the applicant would like to construct a medical or related office use on this site and that is the reason for the change in zoning. With the proposed conditions they are eliminating all the uses in the group living category, wireless telecommunications facilities and funeral homes and crematoriums. In addition, the height of the proposed building is now a maximum of two stories and the maximum square footage would not exceed 25,000 square feet so this should provide protection for nearby properties. Mr. Fox added that the Office category is the closest non-residential zoning category in intensity to a Residential zoning category. The goal is to make the offices compatible to adjoining and nearby properties so the multifamily and single-family residences nearby would not be detrimentally impacted. Mr. Fox noted there was a neighborhood meeting and there was a good turnout. The participants raised a number of questions; storm water drainage and run-off; the proposed height of the building; use limitations; buffering and screening and they will adhere to the requirements for the setbacks and landscaping requirements; tree preservation area; increase in traffic. Mr. Fox stated that many trees of interest to neighbors are not on this particular property but in the common area of the adjoining townhomes and there would be very little increase in traffic due to this property. There are two large institutional uses nearby, churches, which will not be impacted by this project. There are also extensive commercial uses just a short distance away. This request went before the Planning Board and their comments were favorable for the change and felt it was appropriate given the other uses in that area. Staff also recommends in favor of this change and he asked that the Zoning Commission approve the request.

In response to questions, Mike Kirkman stated that understory trees are typically 15’ to 35’ and canopy trees would be above that in height at maturity.

Adam Spivey, 706 Green Valley Road, Suite 420, attorney representing the residents of Stone Gables Townhome Association located on Pisgah Church Road, which backs up to this property. He stated that they are not opposed to the rezoning request since the condition was changed to limit the height of the building to two stories.

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

Donna Daily, #5 Annalisa Drive, Stone Gables Townhomes, stated that the proposed rezoning lies directly behind her home beyond the trees that are in a protected zone. Given the proximity to the new Greensboro Urban Loop with future access from Lawndale Drive, she has watched the development and traffic on Lawndale and Pisgah Church Road increase substantially in recent years. It is difficult to make a left turn from Stone Gables onto Pisgah Church Road because of the amount of traffic that stays busy all day and night. She stated that two homes in this subdivision recently sold for less than tax value and is concerned about the tax value of her home, as well as the other homes in this subdivision. This area is quickly changing from residential to business and commercial use. She did attend the community meeting with the hope of learning more about the request and the proposed development, however very little information was provided during the meeting. The developer's attorney answered many questions with, "I'm not sure" and "We'll have to check on that." Moreover, the common response was, "This will be minimal impact on the community and neighborhood." In general, the planned uses represented to the community during the meeting was for approximately a 10,000 square foot building for medical or dental office use. When the community meeting ended, a neighbor and she spoke with the developer about their willingness to limit the use to either medical or dental office with either a 1-story office building or 3 1-story office buildings totaling 10,000 or no more than 12,500 square feet. At that time, the developers verbally indicated that they would be willing to accept those restrictions. Other community members left the meeting thinking the developers were seeking to rezone for a 1-story office building for medical or dental use. They indicated they hoped to build something similar to the office buildings on Horse Pen Creek Road. When asked if they had a plan they said, "Not yet." However, they referred them to the information provided by the commercial real estate company from whom they purchased the property. As a good indication of what they intended. This shows a 20 x 60 square foot, 1-story office building on one lot with parking spaces on the other, not a 2-story building. She feels that when a developer makes a request and holds a community meeting to provide information, they should be required to provide a site plan showing the intended development. The rezoning of these two lots will create a domino effect, rezoning for business or commercial of other single-family residential lots on Lawndale Drive and Pisgah Church Road. Residents are already experiencing the negative impacts from increasing business development, traffic problems and declining home values, she asked that this request be denied.

Leo Gomez, 3520 Lawndale Drive, stated that he would suggest that this be continued to give more time for the area residents to gain input into the use for the proposed property. From Pisgah Church Road to Cone Boulevard it is only residential with no commercial properties in that area. The intersection of Pisgah Church and Lawndale is only commercial uses. He is very concerned about the increase in traffic and the possibility that commercial will be intruding into the residential uses in this area. He has obtained some signatures from some residents of the area that are opposed to the rezoning of this property, He asked where he could submit more signatures as he gets them. Chair Bachmann stated that after the Zoning Commission makes their vote today, this item would go to City Council and he would have an opportunity to submit the signatures at that meeting.

Linda Hensley, #1 Annalisa Drive, stated that her property is diagonally behind the proposed zoning change property and is downhill from there. She is concerned about water run-off. She also wished to read a letter from her neighbor, Mr. Thomas Cashion, #4 Annalisa Drive. "My wife and I purchased our townhouse in April 2006, right after they were built. At that time, I was within 8 years of retirement and we were looking for a home that would be our last home to purchase. Stone Gables met our most important requirement, which was for a quiet neighborhood. Placing business property next to Stone Gables will eliminate the quiet neighborhood that was our primary reason for purchasing here. Other issues of concern are the impact this business property would have with water run-off, also it is very

disturbing to think that the value of our property will be negatively impacted by the changing in the current zoning. Please reconsider the request to change the zoning to Light Commercial and continue it as Residential. Respectfully, Thomas E. Cashion, Jr. and Ann H. Cashion.” Ms. Hensley stated that she is very concerned about water run-off and the area behind the townhome area is already wet and if there is more water introduced to the area, it will only make matters worse.

Chair Bachmann asked if staff has reviewed the water run-off issue in this area. Mike Kirkman stated that he could not speak to any assessments based on the site as it is right now. Any plans that come into the City would have to be evaluated as part of that process through the Technical Review Committee (TRC) and Water Resources staff. They would look at those issues in terms of any new run-off that is created and would have to be treated on-site. He does not know the specifics of what might be occurring on the adjacent property but can confirm that would be something addressed as part of the site plan review process.

In rebuttal, Mr. Fox stated that he wanted to address the water run-off issue, noting anyone who is associated with the building industry understands that there are different levels of regulation and different types of projects, and an office development would have much stricter scrutiny and requirements for impervious surfaces and any kind of water run-off issues than the single family homes in the area. He feels sure that whatever is developed on the property would put off less water than what is currently happening there. In regard to additional traffic, Lawndale Drive is a major thoroughfare and is five lanes with a turning lane. It is not anticipated that traffic will be an additional issue for this property. When they were working on the conditions for the request, they wanted to stay of a sufficient size that would not trigger a traffic study and 25,000 square feet is the maximum square footage for the property to stay below that trigger. There is no guarantee that there would be a 25,000 square foot building developed there. In all likelihood, this will be a build-to-suit site and will probably accommodate someone who wants to use the site for office use. It may also be only a one-story building, depending on what the new owner wishes to use the building for. He feels it is extremely unlikely that other commercial uses would try and come into the area between Pisgah Church and Cone Boulevard. The residential properties have been in place for a very long time and he does not see any feasibility for commercial trying to intrude into that area. The church is a natural buffer for any further development. The conditions would keep the request to a small scale office development that would be the most compatible with the surrounding area.

In opposition rebuttal, Mr. Gomez added that he still has concerns about an increase in traffic and he is aware that Planning staff has talked to different engineering groups about this particular property. He also has concerns that no one really knows what kind of office uses will be put on the property and what kind of building and how big it would be and how many parking spaces will be on the property. Right now there are no answers. He was told not to worry about the water run-off because the City is involved with it.

Mike Kirkman stated that in general Office Districts would allow a variety of office uses, which could be medical or dental offices, general office uses, engineers and those types of uses. The Office district also allows personal service and professional service uses, beauty salons, barber shops and other personal service uses. The Office District also allow residential uses. The Office District does not allow restaurant uses and retail uses as well as related uses so Commercial uses would not be allowed in the Office District.

There being no other speakers, the public hearing was closed.

Mike Kirkman summarized the request and stated that this site is currently designated as Low Residential on the Comprehensive Plan Generalized Future Land Use Map. The Low Residential designation is generally intended to provide single-family neighborhoods as well as compatible housing types, generally in the density range of 3 to 5 dwelling units per acre. As part of the request, the applicant has requested a change to the Mixed Use Commercial designation. This designation is intended to provide a mixture of uses of which various commercial uses remain predominant while residential services and other uses are considered complimentary. The proposed request does support

the Comprehensive Plan's reinvestment infill goal for sound investment in Greensboro's urban areas and the economic development goal to provide a healthy and diversified economy. The Conditional District Office, as conditioned, accommodates a variety of office, institutional, supporting service and other uses. Staff does recommend approval of the request.

Chair Bachmann asked for comments by the Commission members.

Mr. Holston stated that he is having a difficult time getting to a decision to support this request. He is concerned about the adjacent properties and the zoning that exists there. It is problematic for him, as it seems that this may be a potential intrusion of commercial uses in the residential neighborhood. There seems to be several residents who are opposed to this rezoning request. Mr. Pinto, Mr. Lester, Mr. Gilmer and Ms. Mazzurco all stated their support of the request.

Mr. Pinto stated that the Greensboro Zoning Commission believes that its action to approve the zoning amendment, for the property located at 3522 and 3524 Lawndale Drive from R-3 (Residential Single-Family – 3) 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 for the following reasons: The request is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Economic Development goal to promote a healthy, diversified economy. The request does implement measures to protect neighborhoods from potential negative impacts, seconded by Mr. Blackstock. The Commission voted 6-1-1 in favor of the request. (Ayes: Bachmann, Lester, Pinto, Blackstock, Mazzurco, Gilmer. Nays: Holston. Abstained: Marshall.)