

**PARTIAL MINUTES OF THE
MEETING OF THE
GREENSBORO PLANNING BOARD
DECEMBER 20, 2017**

The Greensboro Planning Board meeting was held on Wednesday, December 20, 2017 at 4:00 p.m. in the Council Chamber of the Melvin Municipal Office Building. Board members present were: Marc Isaacson, Chair, Richard Bryson, Steven Allen, Carol Carter, Homer Wade, and Michael Cooke. Planning staff present included Steve Galanti, Luke Carter, Michael Kirkman, Hanna Cockburn, and Sheila Stains-Ramp. Also present was Andrew Kelly from the City Attorney's Office, and Valerie Moore and Cynthia Blue from the Neighborhood Development.

TEXT AMENDMENT:

LAND DEVELOPMENT ORDINANCE (LDO) TEXT AMENDMENT - AMENDING SECTION 30-7-1.4(D) ENCROACHMENTS INTO REQUIRED SETBACKS, SECTION 30-15-5 TERMS BEGINNING WITH "D" AND SECTION 30-15-10 TERMS BEGINNING WITH "T" RELATED TO OPEN AIR/UNCOVERED TERRACES ENCROACHING INTO THE FRONT SETBACK. AMENDING THE ENTIRETY OF CHAPTER 30 AND SECTION 30-15-16 TERMS BEGINNING WITH "P" RELATED TO THE NAME OF THE PLANNING DEPARTMENT AND PLANNING DIRECTOR. AMENDING SECTION 30-8-10.4(F)(1) BARS, NIGHTCLUBS, AND BREWPUBS SEPARATIONS, RELATED TO SUBSECTION FORMATTING. (RECOMMENDED)

Steve Galanti stated that in the previous stakeholder group discussions regarding the recent ordinance changes to allow encroachment by front porches into setbacks, allowing terraces to similarly encroach had been considered. At that point a consensus had not been reached, so the front porch encroachment proposal went forward on its own. Since then the stakeholder group had reconvened and agreed to propose allowing encroachment by terraces in much the same way as had been proposed for the covered front porches. In order to create an encroachment for terraces two definitions, for open air/uncovered terraces and uncovered decks, were created and are proposed as part of the amendment. The amendment includes provisions to allow terraces to encroach up to 10 feet into the front setback but not within the required side setbacks nor closer than 15 feet to the front property line. The amendment also contains 'clean-up' provisions to update the reference in the Land Development Ordinance from 'Department of Planning and Community Development' to 'Planning Department', to reflect the Department's name change. The amendment also corrects formatting issue in the Bar, Night Club and Brewpub separation section, which has no impact on the current required separations.

Upon a question from Ms. Carter, Mr. Galanti explained that the encroachment would be for residential and nonresidential properties and that the allowable terraces would not interfere with pedestrian use of sidewalks in the public right-of-way since such encroachment would require a minimum setback of 15 feet from the front property line.

Judy Stalder, representing TREBIC, stated that she was part of the stakeholder group, that they did arrive at a consensus, that terraces needed to be addressed, and that this change was needed.

After a short discussion, Mr. Allen moved to recommend the text amendment to City Council, seconded by Mr. Bryson. The Board voted 5-1 in favor of the motion. (Ayes: Bryson, Cooke, Wade, Allen, and Isaacson. Nays: Carter.)

STREET CLOSING:

PL(P) 17-23: PROPOSED CLOSING OF A PORTION OF EAST TERRELL STREET, FROM A POINT APPROXIMATELY 200 FEET EAST OF ITS INTERSECTION WITH SOUTH ELM-EUGENE STREET EASTWARD A DISTANCE OF APPROXIMATELY 235 FEET TO ITS TERMINUS. (RECOMMENDED)

Mr. Galanti stated that the right-of-way for this portion of East Terrell Street was dedicated to the City of Greensboro as part of the Elm Industrial Area Subdivision recorded in Plat Book 27 on Page 57 in January of 1959. The applicants for the closing are the owners, Evonik Corporation and Automotive Fasteners, having 100% of the frontage along the portion of the street proposed for closure. The closing is requested so that the land within the right of way can be added to the abutting property for improved vehicular access, with cross access provided for vehicles in the future. The Technical Review Committee found that circumstances here allowed the City to make the two required determinations for a street closing: 1) that closing the street to vehicular traffic is not contrary to the public interest, and 2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. TRC recommended the closing with the following conditions: 1) That the City shall retain 20-foot utility easements over existing utility lines until such time as the lines are no longer needed for public use; 2) That the applicant shall install a five-foot wide concrete strip between the portion of street to remain public (open) and the portion to be closed prior to the recording of the recombination plat; 3) That the applicant shall dedicate a private ingress and egress easement for the benefit of Tax Parcel 0029743 within the portion of street to be closed; 4) That vehicles accessing the abutting property shall not be permitted to queue within the portion of street to remain open; 5) That the applicant shall dedicate a public access easement at the terminus of the street to remain public (open) with dimensions as per those depicted on City Standard #502 for a "Branch" type turn-around; and 6) That the street closure is to become effective upon the recording of a recombination plat in the Guilford County Register of Deeds that depicts the portion of street to be closed being combined with the abutting property, the dedication of the private ingress and egress easement, and the dedication of the public access turn-around easement. Each property owner who has an ownership interest in the portion of street to be closed shall sign the plat.

Upon a question from Ms. Carter, Mr. Galanti explained that the adjoining owners were the petitioners, and no additional notification for the Planning Board item was required by City ordinances. Notice for the item when it is before the City Council includes published and mailed notification. Mr. Galanti also noted that the lots continue to have access via the portion of East Terrell Street remaining open, as well as, in Evonik's instance, continuing to have access from Patton Avenue to the south.

Ms. Carter also expressed her opinion that the condition related to vehicle queueing onto the portion of East Terrell Street that will remain open is unenforceable.

After a short discussion, Mr. Bryson moved to recommend the street closing with conditions to City Council, seconded by Mr. Allen. The Board voted 6-0 in favor of the motion. (Ayes: Bryson, Cooke, Wade, Allen, Carter, and Isaacson. Nays: None.)

Mr. Isaacson asked that he be recused from Items PL(P) 17-21 for a potential conflict of interest and was recused by unanimous vote.

ANNEXATIONS:

PL(P) 17-21: PROPOSED ANNEXATION OF 3.87 ACRES AT 2924-2930 LIBERTY ROAD. (RECOMMENDED)

Mr. Carter stated property is located within the Tier 1 Growth Area on the Growth Strategy map in the Comprehensive Plan and is contiguous to the City's primary corporate limits. City water and sewer are available by connecting to the 8-inch lines located in Tiger Lane. The site is currently served by Alamance Station #54 on Presbyterian Road and upon annexation will be served by City Station #53 on Willow

Road. Service would improve to this location and within our standard of coverage. The Police Department can provide service with little difficulty. The Technical Review Committee recommended approval of this annexation.

Upon a question from Ms. Carter, Mr. Carter stated that this annexation would not create a land-locked parcel.

Ms. Carter moved to recommend the annexation to City Council, seconded by Mr. Bryson. The Board voted 5-0-1 in favor of the motion. (Ayes: Bryson, Cooke, Wade, Allen, and Carter. Nays: None. Recusal: Isaacson.)

Mr. Isaacson returned to the dais and participated in the remainder of the meeting.

PL(P) 17-22: PROPOSED ANNEXATION OF 4209 BURLINGTON ROAD AND 109-115 FLEMINGFIELD ROAD, APPROXIMATELY 3.4 ACRES. (RECOMMENDED)

Mr. Carter stated property is located within the Tier 1 Growth Area on the Growth Strategy map in the Comprehensive Plan and is contiguous to the City's primary corporate limits. The applicant will need to demonstrate that adequate water pressure can be obtained by connecting to the lines in Flemingfield Road and Burlington Road. If not, a new water line will need be installed along Elsielee Road. City sewer will be available by connecting and extending the line located in Elsielee Road. The site is currently served, and upon annexation will continue to be served by City Station #7 on Gatewood Avenue. The Police Department can provide service with little difficulty. The Technical Review Committee recommended approval of this annexation.

Ms. Carter moved to recommend the annexation to City Council, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Bryson, Cooke, Wade, Allen, Isaacson, and Carter. Nays: None.)

APPROVAL OF ABSENCES:

The absences of Danielle Brame, Day Atkins, and John Martin were acknowledged as excused.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 5:40 pm.

Respectfully submitted,

Sue Schwartz, FAICP
Planning Department, Director