

**PARTIAL MINUTES OF THE  
ZONING COMMISSION  
July 20, 2020**

**Z-20-06-003: A rezoning from R-5 (Residential Single-family - 5) to CD-C-M (Conditional District – Commercial - Medium) for the properties located at 3606-B, 3608, 3612, and 3612-yy North Church Street, generally described as east of North Church Street and south of Wind Road, (6 Acres). (Denied)**

Mr. Kirkman reviewed the zoning map for Z-19-06-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Huin Rmah, Owner 3606-B and 3608 N. Church Street. Mr. Rmah provided background information for his request to rezone this property to build an automotive repair shop to service the community. Mr. Rmah stated the ideas he had for all of the properties and his attempts in acquiring them for future development of other uses like a laundromat and office. He noted the property was across the street from a church and there was a need for more affordable car repairs in this area.

Chair Marshall inquired if there were questions for the applicant by any of the Commissioners. Mr. Holston asked if there were any illustrative drawings or examples of how Mr. Rmah thought the property would look like when developed. Mr. Rmah provided a photograph depicting the property he is interested in and would like to place a laundry mat and office spaces on. Mr. Holston asked if vehicles would be stored on the property as they are repaired. Mr. Rmah responded vehicles that are disabled would be stored on the property and explained his building ideas. Mr. Holston asked if the services would include tire service and if the tires would be stored on the property. Mr. Rmah responded they would provide tire services and there would be a specific place for the used tires that would be picked up and disposed of on a weekly basis. Mr. Holston asked if there would be space for parking if there was a laundromat and office located on the properties. Mr. Rmah responded the land is very large and was unsure if the laundromat would come to fruition at this particular time as they would not be able to afford to place a laundromat on the property until sometime in the future. Mr. Holston asked if there were any other communications other than with Mr. Coleman, owner of the church at 3618 and 3614, North Church Street. Mr. Rmah stated he did not due to Covid restraints but did talk to someone who had received a letter from the City and was in support. He also spoke to a Ms. Reiley who did not want commercial placed there. Chair Marshall inquired if there were any other questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition. Chair Marshall requested Mr. Byrd to state his name and address for the record and advised the opposition has 15 minutes to speak.

Varrick Byrd and Ashley Reiley, 3604 North Church Street, advised they live directly adjacent to the subject property. Ms. Reiley stated Mr. Rmah did reach out and spoke to her a few days prior to this meeting. They are in opposition to the request for commercial zoning and building an automotive garage and sales, a laundromat and office building. Ms. Reiley appreciated what Mr. Rmah is trying to do for his family and building his dream and career. However she noted this property is their first home and now have a newborn in the home. The idea that their home and neighborhood would be completely changed would have altered their decision to buy a home in this neighborhood. The aesthetics of the neighborhood and area behind their home has already changed significantly as all of the trees and woods are gone. Currently there is an empty lot full of dirt and disabled vehicles stored on the property. To have a full time automotive garage next to their backyard is unacceptable and they are totally against the request as it will change their property value, add noise, and pollution. If there is a laundromat, there will also be added foot traffic in their neighborhood.

Mr. Byrd added that everything is zoned for residential in this stretch of Church Street, with nothing commercial and they would like the neighborhood to stay residential. Ms. Reiley stated Mr. Rmah answered some of her questions but at this meeting some of his answers were very vague. If it is zoned to allow him to just build a garage and then later can build a laundromat (changing the dynamic again) and then adds an office building, the question becomes where does it stop. Ms. Reiley stated they definitely do not want this in their neighborhood.

Chair Marshall asked if there were any questions for Mr. Byrd and Ms. Reiley. Ms. O'Connor stated she understood the concerns regarding their family and neighborhood. Ms. O'Connor asked if it was just a garage, would that be acceptable or they did want any of it. Ms. Reiley stated they did not want any of it. The commercial near them is a small gas station and convenience store across Church Street and does not directly affect their home. Mr. Rmah's property would be directly touching their back yard. It would change the noise and has already changed their visual aesthetic of their home. Ms. Reiley stated they probably would not have considered buying their home if they had known that commercial property would be adjacent to their property. Mr. Byrd stated there is also concern about any possible runoff with a commercial garage. Ms. Reiley stated as a general answer they are not on board with any of the three things Mr. Rmah has spoken of. Chair Marshall inquired if there were any other questions for the opposition. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes to address the concerns stated by the opposition.

Mr. Rmah stated the idea is because it is a residential neighborhood they would build a garage that would sit in the back of the property away from the street. A wood fence buffering would be built around any home close to them and this would not affect the neighborhood. A sidewalk would be built in the front of the property and trees planted. A plan will be submitted for approval by the City. Mr. Rmah stated they will do anything that is required by the City and anything they can do to protect the neighborhood. Mr. Daniel Ho-Lee will own 3812 North Church Street as an office building. The garage will be on the property of 3608 and 3606-B. A fence will be around the back of the garage as well.

Chair Marshall inquired if there were any questions from the Commission for the applicant. Mr. Holston asked to confirm if Mr. Rmah was planning on building the garage in the rear and putting up a wooden fence along the property and planting some trees. Mr. Rmah responded that was correct. Mr. Engle advised the Zoning Commission is to decide land use and Mr. Rmah is asking the Commission to allow commercial activity on this piece of property. From a land use perspective, Mr. Engle stated he has heard the things to mitigate the impact on the surrounding areas but they are not conditioned and so the Commission cannot take those things into consideration. The second issue was six acres is a lot of land. An R-5 zoning would allow up to 25-30 houses. Without knowing where the garage will be, how it will be placed how this would operate it was hard to support. Mr. Engle stated Mr. Rmah has a right to the land use. His neighbors that have been heard also have a right to a land use, to enjoy their home. From a Zoning Commission standpoint, it is only what is laid out on a piece of paper. Mr. Engle requested to hear more from Mr. Rmah but that was where he was thinking and struggling to approve.

Mr. Rmah stated the building will start at least 200 feet from the edge of the property. The right side will be 130 or 140 feet from the home of Ms. Ashley Reiley. The left side is empty. There are other commercial buildings in the area. Mr. Rmah referred to a power point presentation depicting the addresses of commercial buildings within the area. Mr. Rmah stated the best candidate for commercial is Church Street. Mr. Kirkman advised the time was up on rebuttal.

Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall advised the opposition of an additional 5 minutes to speak.

Ms. Reiley stated they were looking at the two properties, 3606-A and 3606-B. 3606-B is Mr. Rmah's property and Ms. Reiley and Mr. Byrd live next door in 3606-A. The property behind 3606-A was purchased and has been cleared. Ms. Reiley asked if Mr. Rmah wasn't going to use it as stated, why was it leveled and graded. It is misleading in stating it will be away from her property when it is already directly touching her property. The property has been cleared directly up to her property line. There is no laid out plan and Mr. Byrd and Ms. Reiley are struggling to understand and are not getting answers. Ms. Reiley stated Mr. Rmah talked about aesthetically having trees in place, but a large number of trees have been destroyed and then new ones going in their place. Mr. Byrd stated there has been no definite answers. Things have been added in and there is no way to know what will be there. Where the storage building is, there is a graded open commercial land there by itself, surrounded by other commercial properties. What is being shown is very different from what is being said.

Chair Marshall inquired if there were any questions for the opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. He noted the request is inconsistent with the Comprehensive Plan because the uses requested are not of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-C-M request, as conditioned, does not limit the potential negative impact of the development on the surrounding neighborhood and is inconsistent with the GSO 2040 Comprehensive Plan. Staff recommended denial of the request.

Chair Marshall stated while he appreciated the applicant's personal accomplishments in getting to this point, the Commission can only look at land use and determine if the proposed change would be an appropriate use of the property. This property is surrounded by R-5 in each direction. Chair Marshall could not support the request by the placement of a garage with additional cars, chemicals, and a possible laundromat with potential chemicals. All of those would impact the environment of the neighborhoods. Mr. Engle concurred with Chair Marshall. Mr. Engle appreciated the entrepreneurial story and commended Mr. Rmah for what he was doing. There is commercial in the area but it is not next door or across the street and is not connected. Mr. Engle could not support the zoning request. Mr. Holston stated he had hoped to find a way to support the application, but based on the application as it written and presented, and with the testimony given, he could not support the request and stated he had a motion, if needed. Chair Marshall inquired if there were any further comments from the Commission. Seeing none, Chair Marshall requested Mr. Holston to go ahead with the motion.

Mr. Holston stated in regards to agenda item Z-20-06-003, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for the properties identified as 3606-B, 3608, 3612, and 3612-YY North Church Street from R-5 (Residential – Single Family -5) to CD-CM (Conditional District – Commercial Medium) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Land Use Map. The uses requested are not of a similar scale, intensity, or off-site impact as existing nearby uses and the request does not accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The requested CD-C-M, as conditioned, does not limit negative impacts on the surrounding neighborhood. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to the neighbors and surrounding community, and the denial is in the public interest. Seconded by Mr. Engle. The Commission voted 7-0. (Ayes: Chair Marshall, Alford, Trapp, O'Connor, Rosa, Holston, and Engle. Nays: 0). Chair Marshall advised zoning denials constitute final action unless appealed in writing to the Planning Department

within 10 days. All zoning appeals will be subject to a public hearing at the August 18, 2020, City Council meeting.