

**PARTIAL MINUTES OF THE
ZONING COMMISSION
March 18, 2019**

Z-19-03-004: A rezoning request from RM-12 (Residential-Multi-family-12) to City CD-C-M (Conditional District Commercial Medium) for the property located 4015 Marchester Way, generally described as west of Marchester Way and south of West Gate City Boulevard. Approximately .34 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request.

Speakers From the Floor

Mr. Majed Abualssondos, 4015 Marchester Way, stated this property used to be abandoned property until he made improvements. He would like to have the property rezoned as Commercial Medium for his office. He noted a letter was sent to surrounding property owners advising them of the rezoning and no one responded to the information sent out.

Chair Lester inquired if there was anyone else speaking in favor of the request and no one else came forward. Chair Lester then asked if anyone wished to speak in opposition to the request.

Dina Lavelle, 45 Arbor Hill Place, McLeansville, NC. Ms. Lavelle stated she was the Property Manager for Hanover Terrace Apartments at 3911 Marchester Way and was speaking on behalf of the owners. She stated the owners are opposed to the rezoning request due to parking issues that may impact their residential community. She stated there are already numerous issues with the nearby car lot shown in the picture with people parking on both sides of the road and that is impacting their residents from entering and exiting the property. They are concerned another commercial business here would cause more parking issues.

Chair Lester inquired if anyone else wished to speak in opposition to the request and no one came forward. Chair Lester then advised the applicant he had 5 minutes for rebuttal.

Mr. Abualssondos stated that parking could be anywhere in the United States and any traffic parking comes from the other businesses close by. He noted that the police come and put notices on the car for 5 days and then they are towed. He then noted anybody can just leave a car outside in the street and sometimes people living in the apartments leave vehicles outside on the street.

Ms. Mazzurco inquired of the applicant his intention for the property since that information is not in their book. The Commission knows what the zoning condition says but it's hard to talk about parking when the Commission doesn't know what the applicant intends to do. She also asked if the applicant had a plan floated through the TRC process.

Mr. Abualssondos replied he currently uses the property as an office for his EBay trading business. In the future he hopes to have an office for himself or one attached to the building that would be for a car dealer business.

Counsel Jones reminded the Commission they are to consider all potential uses and an applicant does not have to have a specific use in mind when applying for a rezoning. Ms. Mazzurco stated she was aware but sometimes there are concept drawings with request and she was just asking if he had one. Counsel Jones then noted any parking requirements would be determined once there is a specific plan for the property.

Mr. Engle asked if there would be a parking requirement associated with whatever new use is proposed. Mr. Kirkman replied if there was either a change of use on the property, or new construction on the property, they would account for whatever parking was required with that use. He noted there are standard parking ratios in the ordinance for different uses and they would have to demonstrate by their plans that they can meet the minimal required parking.

Mr. Blackstock inquired if there could be conditions or use restrictions, further asking if the applicant decided to open up a car lot, could the Commission put conditions on this use regarding the parking. Mr. Kirkman replied the new use would have to be demonstrate meeting required parking. He did note that on street spaces can be counted as part of the calculation in some cases, depending on how the site is laid out. He added that he was not sure if a condition would be appropriate in this case to address the parking by itself. Ms. Mazzurco stated it could there be additional conditions added to the request. She thought the answer could be yes, if the applicant offered them up but the Commission can't impose conditions. She noted the Commission can only consider what staff has presented tonight, which is one condition and it's all uses permitted in the C-M zoning district except for eating and drinking establishments with drive-through facilities, bars, nightclubs and brew pubs and sexually oriented businesses. Mr. Kirkman added the Commission could only consider tied to the property itself, so Commission couldn't consider conditions for the public right of way on other pieces of property.

Chair Lester inquired of any other questions for the applicant and there were none. No one came forward for rebuttal for the opposition so Chair Lester closed the public portion of the hearing and requested staff's recommendation.

Mr. Kirkman stated this site is designated as Mixed Use Commercial on the Generalized Future Lane Use Map of the Comprehensive Plan. The Mixed Use Commercial designation is intended to promote a mixture of uses of which various commercial uses remain predominant, but where residential, service, and other uses are considered complementary.

Staff finds the proposed request does support the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal promote a healthy and diversified economy. The proposed CD-C-M rezoning does restrict certain uses and staff recommends approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any additional discussion with respect to the request or a motion.

Mr. Engle stated he understands the parking situation and if anything substantial is done with the property, it would require parking upgrades. On .34 acres, he did not see how there could be any substantial situation that would cause issues beyond the other commercial uses around the site. He added that this is single-family home next to RM-12 zoning and the lot appeared to make sense for commercial medium.

Mr. Engle stated in regard in agenda item Z-19-03-004, the Greensboro Zoning Commission believes its action to recommend approval of the zoning amendment for the property located at 4015 Marchester Way from RM-12 (Residential Multi-Family-12) to CD-C-M (Conditional District Commercial Medium) 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 Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods and the request is consistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including the under-served areas such as East Greensboro. The request also includes conditions that limit potential negative impacts on the surrounding area.

Motion by Mr. Engle, seconded by Mr. Marshall. The Commission voted 6-2. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Nays: Blackstock and Mazzurco).

Chair Lester announced this constitutes approval and final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting. Adjoining property owners will be notified of any appeal.