

**PARTIAL MINUTES OF THE
ZONING COMMISSION
April 15, 2019**

Z-19-04-006: An original zoning request from County AG (Agricultural) to City CD-LI (Conditional District Light Industrial) for 3618 McConnell Road, generally described as south of McConnell Road and north of Interstate 40/Business 85, 18.721 acres. (Favorable Recommendation)

Request to Continue Matter (Considered at Beginning of Meeting)

Mr. Kirkman stated that staff received a request to continue items Z-19-04-006 and item Z-19-04-010. He further noted that any continuance of case Z-19-04-010 would automatically continue case Z-19-04-011, the adjacent highway right of way.

Mike Fox, Attorney, 100 North Greene Street, Greensboro. represents the Carroll Companies that own the 312 unit apartment complex between the two original zoning requests. The Carroll Companies were concerned about the proximity of these requests to this development and had questions regarding items such as setbacks, buffers, and the site layouts. He stated they have not had a chance to have in depth conversations, but had spoken with Mr. Isaacson, who represents Penske and provided a site plan and information on other similar facilities. Mr. Fox also had a brief conversation with the representative for Linder, who stated they did not have a site plan at that time. Mr. Fox stated everyone wants growth, jobs, and development in Greensboro, but it takes work to get to the right request. They are asking for a 30-day continuance to initiate a dialog.

Chair Lester inquired if there was anyone to speak in opposition to the request for a continuance.

Don Curry, Curry Engineering, 205 S Fuquay Ave, Fuquay Varina, stated that he represents Linder Equipment and noted they have been working on this process for awhile. He noted they had already had their annexation hearing and are scheduled to come back on May 21 to City Council. He also noted they had a neighborhood meeting and a notice was sent to the neighboring apartment complex and no one from Carroll attended the neighborhood meeting. In response to a question from Chair Lester, Mr. Curry responded they sent notices to the owners of the apartment complex. In response to a question asking if anyone from Carroll Companies or Mr. Fox attended the meeting, Mr. Curry stated they have met the obligations and requirements of the City and will continue to do so. Mr. Curry advised their timeline is sensitive and a 30-day continuance and extension from the current timeline would be harmful and hard to absorb.

Marc Isaacson, 804 Green Valley Road, Greensboro, echoed the comments of Mr. Curry and introduced his clients from Penske Truck Company who had flown in specifically for this meeting. Mr. Isaacson advised they have contracts with three different sets of sellers for this project and they are headed to City Council for a final decision. They are happy to work with Mr. Fox and anyone else about this property.

Mr. Fox responded by the time the decision makers in the company were aware of the neighborhood meeting, it had been completed. He reached out to Mr. Curry and Mr. Isaacson to advise they were going ask for a continuance and would like to meet and talk further. Ms. Mazzurco asked Mr. Isaacson to confirm if his client was Penske Truck and had they flown people in to attend this meeting specifically. Mr. Isaacson responded yes, they were from Tennessee and Pennsylvania.

Mr. Pinto moved to deny all three continuances in the matters of Z-19-04-006, Z-19-04-010 and Z-19-04-011. Seconded by Mr. Marshall. The Commission voted 7-0. (Ayes: Chair Lester, Mazzurco, Marshall, Pinto, Holston, Blackstock and Alford. Nays, none).

Zoning Case

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties and noted the condition offered by the applicant with the request.

Speakers from the Floor

Don Curry, Curry Engineering Group, 205 S. Fuquay Avenue, Fuquay Varina, stated they had already gone through an annexation hearing on March 20, which was approved, and are scheduled for a City Council hearing on May 21. Mr. Curry stated their condition allowed are all uses except passenger terminals, eating and drinking establishments, dry cleaning facilities and overnight accommodations. He stated the original zoning and the use is consistent with the Greensboro Comprehensive Plan, which is Mixed Use Corporate Park and some questions regarding security, privacy, traffic, road noise, and widening were discussed at their neighborhood meeting. The minutes and notes from that meeting were sent to staff as required.

Mr. Curry provided a preliminary layout and pictures of other similar facilities to the request. He also noted Linder Equipment is a construction equipment sales, leasing, and service company. Ms. Mazzurco asked if this request had already been in front of City Council. Mr. Kirkman advised that Mr. Curry was previously referring to the Planning Board meeting where they evaluated the annexation and there was a recommendation to approve the annexation.

Speaking in Opposition:

Mr. Mike Fox, Attorney, 100 North Greene Street, Greensboro, is representing the Carroll Companies, owners of the property that is adjacent to this presentation. Mr. Fox Identified Mr. Claudel Pressa, the COO of the Carroll Companies and Mr. Robbie Perkins, real estate broker who assisted Mr. Fox in reviewing this application. He indicated the subject parcel and their apartment development circled in blue and stated the proposed use for the adjacent property as industrial equipment sales, industrial equipment leasing, and an industrial equipment service facility. He stated a letter from Curry Engineering was not sent until March 27 and tonight was the first time Carroll Companies had seen the site plan shown to the Commission. He provided an aerial photograph indicating how the apartment buildings are laid out and what the apartments look like. He then referenced a parcel map and spoke to other land that was available in the area. Mr. Fox referred to the Land Use Plan designation and large tracts of undeveloped land near the city's fringe appropriate for well planned larger scale businesses among other uses. Mr. Fox stated he contends the proposed use is more like HI than LI in intensity and the Commission should require them to look at more HI type buffering and screening.

Mr. Fox noted that this is one of the last big development sites in the area and it requires thoughtful and planned development to maximize each parcel. The conditions put forward are not even what he would usually bring in if he were putting multiple-family besides single-family, much less industrial beside residential. Mr. Fox asked the Zoning Commission to recommend denial of this request and send a message to this developer that they need to work harder and need to come in with serious conditions.

Rebuttal by Applicant:

Mr. Curry stated that when Mr. Fox reached out to their office last Thursday, his call was returned on Friday, and the site plan was not available at that time as they needed permission from their client before sharing the site plan with others. He noted the site plan was presented at the neighborhood meeting and the neighbors who attended looked at the site plan to see what was being planned. Mr. Curry agreed with Mr. Fox that it needs to be done right and needs to be done well, but did not agree with his assertion that they are doing it poorly or incorrectly. They plan to comply with all the City ordinances and buffering. Mr. Curry stated the site is right next to the interstate unlike other properties further away and would venture to guess the noise from the interstate is going to outweigh any noise the residents may hear from their light-

industrial zoned property. He stated they are here to comply with the land use plan and their proposed zoning case follows the land use plan.

Mr. Holston asked if there would be a paved lot or generally unpaved. Mr. Curry responded the front half of the property is intended to be paved and the rear portion is unpaved. Mr. Holston asked what types of activities are going on away from the structures themselves, just parking or is there actual service repairs and such. Mr. Curry responded that repairs will be done primarily in the building but they do have sales and some will be storage of equipment for sales purposes. Mr. Holston stated he believed it was said the nearest point from this property to the first building and the adjacent apartment complex, was 370 feet. Mr. Curry responded yes, the nearest building is about 370-feet from the property line. Mr. Holston asked if there is just one point of ingress and egress and Mr. Curry responded yes.

Rebuttal in Opposition:

Mr. Fox responded this request is not how things are done in Greensboro, with the site plans hidden. Mr. Fox stated noted this proposal needs to have a lot more work and encourages the Commission to send that message.

Cindy Mason, 1123 Stanfield Road, Greensboro, referred to a topographical map indicating where she has a 3 1/2-acre pond adjacent to the property and has had issues with the runoff. She is concerned about the runoff from the industrial building and traffic. If the runoff is not procured correctly, it will go into her pond which is in a watershed area. Ms. Mason stated there is a housing development in the area that is far enough of away, but she is not far enough away from this proposed request.

Robbie Perkins, NAI Piedmont Triad, 348 North Elm Street, Greensboro. Mr. Perkins stated he has worked with the Carroll Companies who have been a significant factor in building Greensboro. Mr. Perkins stated the big issue is not the individual case before the Commission, it is the vision for this entire part of the community and there is a lot of discussion in the community about East Greensboro. Mr. Perkins feels everyone needs to take a breath and consider what is the best use that can be put on this front door to Greensboro along McConnell Road. Mr. Perkins added Carroll Companies had built a first-class apartment complex, a large investment, and the impact of what he considers generally heavy industrial use next to that will be significant from an economic standpoint.

Chair Lester inquired if there were any other questions. Being none, Chair Lester closed the public hearing and requested to hear the City's recommendation.

Mr. Kirkman stated, this site is currently designated as Mixed Use Corporate Park on the Generalized Future Land Use Map of the Comprehensive Plan. Generally the Mixed Use Corporate Park designation is intended for larger tracts of undeveloped land near the City's fringe appropriate for well planned and larger scale business employment parks with supporting uses such as retail, hotels, or residential. Staff does feel this request supports the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the city's fringe, as well as the Economic Development goal to promote a healthy and diversified economy. The proposed CD-LI original zoning request supports a variety of industrial and supporting uses directly adjacent to an interstate highway and the Light Industrial district in general allows uses that in the normal operations have little or no adverse impact upon adjoining properties. Staff is recommending approval of the request.

Chair Lester asked Mr. Kirkman if he could speak to the handling of the proposed site plan in this case and how the Commission is to consider that plan. Mr. Kirkman advised that conditional zoning in Greensboro does not require any type of plan to be submitted. There are certain jurisdictions that use a conditional use process that does require a site plan with that process but Greensboro does not follow that process. Any type of plan that is presented to the Commission is illustrative in nature only. Mr. Kirkman reminded the Commission that while there

is a specific user in mind for this applicant, the Commission is to evaluate all the potential types of uses that may be allowed with the requested zoning. Mr. Kirkman stated there are a few restrictions with this request, but there are several different industrial types of uses that could be allowed with this zoning request.

Chair Lester clarified if the Commission were to recommend Light Industrial zoning, could the applicant use it for heavy industrial uses without going through this process again. Mr. Kirkman responded they can only use it for any uses allowed in the Light Industrial zoning district, minus the uses prohibited by condition.

Ms. Mazzurco stated it was her belief when something goes through Planning, it is not a public hearing and the public is not notified and asked if that was correct. Mr. Kirkman responded she was referring to the March 20 Planning Board meeting for the related annexation and that is not considered a public hearing. Interested parties will sometimes attend and hear the discussion but there is not an opportunity for the public to speak on that item. The role of the Planning Board is to evaluate if the City will be able to annex the property and if appropriate City services can be provided. The Planning Board's role at the March 20 meeting was to recommend whether to annex this property into the City. The Zoning Commission's role is to determine the appropriate zoning to assign if the property is annexed.

Discussion:

Chair Lester stated the asset here is not the land, it is the road. Both the Carroll Companies, with respect to their residential use and the applicant, in terms of their light industrial use, want this property because of the proximity to the asset, which is the road. Chair Lester did not think the Mixed Use Corporate Park designation excluded this relatively small tract as light industrial. He further concluded that it is possible the light industrial use is complimentary not only to the road, but also to residential uses in that ultimately people are going to work in this light industrial environment. Chair Lester stated the question is there too much of a high intensity use for the existing residential and he thinks the proximity to the highway mitigates that point. Chair Lester stated he is generally favorable to the application.

Ms. Mazzurco feels this area is changing and evolving and there is a little bit of everything out there. Ms. Mazzurco feels that apartment complex and others will do well regardless if this project is approved or not. People need a place to live near where they work and she agrees with Mr. Lester's assessment that the road is the big asset, meaning I-40, and access to that. Ms. Mazzurco stated she is in favor of supporting the request.

Mr. Holston stated he was struggling with the application for this request. He is concerned of the location of this request relevant to the apartments. He is struggling as he listened to the neighbor that has the pond downstream with the runoff and this tract does concern him regarding placing that type of facility near the residential uses. Mr. Holston stated he is leaning against the proposal.

Mr. Pinto stated it was a well-made presentation by both sides and very good points brought up and good examples of different uses of residential and mixed-use business parks throughout the City of Greensboro. Mr. Pinto feels I-40 will be a place where apartments and light industrial will have to coexist and does coexist. Mr. Pinto stated he is in favor of the request.

Ms. Mazzurco stated there is a cultural change in Greensboro. Ms. Mazzurco stated one of the things not discussed on this case and another other case on the agenda is traffic, that it did not trigger a traffic study. Can McConnell Road handle this kind of traffic. Ms. Mazzurco again stated those are her thoughts and was still inclined to support the request.

Zoning Commission Action

Chair Lester made a motion on item Z-19-04-006 and stated the Greensboro Zoning Commission believes its action to approve the zoning amendment for the property located at 3618 McConnell from County AG (Agricultural) to City CD-LI (Conditional District Light Industrial) 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 Economic Development goal to promote a healthy and diversified economy the request is also consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidence of sound stewardship of the environment and provides for efficient provision of public services and facilities as the City expands. Seconded by Mr. Pinto. The Commission voted 4-3 in for the recommendation. (Ayes: Lester, Mazzurco, Marshall, and Pinto. Nays: Holston, Blackstock, and Alford). Chair Lester advised this constituted a favorable recommendation and is subject to a public hearing at the May 21, 2019 City Council meeting.

.