

**PARTIAL MINUTES OF THE
ZONING COMMISSION
December 16, 2019**

Z-19-12-002: A rezoning request from R-5 (Residential Single-family-5) and C-M (Commercial-Medium) to CD-C-M (Conditional District-Commercial-Medium for the properties located at 2424 and 2428 West Florida Street, generally described as north of West Florida Street and east of West Gate City Boulevard (0.78 acres) (Denied)

Mr. Carter provided the zoning map for Z-19-12-002 and other summary information for the subject property and surrounding properties. Mr. Carter advised of the proposed condition with the request.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Junji Yokota, 5331 West Market Street, stated he would like to open a North Carolina State Inspection station for NC Motor Vehicles. Mr. Yokota presented emails he received expressing concerns. He noted there will be no body work of any type and there should be no noise or fumes of any kind. Mr. Yokota displayed photographs depicting the size of the land which should be more than enough space to meet all of the requirements.

Chair Marshall inquired if there were any further questions for the applicant. Mr. Holston referred to Mr. Yokota's statement regarding paint services and asked for clarification on those type of services. Mr. Yokota responded it is only for State inspections of cars and trucks. Mr. Holston asked if there would be any service at all. Mr. Yokota responded possibly changing tires, but no oil or fumes of any type. Mainly inspections. Mr. Holston asked how many cars would be onsite at any one time. Mr. Yokota responded an inspection takes about 8 to 10 minutes. The rules were changed on December 1 stating any cars under 20 years only required a visual safety inspection taking possibly 5-6 minutes. Mr. Yokota stated any customer would be basically in and out and not take much time or create a lot of traffic. Mr. Holston asked if cars would have to be stored or retained for any reason, where would they be contained. Mr. Yokota responded if there are check engine lights or anything like, it cannot pass inspection and would not be left onsite. It would need to be fixed and return. There will be no stored vehicles onsite. Only the employees will have their cars parked but no customer would be overnight.

Mr. Engle asked regarding changing tires what that meant. Mr. Yokota responded it was an example only if someone had a flat tire, they would fix that. Mr. Engle asked if tires would be sold at this site. Mr. Yokota responded they have not thought about that yet. Mr. Blackstock asked if engines or transmissions would be changed. Mr. Yokota stated not at all.

Chair Marshall asked staff if auto repair, changing oil, or tires would be allowed in this district. Mr. Kirkman responded there are both auto repair major and auto repair minor uses in the ordinance. Major repairs would be body work, paint shops, engine repairs and the like. Minor repairs would include oil changes and basic maintenance operations. The applicant indicated they are not interested in doing those things but the zoning itself would allow those uses in the Commercial Medium zoning district.

Mr. Engle asked what did the LDO state regarding buffering between this property and the residential property next door. Mr. Kirkman responded a commercial property against a residential property would have a Type B landscape buffer which is an average 25 foot buffer, with a certain ratio of shrubs, understory trees, and canopy trees within that space. Mr. Engle asked if a fence or anything that would keep the visual aspect away from the residential would be required. Mr. Kirkman responded the landscape ordinance does not include any provisions for fences. It would be a separate conversation.

Mr. Trapp asked for clarification if the existing zoning on the property currently would allow what Mr. Yokota is proposing. Mr. Kirkman responded 2/3 of the site was currently zoned Commercial Medium and would allow the uses. Mr. Trapp asked if the conditions added to the new zoning

were to appease the neighborhood of any concerns. Mr. Kirkman responded they were proposed by the applicant when the application was first presented. Mr. Trapp clarified those were things excluded from the beginning. Mr. Kirkman responded that was correct.

Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition to the application.

Chair Marshall requested the opposition to state their name and address for the record.

LaWana Djimraou, 9 Dumont Court, stated she was opposed to the inspection because it can change from that designation to changing oil and other things on the property. There is a residential home next door where children live and she was concerned because there may be tires, trash, and other things. She and others from the neighborhood had sent a message to Mr. Kirkman referencing how the neighbors felt about this. There are concerns regarding property values if this type of business comes into their neighborhood. Ms. Djimraou felt the shop would make it difficult for ingress and egress on the main street for the neighborhood.

Chair Marshall inquired if there were any questions. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

Junji Yokota, 5331 West Market Street, responded he did not feel there would be any traffic changes and referred to the map indicating where the building would be and where the fence for the house would be next door. It is not on the main intersection and should not have impact on traffic. They will not be changing oil or anything of that type. The lift for the cars will be by a hydro-lift. Mr. Yokota felt having the station would increase the value of the neighborhood properties. This will be the closest DMV Inspection Station and will be good for the neighborhood.

Mr. Engle asked if there would be a fence. Mr. Yokota responded the area has a fence already but on the right side there is not a fence and they will put fencing up in that location.

Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in rebuttal. Seeing none, Chair Marshall inquired if the opposition would like 5 minutes to speak.

LaWana Djimraou, Dumont Court, stated in response to the fence being placed and no traffic issues, there are currently traffic issues because it is approximately 100' feet from the light at Gate City Boulevard and across from Dumont and is hard for the neighbors to come in and out of their street. Ms. Djimraou felt residential homes needed to be there as they had been.

Mr. Engle stated he visited the property and in looking at the property straight across, it was a loading dock of a commercial building. Mr. Engle stated he was struggling with coming to a yes because he is not seeing the uses. Mr. Engle suggested Ms. Djimraou contact the City regarding the traffic issues so they can get together on that issue because it is not a zoning issue. Mr. Engle asked Ms. Djimraou if she really thought someone would build a house on land overlooking a loading dock. Ms. Djimraou responded two houses were there previously but they are gone.

Ms. Djimraou stated if the building is placed there, there will probably be a return of prostitution. Currently homeless people are at the dry cleaners and people sitting on the steps all the time. The neighborhood does not want where people that could start looting. Mr. Engle stated he could see this property being commercial if the use was right and not a home overlooking the loading dock. Mr. Engle encouraged the neighborhood to think what would work in that area that may not be a single family home in the future. Ms. Djimraou stated the shopping center was vacant with only two or three people there and suggested several places that might be a place

to open that would have ample space. Ms. Djimraou was concerned about noise, pollution, types of people and their property value.

Chair Marshall inquired if there were any further questions. Hearing none, Chair Marshall inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall closed the public portion of the hearing and requested staff's recommendation.

Mr. Kirkman stated this site is designated as Low Residential on the Comprehensive Plan's Future Land Use Map. That category generally includes the City's predominantly single-family neighborhoods, as well as other compatible housing types within a general density range of 3 to 5 dwelling units per acre. Per Council adopted policy, a Comprehensive Plan Amendment is not required for rezoning requests that are less than one acre in size. The proposed request does meet the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the economy goal to promote a health and diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for profit and non-profit in economic development for all segments of the community. The proposed CD-C-M request does allow uses that are consistent with general pattern of land use in the surrounding area. Staff recommended approval of the request.

Chair Marshall asked for discussion from the Commission members. Mr. Rosa stated his issue was that the proposed uses might be changed later on. Mr. Trapp noted the fact that the applicant attached a condition which would take away some of the worst uses for that property which spoke to a good faith effort for the neighborhood and is fully willing to support this application. Mr. Engle stated he was struggling with 1/3 of the property being next to a home. Mr. Engle did not see anything above and beyond the LDO on buffering such as opaque fencing or something with limited uses. Those conditions are not present and he would not support the application. Mr. Engle stated he agreed at some point the property being a non-resident use. Ms. O'Connor stated she was torn on this issue because of the residential properties next door and the need for the type of buffer spoken about. Ms. O'Connor appreciated the restrictions as suggested and asked if those would carry forward once the area is rezoned. Mr. Kirkman responded unless there are additional conditions attached to the request. As the request is conditioned right now, those would not be required.

Ms. O'Connor stated her concern and once the property is rezoned, it's rezoned. Mr. Holston stated Commissioners Trapp and Engle encapsulated the issue well for him and was in align with Commissioner Engle in that the intensity did concern him. The intensity caused him to not support the request. Chair Marshall inquired if there was a motion.

Mr. Engle stated in regard to agenda item Z-19-12-002, the Greensboro Zoning Commission believes that its action to deny the zoning amendment for the property located at 2428 West Florida Street from County R-5 (Residential-Single-family-5) and C-M (Commercial Medium) to CD-C-M (Conditional District-Commercial Medium)) to be inconsistent 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 inconsistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent 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 economy development for all segments of the community. The CD-C-M zoning district, as requested, would allow uses that are inconsistent with the general pattern of land uses in the surrounding area.

Motion to deny by Mr. Engle, seconded by Mr. Blackstock. The Commission voted 6-3. (Holston, Dansby-Byrd, Blackstock, Engle, Rosa, and O'Connor. Nays: Chair Marshall, Trapp, and Alford). Chair Marshall stated zoning denials constitute final action unless appealed in writing to the Planning Department without 10 days. All zoning appeals will be subject to a public hearing at the January 21, 2020 City Council meeting.