

**PARTIAL MINUTES OF THE
ZONING COMMISSION
February 17, 2020**

Z-20-02-003: A rezoning request from RM-18 (Residential Multi-Family-18) to CD-C-M (Conditional District Commercial-Medium) for the property located at 2806 East Wendover Avenue, generally described as south of East Wendover Avenue and east of Holt Avenue (0.33 acres). (Denied)

Mr. Carter provided the zoning map for Z-20-02-003 and other summary information for the subject property and surrounding properties and advised of the proposed conditions related to the request. Mr. Carter advised the applicant wished to amend the previously advertised conditions, specifically condition number 1.

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.

Kris Colbertson, on behalf of the applicant, requested to have condition 1 amended to restrict uses solely to auto sales. No major or minor automotive repairs would be conducted on the premises. All other conditions are either in compliance or ready to be in compliance. Mr. Kirkman stated Condition 1 would be changed to say “uses limited to auto sales”. Mr. Engle moved to accept condition 1 as amended. Seconded by Chair Marshall. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0).

Mr. Colbertson stated east of the property is an auto sales use which was grandfathered in and did not have to be rezoned. Most of the conditions have been complied with. The privacy fence has been assembled. Mr. Engle asked Mr. Colbertson about their outreach to the neighbors. Mr. Colbertson stated he understood all the outreach requirements had been complied with. No negative feedback was received from any of the neighbors. Mr. Colbertson stated to the east there is an auto business use, north is bare land, and housing is west and south.

Mr. Holston inquired in the statement “all outreach has been complied with”, was that the letter from the city within 600 feet or was there any other outreach on the applicant’s part. Mr. Colbertson stated he was primarily referring to the letter from the city.

Mr. Ismael Mahamadou, 415 East Montcaster Drive, Apt F, advised he did speak to the neighbors to his right and behind him about his project and was told they were not against it. Mr. Holston asked what was the feedback. Mr. Mahamadou stated the neighbor on the right was for it as they already own a business. The neighbor in the back was for it but he only saw him the one time. Mr. Colbertson pointed out Nice Cars, Incorporated, has been incorporated for 10 years. It is not a fly by night establishment. They have operated at two other addresses since formation and they had been at each address for a substantial period of time.

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 to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear a recommendation from staff.

Mr. Kirkman stated this site is currently designated Low Residential on the Comprehensive Plan’s Generalized Future Land Use Map. The designation includes the City’s predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3-5 dwelling units per acre. Staff has concluded that the request does not support the Comprehensive Plan’s Reinvestment/Infill goal to promote sound investment in Greensboro’s urban areas or the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in stable, livable neighborhoods that includes protections against incompatible commercial encroachments. The proposed CD-C-M request, as conditioned, does introduce a use that is

not compatible with the surrounding land uses, nor does it protect the existing adjacent single-family residences from negative impacts of that use. Staff recommended denial of the request.

Chair Marshall inquired if there were any questions for staff. Ms. O'Connor stated it appeared cars were currently on the lot at the location and asked depending on the outcome of the hearing would they have to be removed. Mr. Kirkman responded the cars were placed there without permission. A zoning enforcement investigation was initiated and a result, the applicant came to request a rezoning to resolve that issue. If the request is approved, they could be considered compliant and zoning would still address the conditions as proposed and make sure they meet all other city requirements. If the request is denied and is not appealed, zoning would look to move the vehicles because it would have gone from a vacant use of land to auto service use which would not be allowed with the existing zoning.

Ms. O'Connor asked if the landscaping requirements could be explained if the request was approved. Mr. Kirkman responded the landscaping requirements were on page 3 of the staff report. He noted there is basic landscaping that would go with any new development, requiring a minimum 10 foot street yard and buffer yards between different types of uses. There would be no specific buffer on the east side between the new auto sales use and the existing auto repair use. On the west side there would need to be a 25 foot wide buffer between the residential use and the commercial use. Mr. Kirkman also noted there are requirements that speak to screening from residential uses when new auto sales uses are established. Not from the road but from adjacent residential.

Mr. Engle asked if the area was always RM-18. Mr. Kirkman responded from the zoning perspective it is probably a carry-over from the old Unified Development Ordinance which was a translation from zoning districts in place prior to 1992. The Comprehensive Plan was adopted in 2003 and is the guide for future development in areas. The general pattern of development in the area was intended to move towards lower density residential.

Mr. Trapp asked for the definition of auto sales. Was there a minimum number of sales that had to be there and would the cars have to be sold or just offered for sale at this property. Mr. Kirkman responded it would mean selling more than 4 vehicles in a calendar year, since that is what makes you a auto dealer under NCDMV regulations. Zoning generally does not track much on the sales side unless there is a concern of storing vehicles.

The overall consensus of the Commissioners concerned the vagueness of what auto sales were exactly for this site and that the proposed use was not a good fit for the neighborhood.

Mr. Trapp stated regarding agenda item Z-20-02-003, The Greensboro Zoning Commission believes that its action to deny the zoning amendment for the property located at 2806 East Wendover Avenue from RM-18 to CD-C-M, to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be unreasonable 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 Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods, including protections against incompatible commercial encroachment. The proposed CD-C-M request, as conditioned, introduces a use that is not compatible with the surrounding land uses. The request does not protect existing adjacent single-family residents from negative impacts of the requested use.

Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Trapp, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Board within 10

days. All zoning appeals will be subject to a public hearing at the March 17, 2020 City Council meeting