

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, Steven Allen, Richard Bryson, Carol Carter, Michael Cooke and Homer Wade. 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.

Chair Isaacson welcomed everyone to the meeting and explained the procedures of the Planning Board.

1. Meeting Minutes

- a. Approval of **Minutes of November 15, 2017** Planning Board Meeting

Mr. Bryson moved to approve the minutes of the November 15, 2017 meeting, seconded by Mr. Allen. The Board voted 5-0 in favor of the motion. (Ayes: Isaacson, Carter, Wade, Bryson and Allen. Nays: None.)

Mr. Cooke arrived at 4:06 p.m. for the remainder of the meeting.

2. Public Hearing: Land Development Ordinance (LDO) Text Amendment

(Approval Recommended)

- a. 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

Planning Manager 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 for 'uncovered decks',

were also proposed. 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 references in the LDO for what had been the '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 currently required separations.

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

Judy Stalder, representing TREBIC, stated that she was part of the stakeholder group, that they did arrive at a consensus, and that the proposed 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: Allen, Bryson, Cooke, Isaacson, Wade. Nays: Carter)

3. Street Closing: (Approval Recommended)

- a. **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 (Approval Recommended)

Mr. Galanti stated that the right-of-way for this portion of East Terrell Street had been dedicated to the City of Greensboro as part of the Elm Industrial Area Subdivision, recorded in Plat Book 27 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 (TRC) found that circumstances allowed the City to make the two required determinations for a street closing, ie.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. As a result, the TRC recommended the closing with the following conditions: 1) That the City shall retain 20-foot-wide 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 and the portion to be closed prior to the recording of the recombination plat; 3) That the applicable 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 turnaround; and 6) That the street closure only becomes 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 properties, 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 the street to be closed is, as standard, to sign the plat.

Upon a question from Ms. Carter, Mr. Galanti explained that the adjoining owners were the petitioners, representing 100% of the involved frontage, 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 per ordinance requirement. 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 relating 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 approval of the street closing with conditions to City Council, seconded by Mr. Allen. The Board voted 6-0 in favor of the motion. (Ayes: Allen, Bryson, Carter, Cooke, Isaacson, Wade)

4. Information regarding Housing Request for Proposals Cycle

Valerie Moore, Senior Planner with the Neighborhood Development Department, provided information about the affordable housing RFP process for 2018. She mentioned the changes related to the federal Tax Reform bill and summarized several accomplishments of the program during the past program year.

Mr. Bryson asked about transit service to Summer Ridge and the possibility of having GTA provide service to the newer housing project proposals. Ms. Moore noted that in the case of Summer Ridge, City Council had requested GTA review running a bus to the site.

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

5. Annexations:

- a. **PL(P) 17-21:** Proposed Annexation of 3.87 acres at **2924-2930 Liberty Road** (Approval Recommended)

Lucas Carter, Senior Planner, presented the proposed annexation, noting the site is located within Tier 1 Growth Area on the Growth Strategy map in the Comprehensive Plan and the site is contiguous to the City's primary corporate limits. City water and sewer are available through connection to the lines located in Tiger Lane. The site is currently served by Alamance Station #54 on Presbyterian Road and upon annexation would be served by City Station #53 on Willow Road. Service would improve to the location as a result and would be within the City's standard of coverage. The Police Department noted they can provide service with little difficulty. The TRC recommended approval.

Upon a question from Ms. Carter, Mr. Carter confirmed the annexation would not create a land-locked parcel.

Ms. Carter moved to recommend approval of the annexation to City Council, seconded by Mr. Bryson. The Board voted 5-0-1 in favor of the motion.

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

- b. **PL(P) 17-22:** Proposed Annexation of approximately 3.4 acres at **4209 Burlington Road and 109-115 Flemingfield Road** (Approval Recommended)

Mr. Carter stated the site 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 to be installed along Elsielee Road. City sewer will be available by connecting and extending the line located in Elsielee Road. The site is and will continue to be served by City Fire Station #7 on Gatewood Avenue. The Police Department notes they can provide services with little difficulty. The TRC recommended approval of the 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: Allen, Bryson, Carter, Cooke, Isaacson, Wade. Nays: None)

6. Planning Board Training re Comprehensive Plan Amendments

Hanna Cockburn stated that the purpose of the training is to give a high-level overview of the standards and processes involved in the various kinds of plan adoptions and in the maintenance to the Future Land Use Map of the Connections 2025 Comprehensive Plan. The information should help Board Members understand the context for their varying roles in updating and maintaining the long-range plans for the City. She then identified the plans and amendments that come through the Planning Board, what the Board is requested to consider with each type of plan or amendment, and what the processes are to take each to Council for consideration, including the public participation and public notification aspects.

Mr. Cooke asked how the Generalized Future Land Use Map relates to the Comprehensive Plan; Ms. Cockburn responded that the Generalized Future Land Use Map is the application of the plans, policies and ideas that are encompassed in the Comprehensive Plan.

Mr. Isaacson asked to be recused for the next item, CP-17-12, and was recused by a unanimous vote.

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

a. CP-17-12: 2924 Liberty Road and 2935 Pleasant Garden Road, from High Residential to Mixed Use Commercial, 17.36 acres

Hanna Cockburn stated that the case has been requested in conjunction with an annexation presented earlier in the evening. The current designation is High Residential and the proposed amendment is to Mixed Use Commercial. The intent of the Mixed Use Commercial designation is to encourage redevelopment for a more diverse and attractive mix of uses.

Mr. Bryson stated that he thought it strange that the area is designated High Residential given the existing commercial structures and uses. Ms. Cockburn responded saying this is a very transitional area and that the Mixed Use Commercial will be a better fit.

Mr. Wade asked if staff took on adding the Commercial Shopping Center to the initial amendment request; Ms. Cockburn stated that they did. Mr. Wade then asked why staff didn't take a broader look at the area; Ms. Cockburn stated that the guiding principle is adjacency.

Mr. Wade stated that this fits into the current use of the property and this could set a suitable precedent for others looking in this area for development.

Mr. Allen stated that he is happy to see the proposed change because the area has been used for commercial for a long time.

Mr. Isaacson returned to the dais for the remainder of the meeting.

8. Easement Releases (Final Decision)

- a. 5101 W Market Street:** Proposed release of a portion of a 70'-wide Drainage Maintenance Utility Easement across the eastern end of 5010 W. Market St, as recorded in Plat Book 71 Page 79. (APPROVED)

Sheila Stains-Ramp stated that the request is a 5' expansion into the property of a release the Board had approved in May. She noted that all utilities have responded indicating they are agreeable to the release of the indicated portion of the easement.

Mr. Allen moved approval of the easement release, as submitted by staff, seconded by Mr. Bryson. The Board voted unanimously, 6-0 in favor of the motion. (Ayes: Allen, Bryson, Carter, Cooke, Isaacson, Wade. Nays: None.)

- b. 1802 Griffins Knoll Court:** Proposed release of a portion of a 15' Drainage Easement across the northern end of 1802 Griffins Knoll Court, as recorded in plat Book 185 Page 127.

Sheila Stains-Ramp stated that the request was filed to allow for a deck to be slightly enlarged and rebuilt as a screened porch, the top of which would otherwise encroach into the easement across the rear of the property. She noted that all utilities have responded indicating they are agreeable to the release of the portion of the easement.

Ms. Carter asked if the owners would be responsible for any erosion issues; Ms. Stains-Ramp stated that they would be responsible for the work and any impacts of the work done on their property.

Mr. Allen moved approval of the easement release, as submitted by staff, seconded by Mr. Cooke. The Board voted unanimously, 6-0 in favor of the motion. (Ayes: Allen, Bryson, Carter, Cooke, Isaacson, Wade.)

9. Items from the Department:

- a. Reminder - January 2018 Meeting on Thursday January 18.

10. Items from the Chair: None

11. Items from Board Members

Ms. Carter asked why street closings do not have a public hearing at the Planning Board stage of review, which would require notification of adjacent owners.

Mr. Isaacson noted that the first review is by staff who look for a number of items. Mr. Galanti added that the Planning Board performs a screening function, filtering items coming into the City Council and this is one of them. Mr. Kelly referenced the City Charter's provisions on street closings, which require a duly advertised public hearing before Council including mailed notice to abutting owners that had not signed the petition to close a street. The charter states that the street closing request is to be referred to the Planning Board for study and recommendation but 'no public hearing shall be necessary before the Planning Board'.

11. Speakers from the Floor on Items under Planning Board Authority: None

12. 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