

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

1

The regular meeting of the Greensboro Zoning Commission was held electronically through a Zoom meeting and broadcast simultaneously on the Planning Department's Facebook page on September 21, 2020, beginning at 5:30 p.m. Members present were: Chair Hugh Holston, Sandra O'Connor, Raymond Trapp, Richard Bryson, Zac Engle, Michael Jones, James Rosa, and Vernal Alford. Present for City staff were Luke Carter, Mike Kirkman, and Russ Clegg, (Planning Department), Noland Tipton (GDOT), and Terri Jones, (City Attorney's Office).

Chair Holston welcomed everyone to the meeting and noted the meeting was being conducted online. Chair Holston advised of the policies and procedures in place for the Zoning Commission and advised how the meeting would be conducted using the online format.

Ms. Jones advised pursuant to Session Law 2020-3, adopted by the General Assembly, anyone may submit written comments between now and 24 hours after the public hearing closes on each of the identified items. Ms. Jones requested each item be identified for comments to be made on and submit the comments to Planning staff.

Chair Holston performed a roll call of the Commissioners present. Eight of the nine Commissioners were present with one Commissioner on an approved absence. Chair Holston welcomed Michael Jones, who was recently appointed to the Commission

**APPROVAL OF THE AUGUST 17, 2020 REGULAR MEETING MINUTES: (Approved)**

Mr. Engle moved to approve the August 17, 2020 minutes, seconded by Mr. Alford. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Jones. Nays: 0). Chair Holston stated the minutes were approved.

**WITHDRAWALS OR CONTINUANCES**

Mr. Kirkman advised there was a request to continue case Z-20-09-011; 1414, 1509, 1511, and 1515 West Cone Boulevard, and 2111, 2113, 2115, and 2117, Cleburne Street from R-3 to CD-RM-26. The applicant's attorney was available to speak on the continuance and at least one of the attorneys working with those that are opposed to the request were requesting to speak.

Chair Holston reminded the speakers that comments made should be strictly based on the timing of the case and not on the merits of the case itself. Chair Holston stated those requesting the continuance would be heard first.

Don Vaughan, Attorney, 612 West Friendly Avenue, representing many of the citizens opposed to this item and respectively requested a 30 day continuance to notify residents that have not been notified regarding this zoning and to properly prepare a case. It was Mr. Vaughan's understanding there was no opposition to this request. Chair Holston inquired if there were any questions from the Commissioners for Mr. Vaughan. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request for a continuance.

Michael Fox, 100 North Green Street, representing the applicant in the case stated they were not opposed to the 30 day request for a continuance. He stated there had been good conversation with Mr. Vaughan and a number of the neighbors to understand what their concerns are. He thought a one-time continuance would be beneficial to work on some proposed conditions that would make this a better project for everyone.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

2

Chair Holston confirmed that Mr. Fox and his client were in agreement with a 30 day continuance. Chair Holston inquired of any questions for Mr. Fox from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request for a continuance. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request for a continuance. Hearing none, Mr. Engle made a motion to continue this item for 30 days; seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Engle, Trapp, Rosa, Bryson, and Jones. Nays: 0). Chair Holston advised agenda item Z-20-09-011 would be moved to the October 19, 2020 meeting.

Chair Holston inquired if there were any additional requests for continuances or withdrawals. Mr. Kirkman advised there were no additional continuances or withdrawals. Mr. Kirkman then noted to the public for those that may have been there for the rezoning on Cone Boulevard and Cleburne Street, they did not need to stay but were welcome to watch the rest of the proceedings if they wished to do so.

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**Z-20-08-001: A rezoning request from CD-PI (Conditional District – Public and Institutional) to O (Office) for the properties identified as 4019-R2 South Holden Road and 1311 Glendale Road, generally described as south of Glendale Road, east of South Holden Road, and west of US Highway 220, (39.47 Acres). (Denied)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if there were any questions for city staff. Hearing none, Chair Holston requested the applicant to state their name, address, and to present their case.

Adrian F. Starks, 1414 Cliffwood Drive, Sr. Pastor of World Victory Church, introduced himself and stated the application was submitted for the undeveloped land owned by the church on Glendale Road to move forward with development. He noted the request was for Office as the plans now include an intent to build multi-family housing. In speaking with staff, the church was made aware the Office designation would allow for construction of housing as proposed. The footprints developed by the architects would accommodate between 60 and 90 units. Since agreeing to the continuance, letters have been distributed to all of the residents within 600 feet of the proposed land to be rezoned. Approximately 85 letters were sent to residents. Three individuals attended a meeting held virtually on Zoom. Since that meeting, one person came to his office and they spoke. Common ground may not have been achieved in totality but the conversations provided a strong effort in moving forward in the development. Pastor Starks noted the desire of the church to have their offices moved from their current location but the first phase will be construction of the multi-family housing. At this particular time it is the desire of the church to move forward and have the request voted on by the Commission.

Chair Holston inquired if the Commission members had any questions for Bishop Starks. Mr. Engle asked if there were drawings to be shared for illustrative purposes. Bishop Starks stated he did not have a digital format of the drawing but did have a drawing and walked the Commissioners through a drawing for illustrative purposes. Bishop Starks indicated the phases of construction and explained what they would be. He showed the overall tract of land for the proposed multifamily development is 7 acres and indicated a water detention pond, community center and leasing office, a parking area, and a buffer tree line included by the engineer and architect in the planning. Chair Holston asked where the eventual school and church would be located. Bishop Starks responded

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

3

it would be south of Glendale Road and the multifamily development. Chair Holston inquired if there would be access from Glendale through the apartments to the school and church. Bishop Starks responded there would not be and indicated a different route on the map provided. Bishop Starks indicated the entry into the apartments and the access way into the church and school. Ms. O'Connor asked how many stories and units for the apartments. Bishop Starks responded the range could be between 60 and 90 and he believed they would be two stories. From conversation with the architects the apartments would be three stories if there were 90 apartment buildings built and two stories for 60 apartment buildings. Ms. O'Connor asked how many units would there be per building. Bishop Starks did not have that information at this time.

Chair Holston inquired if there were further questions from the Commissioners. Mr. Trapp asked staff in looking at five apartment buildings, what would be the maximum number of units that could be placed on that parcel. Mr. Kirkman stated in the Office zoning district, the ordinance allows residential densities up to 12 units per acre. A rough calculation for the entire subject tract would be roughly 473 units as the maximum. Some land would be used for parking lots, landscaping, and other things and that is only a rough calculation. Ms. O'Connor asked if that was for the entire tract. Mr. Kirkman responded it was for the entire 39.47 acres. Mr. Engle stated there are no conditions on this request and the Commission would have to look at this request from that perspective. Mr. Kirkman responded that was correct and the Commission would have to factor any types of uses that could be allowed.

Mr. Bryson asked if the apartments would only be on 7 acres. Bishop Starks responded the 7 acres is the allotted space for apartments. The other aspects for development would not be apartments. Bishop Starks stressed the church desired to be of assistance with the housing needs for over 4,000 units of housing within Greensboro. It is not the desire of the church to develop any more of the land for that purpose. Bishop Sparks felt that if assurances were given to the residents that it would be sufficient. The other space is reserved for the school and the church. There is no other space the church desires to allocate for anything else. Mr. Engle asked if it was correct that the entire 48 parcels were being rezoned as Office, not just the 7 acres. Bishop Sparks responded that was correct. Mr. Engle asked if there were any binding agreements with anyone to say that only the 7 acres would be developed. Bishop Sparks responded he has not done any binding agreements. Mr. Engle stated there is a traffic study for 60 units but he was hearing it may be 90 units. Zoning is only looking at land use and Mr. Engle was attempting to tie everything together. He noted this is a much denser zoning request than what is on some of the documents and the traffic study and asked what could potentially be built there. Bishop Sparks stated it was asked for the whole tract of land, what was the allowable number of units that could be placed on it. The 60 to 90 was mentioned in going up. Mr. Engle stated he understood and going forward there was a potential for another traffic study. Chair Holston inquired if there were additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston transitioned to those in opposition and advised of a combined total of 15 minutes to present the opposition. Luke Carter advised Avery Bernstein was the first.

Avery Bernstein, 1409 Glendale Drive, opposed the zoning request as it is a non-conditional request for 40 acres of Commercial-Office within a single family residential neighborhood, allowing any current or future owners to develop anything permitted under the O zoning on that property. Bishop Starks did send out the traffic study detailing his plans. Several questions were put forth such as to why not rezone the 9 acres or the front half of the property as they are two separate tracts. The neighborhood is requesting the zoning be denied because there are other alternatives such as the PUD instead of non-conditional rezoning. The neighborhood appreciated

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

4

the plans set forth, but the plans have changed from the original stated plans. Ms. Bernstein thought there were over 30 Commercial Office uses that could be developed and 400 feet of her property line abuts this property. Ms. Bernstein is very concerned about an open ended Commercial-Office 40 acre parcel next to her home. Chair Holston inquired if there were any questions from the Commissioners for Ms. Bernstein. Hearing none, Chair Holston requested Mr. Moser to speak.

Ken Moser, 3911 South Holden Road, owns property backing up to the 40 acres being proposed and owns property on Memory Way toward the exit at the stop sign. Mr. Moser's biggest concern and opposition is the non-conditioned zoning. What could start out as 7 acres and something else happens with nothing in the guidelines that would stop it from expanding. There was a call with Bishop Starks who provided insight but no promises to that. Mr. Moser would feel better regarding the rezoning if there were conditions attached and only asking for 7 acres. Mr. Moser understood the road would be more of a secondary service road associated with the school and the church. Being a property owner of the land across the street, the water park had been approached regarding selling property to allow for an additional entrance and exit to the water park. It was said that because of the location that close to the bridge across from Memory Way, that they would not be granted an exit right there because of concern turning into traffic heading towards Interstate 85. The property on the left is owned by the State and not able to expand. A lot of traffic cannot be placed on Memory Way. Having 60 to 90 units, plus a church and a school and the full 40 acres of rezoned for Office/Multi-family, there would be more traffic if the apartment complex is expanded to the entire property. Mr. Moser understood there is no intention for expansion but noted there was also no contract. Having no contract is Mr. Moser's concern regarding the rezoning. Chair Holston inquired if there were questions for Mr. Moser. Hearing none, Chair Holston inquired if there was anyone else to speak in opposition. Mr. Carter advised Ms. Williamson is signed in under Ms. Bernstein's account and would like to speak.

Mali Williamson, 1407 Glendale Drive, stated her concern is the lack of conditions on the proposal and felt completely uncomfortable and uncertain of what will happen on the lot. From the conversation held in August and the conversation with Bishop Starks a week prior, there was to be a short construction period to a 5 year plan. A digital map was displayed by Bishop Starks of the apartments. She did not see a service road next door to the property and thought there was only one entrance to the apartments and the church and school, not an additional service road. Ms. Williamson would like to have conditions placed as it is fearful hearing there could be 60 to 90 apartments that would be 2 or 3 stories right outside of her master bedroom. In August it appeared the apartments would be more on the northeast portion of the lot and they are now expanding across Glendale Drive. Ms. Williamson was trying to clarify what she was reading and seeing. Chair Holston inquired if there were any questions for Ms. Williamson from the Commissioners. Chair Holston inquired if there was anyone else to speak in opposition to the request. Hearing none, Chair Holston stated the applicant and opposition would now each have a combined 5 minutes for rebuttal and questions.

Bishop Starks stated the concern regarding the apartments stretching across the entirety of Glendale Drive was incorrect. The original document was gray-scaled. Bishop Starks stated the tree buffering was there to create distance between the residents and the proposed construction. Ms. Williamson lives in 1407 Glendale and Ms. Bernstein lives in 1409 Glendale. Residence number 1405 is closest to the proposed rezoning property that the church owns and there is a residence in-between both of those residents and the proposed construction. Mr. Engle asked if 1405 Glendale was the house that was part of the rezoning. Bishop Starks responded it was. Mr. Engle asked if there were no plans then to tear the house down at all. Bishop Starks stated there were no plans

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

5

currently. To the left of the house is where the apartments would be. There is a resident in the home and there are no plans for it to be removed. Bishop Starks understood the desire for conditions and is not insensitive to their concerns. In terms of the concerns regarding traffic on Memory Way, Bishop Starks doubted the project proposed would compare to the volume of traffic that Wet and Wild may produce. Chair Holston requested clarification on the single family residences, and would they be zoned Office along with the rest of the tract. Bishop Starks responded the way the application is structured, that was correct. Chair Holston stated one of the homes was coming down and asked if a decision had been made. Bishop Starks responded a decision has not been made. Chair Holston asked if the 1405 Glendale residence was a buffer, so to speak, and adjacent to Ms. Williamson's home. Bishop Starks responded that was correct. Chair Holston asked if the service road shown on the illustrative drawing was on the digital image that Ms. Williamson saw but was in gray scale and may not have been as visible. Bishop Starks responded that was correct.

Chair Holston asked in if the Bishop would have used conditions or not to avoid concerns. Bishop Starks responded he did not anticipate this request being a concern of the residents in the way it has been presented. Bishop Starks stated in hindsight, he would have tried to accommodate those concerns. Bishop Starks stated he gave the residents his word they are not looking to build 423 housing units. He did not go with conditions as he did not think it was necessary and in speaking with city staff, conditions did not come up. Chair Holston asked if there were additional questions for Bishop Starks from the Commissioners. Mr. Rosa asked now that it is known it is an issue with the residents, was he willing to place conditions on it. Bishop Starks stated he was told in order to change he would start back at zero and was not comfortable starting at zero. Chair Holston inquired if there were additional questions from the Commissioners. Mr. Trapp asked if staff would address Bishop Starks comment that he would have to start from the zero to add conditions as he did not think that was the case. Mr. Kirkman responded it would be a new application to go from a straight zoning request to a conditional zoning request. If you start with a conditioned application, it can be continued to be adjusted. But to go from a straight zoning request to a conditional would require withdrawing the current application and then refile as a conditional application. Mr. Engle asked if an application was done tomorrow, when would it be heard by the Commission. Mr. Kirkman responded at this point it would not be heard until the November Zoning Commission hearing. Mr. Engle asked if someone were to be unhappy with the decision of the Commission at this meeting, either the applicant or the opposition, it could be appealed to City Council and drag out until at least October. Mr. Kirkman advised if someone appealed the decision, it would go automatically to the City Council at their October 20, 2020 meeting. Chair Holston inquired of additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston moved to those speaking in opposition for a combined 5 minute total for rebuttal.

Mr. Moser stated one of the points Ms. Williamson made was an image shown last week that did not include the service entrance to left of the subject property. That was a concern as it did appear to be the entire stretch of the property going across and only one entrance. A comment regarding Wet and Wild traffic was associated with if you expand the zoning to go to the entire tract, the traffic pattern would be too heavy for Glendale. The other exit strategy would be Memory Way. No study has been conducted. Mr. Moser stated the additional traffic was something he wanted to bring to Mr. Engle's attention as it impacted a decision in trying to sell the property across the street. Whether it is the same traffic flow of an exit strategy of Wet and Wild, if it's dangerous for them, and would be dangerous for putting more traffic on Memory Way as an exit strategy. Mr. Moser stated in this not about Bishop Stark's word. Mr. Moser believed what had been said and believed it was

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

6

not an attempt to mislead anyone. Mr. Moser did not think Bishop Starks could say 5 years ago the plan was to put a 7 acre multi-family apartment complex right there. In the last meeting, there was a request was for a continuance and it was stated they were comfortable where they were at and could be there another 5 years. A lot can change in 5 years. Mr. Moser reiterated he would be in opposition and would appeal any decision made that would move forward with the entire property being rezoned when he heard Bishop Starks say the intention is 7 acres. Mr. Moser stated a contractual agreement of 7 acres would satisfy him.

Avery Bernstein quoted Bishop Starks statement of "this is all we are going to be doing". Most people in the present climate would make sure it is in writing and read what you are signing. The concern is this is not in writing and is an open-ended commercial office rezoning of 40 acres in the middle of a single-family residential neighborhood. Ms. Bernstein reviewed screen shots that she had of the digital copy regarding the apartments by Bishop Starks. It was zoomed in and all that was shown were the tree buffers. There was no picture of the side road. Ms. Bernstein stated her property is a strange cut and even though Ms. Williamson is her next door neighbor, between them are the Sanchezes; who are the renters at 1405 Glendale. Ms. Bernstein's property cuts around Ms. Williamson and so she is a direct property neighbor and is concerned where the service road would be along her property line and where the buffer would be. On numerous occasions, Ms. Bernstein asked city staff for buffers and a bigger plan. It comes back things can go sideways in the world that would have nothing to do with Bishop Starks intentions. There is a 39.47 acre parcel of commercial office zoned property next to her home. No matter what his intentions are, once this is rezoned it is fair game unless there would be a binding agreement such as PUD or conditions. That is the biggest concern.

Mali Williamson stated the screen shot indicates the corner of the lot where it angles off with the trees and a service road is not shown. The actual location of the apartments in reference to the lot has not been shown. Ms. Williamson would like to see the entire lot. If the Sanchez's will stay or not stay. Ms. Williamson appreciated the tree buffer but there is still a concern in not knowing what will happen to the rental home. Ms. Williamson's biggest concerns were where the service road will be located, how close will it be to the property line, and the lack of conditions. Chair Holston inquired if there were any questions from the Commissioners for the last 3 opposition rebuttal speakers. Hearing none, Chair Holston closed the public portion of the case 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. The request is consistent with the Comprehensive Plan because the uses requested are of a compatible scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of nearby uses. The proposed Office zoning district permits a variety of moderate intensity uses that are compatible with uses in the surrounding areas. Staff recommended approval of the rezoning request.

Chair Holston asked if the Commissioners had discussion or questions. Mr. Engle stated he had no doubt of Bishop Starks' honor and word. It appears that some of the vision had changed since owning this land and is their right to change. The Zoning Commission has to balance the rights of the surrounding property owners. There is a transition where the single-family home is located currently. If Mr. Engle had a proposal now that was a conditioned Office proposal, with the number of apartments planned and the other two uses, he would not have issues supporting it. That is not what is before the Commissioners. There are legitimate concerns regarding density, especially given the fact that the uses currently of 7 acres for apartments and add in another 20 acres for the other two uses and generously put in 3 acres for buffering That leaves 10 acres at some point that will

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

7

not be disturbed in this process. The community needs to have some input at some point if it becomes denser than right now. Zoning would give that to most, if not all communities, in the Greensboro area and is why the Zoning process exists. Mr. Engle cannot support this request but was willing to support more density. Mr. Trapp stated it would be cleaner with conditions and he would like to see conditions. The one thing taken away from the staff report that states "The subject site's location is adjacent to two highways in the presence of industrial and heavy commercial zoning further to the west along Holden and support this request as a good transition with the immediate adjacent low intensity residential units". Mr. Trapp stated that statement and introducing new housing options in this area also provides support to the larger commercial and industrial areas and outweighed any of his concerns, to include staff did recommend approval of the Office Zoning request. Mr. Trapp stated he was in support of the rezoning. Conditions would have made it much easier and simpler.

Chair Holston inquired if there were any other Commissioners wishing to speak. Mr. Trapp offered to make a motion. Mr. Trapp moved in regard to agenda item Z-20-08-001, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 4019-R2 South Holden Road and 1311 Glendale Road from CD-PI (Conditional District-Public and Institutional) to O (Office) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of existing, adjacent uses. The proposed O zoning district permits uses that are compatible with uses present in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Alford. The Commission voted 4-4. (Ayes: Trapp, Bryson, Alford, and Jones. Nays: Chair Holston, Rosa, O'Connor, and Engle). Ms. Jones stated in accordance with the Land Development Ordinance the tie vote constitutes a denial, which may be appealed. Chair Holston stated zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals would be subject to a public hearing at the October 20, 2020 City Council Meeting.

**NEW BUSINESS:**

**Z-20-09-001 & PL(P)-20-12: An annexation and original zoning from County AG (Agricultural) to City R-5 (Residential Single Family-5) for the properties identified as 2126 and 2146 Scott Road, generally described as south of Scott Road and west of Summit Avenue (47.76 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman noted the Commission will be asked to make two motions on this particular item. One to recommend for or against the annexation of the property into the City's jurisdiction. The second to establish the original zoning as presented by the applicant to R-5. Mr. Kirkman stated there are no conditions with this request. Chair Holston inquired if there were any questions from the Commissioners. Hearing none, Chair Holston advised there would be a total of 15 minutes for the applicant and those in favor. Chair Holston requested the applicant to state their name, address, and their case.

Bob Dunston, on behalf of Charter Development Company, a subsidiary of National Heritage Academies, also introduced Dillion Smith, Civil Engineer with Valentine and Associates and Aimee Giacherio, Civil Traffic Engineer, with Wade Trim who may assist with any questions. Mr. Dunston stated they are in the process of

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

8

zoning the 47 acre property into the City of Greensboro. The intent was to build a K-8 charter public school on the western half of the site. Mr. Dunston stated this is a family property consisting of the Sheehy family and the McCuiston family. There are 3 family members that still have properties adjacent to these two pieces. Mr. Dunston showed a rendering of the site and stated the blue line indicated buffers that are protected wetlands. He added the Army Corps of Engineers had been to the property and there are approximately 31 acres buildable out of 47 acres. Mr. Dunston advised there is approximately 800 feet off of Scott Road which slopes down to Summit Creek in the back of the property. He noted the physical building will be a single story ranch school and would be several feet away from their closest neighbor. Mr. Dunston advised they were engaged by the Summit Creek Charter School Board to build another K-8 and there are 3 other K-8 schools in the City of Greensboro; Greensboro Academy, Summerfield, and Gate City. This property has the right combination of highway access and the new Urban Loop and will be very accessible. The charter application for the school has been approved by the State Board of Education. The Charter Development Company has had a long standing relationship with some of the members.

Multiple comments have been received from TRC and have been addressed along the way. A TIA was submitted. One of the questions asked was from a zoning standpoint and after discussing it with staff, it was thought bringing it into the city under an R-5 was the lowest intensity use and married up with the Future Land Use. This particular site had a lot of positive attributes they wanted for the school. Approximately half of the site is still heavily wooded. City Services are nearby the site and the water main is located to the north and east and the public water system will be extended down Scott Road to service the school. They will have to partner up with PPW and have the water main installed. A sanitary line runs up the back of Summit Creek. Interaction was had with a few neighbors who called after the notifications were sent. Between Bob McCuiston and Mr. Dunston, there were approximately 6 calls clarifying if it would actually be a school. All the Charter Development Company does is build and operate schools. Chair Holston inquired if any of the Commissioners had questions for Mr. Dunston. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston asked if there was anyone to speak in opposition to the request.

Sherry Godfrey, 2162 Scott Road, stated the neighborhood is excited about the possibility of a charter school on their road. However, there were concerns regarding traffic as it already feels like the Indianapolis 500 and is used as a cut through road from Lees Chapel to Summit Avenue back and forth all day. Both 2162 and 2162A are on Scott Road where cars are coming out of the curve on Scott Road. Mr. Engle asked staff if a school were placed there, would it necessitate a school zone through GDOT. Something so the speed limit is lowered to 25 MPH or 35 MPH during school time. Mr. Tipton responded it would be requested by the school once it is there and based on population as far as only signage or flashers and those type of things. Mr. Engle asked if there was no school and it was built out to be something of a residential use, that would not necessitate a school zone. Mr. Tipton responded that was correct. Mr. Engle stated he was attempting to give the person speaking a potential to consider.

Ms. Godfrey stated there have almost been multiple accidents over the years because no one slows down coming out of the curve on Scott Road. Ms. Godfrey stated she did contact the City and asked if they would come and put a speed limit sign up so vehicles would slow down coming around the corner. A 35 MPH speed limit sign was placed directly in front of her home. There are soccer stadiums in spring, summer, and fall with a lot of traffic during those seasons. Ms. Godfrey asked if a study was done on increased traffic, how would it affect the residents. Mr. Tipton stated there has been a traffic study done and the applicant's consultant is



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

9

present at this meeting and will be heard during the rebuttal. Ms. Godfrey asked if the annexation would be all of Scott Road. Mr. Engle stated the way the law works people have to petition to be annexed into the city. The applicants are looking at this from a utility standpoint to have access to city water. However, due to the current constraints of state law, the City cannot forcibly annex someone into the city. As a resident she would have to request to be annexed in. Ms. Godfrey was happy to hear that as they like their well water. Ms. Godfrey asked if homes would be built in that area as the letter spoke to single-family homes or only be a school built. Mr. Kirkman responded the request is to go to R-5, Residential Single Family and that zoning district allows both single family dwellings and the school use. Ms. Godfrey asked if the street would be widened, noting the homes at 2162 and 2162A in attempting to get out their driveways are in a bad way. The way people come around the curves is very unsafe and they do not slow down. Ms. Godfrey asked how they could be helped with that. Mr. Engle responded that was not this meeting and perhaps she could arrange to meet with Mr. Tipton of GDOT after the meeting and discuss the concerns regarding traffic. Mr. Engle stated once the school is put in, there would probably be a traffic zone that would have to be established. Chair Holston inquired if there was anyone else to speak in opposition to the request.

Leslie Branson, 2162A Scott Road, was opposed to additional traffic. Ms. Branson stated they take their lives in their hands just going to check the mail or driving to the grocery store. There have been several accidents at the curve coming down Scott Road. Ms. Branson asked if the school doesn't happen and it is rezoned, would houses go there. Ms. Branson was not opposed to the school but housing absolutely. Ms. Branson invited anyone to sit in her driveway to observe the traffic all day, every day. Chair Holston inquired if there were any questions for Ms. Branson. Mr. Engle asked staff if this was a city or county road and how would it be handled if this was annexed. Mr. Tipton responded this road was outside of the city currently. Mr. Tipton advised even when annexed, most of the road would be outside of the City and would be an NCDOT roadway until the city has both sides of the road. Chair Holston asked what the zoning around the property was. Mr. Kirkman responded it is a combination of Agriculture and RS-30, which is Residential Single Family. Mr. Engle stated there appears to be some conditional RM-12 in the area and asked if that was correct. Mr. Kirkman responded south and east of the site is property zoned CD-RM-12. Chair Holston stated it appeared some R-3 in the north east and some RM-12, Office, PI in the southeast. Chair Holston inquired if there were any additional comments from anyone wishing to speak in opposition to the request. Seeing none, Chair Holston inquired if the applicant wished to speak in rebuttal.

Mr. Dunston stated they always ask NCDOT to sign up for a school and help slow down speeding. In this case from a traffic standpoint, they are all NCDOT roads all the way through. Part of Lee Chapel Road is a city road. In front of the school where the entrance would be, the road would be widened and have a center turn lane. Mr. Dunston referred to a map indicating how the entrances would be for traffic. Ms. Aimee Giacherio, noted the picture depicted the frontage improvements and the intersection. Chair Holston inquired if there were questions for Mr. Dunston. Mr. Rosa asked if it does not become a school, would there be housing there. Mr. Dunston responded Charter Development Company does not build homes. Chair Holston asked if they would transfer that property to someone else who would build homes. Mr. Dunston responded it would not be a decision of his, it would be the Chairman and executive team. Mr. Dunston stated he has been with the company for 8 or 9 years and the company does not sell a lot of properties, especially those that are hard to find. This process started over a year ago looking for properties in this section of Greensboro to find the right site that would work. At this point, the company is not in the home building business. Chair Holston inquired if there were any

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

10

additional rebuttal comments for those in favor of the request. Seeing none, Chair Holston inquired if there were any questions from the Commissioners. Seeing none, Chair Holston advised the opposition they had 5 minutes for rebuttal.

Ms. Branson stated she looked at the map where the road would be widened. Her concern is not in front of the school, it is on into the curve. MS. Branson would appreciate having signage placed in the curve as the signs in her mother-in-law's driveway did not help because no one can see their driveways from the curve. Ms. Branson stated her major concern is the curve and the traffic on their road. Chair Holston asked staff if this could be a conversation held later and those who are seeking relief on the roadway could have a conversation and share their thoughts. Mr. Tipton responded as far as widening the road or signage locations, that would be dealt with NCDOT and out of the Commission's purview. When the school is in place, the school zone may be done by the City but outside of that it will be NCDOT.

Ms. Branson asked how many students would attend the school. Chair Holston stated technically there are not conversations between the two parties and would have to come through the Commission. Ms. O'Connor asked how many students are anticipated to be enrolled. Mr. Dunston responded the application is 772 at full capacity. The school would open at K-5 and then in the following 2 years add a section and move to grades 6-7-8. Chair Holston inquired if there were additional comments. Ms. Branson asked if that would be roughly 500 additional cars on Scott Road a day. Mr. Tipton responded the traffic study addressed the am and pm peak hours and indicated an am peak hour of 929 total trips which would be arrival and drop off and count as 2 trips on that road. Chair Holston inquired if there were any additional comments, questions, or thoughts from the opposition rebuttal. Seeing none, Chair Holston closed the public portion 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. The request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's city wide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and maintains stable, attractive, and healthy places to live and raise families. The proposed R-5 request allows uses that are consistent with those existing in the surrounding area. Staff recommended approval of this request.

Chair Holston inquired if there were any thoughts or comments for a motion from the Commissioners. Mr. Engle stated he was comfortable with the request because of the RM-12 behind it. It's not on the same road but it is close enough to be consistent. There are no conditions, but given the amount of land that appears to be wetlands and otherwise, this is an appropriate amount of density for this plot of land and he is in favor of the request. Chair Holston inquired if other Commissioners had comments. Mr. Kirkman reminded the Commissioners a vote was needed on the annexation first and then the original zoning.

Mr. Engle made a recommendation to approve the annexation. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Mr. Engle stated that in regard to agenda item Z-20-09-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties located at 2126 and 2146 Scott Road from County AG (Agricultural) to City R-5 (Residential Single Family-5) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Lane Use map. The property proposed zoning change can accommodate a satisfactory transition to the existing scale and

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

11

intensity of existing adjacent uses. The proposed City R-5 zoning district allows uses that fit the context of the surrounding areas. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal. Ms. Jones advised because this was an annexation, it will automatically go to City Council for final approval in October. The Commission was just making recommendations.

**Z-20-09-002 & PLP20-16: An annexation and original zoning request from County RS-40 (Residential Single Family) to City-R-3 (Residential Single Family-3) for the property identified as 1404 Youngs Mill Road, generally described as west of Young Mill Road and north of Walldridge Road, (1.66. acres). (Recommended Denial)**

Mr. Kirkman reviewed the zoning map for Z-20-09-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised Mr. Sosa was not logged in. Chair Holston inquired if there was anyone else wishing to speak in favor of this request. Mr. Kirkman stated the applicant does not have to be present for the zoning request but are encouraged to attend to answers questions and other things. Staff would attempt to provide the background on the request. Chair Holston asked Mr. Kirkman to provide any background he could and Mr. Carter to follow up with additional details.

Mr. Kirkman advised the request was to annex this piece of property to access City water and sewer services to the property to build a single family residence. Mr. Kirkman was unsure if the applicant intended to build more than one residence. The property could be subdivided for one additional lot but there would need to be a direct access and frontage to Youngs Mill Road. Mr. Kirkman stated it was his impression it was only intended to be one single family residence. Mr. Engle stated several people are in opposition and his challenge with remote meetings and no applicant was struggling to hear the case. Ms. Jones advised as Mr. Kirkman had stated, there is no requirement for the applicant to appear at the hearing but they do so at their own risk if there are questions by the Zoning Commission that cannot be adequately answered by staff. Mr. Engle noted if someone does have material things to offer in a case presented, Zoning is required to consider that at least 24 hours after the meeting. Ms. Jones responded that was correct. She added that this is a legislative hearing, consent to the remote meeting is not required as it would be in a quasi-judicial proceeding. Written comments may be submitted up to 24 hours after the public hearing. If comments are received, it is possible this request would come back to the Commission or those comments would be forwarded on to City Council, depending on the nature of the comments and whether or not it might constitute an appeal. Chair Holston advised he did not mind hearing the case since the applicant is not required to be present. Mr. Trapp stated he also had no problem hearing the case. Chair Holston requested Mr. Kirkman to continue with any information or if there were any questions.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

12

Chair Holston stated this is 1.66 acres and being zoned R-3 which is normally 3 plots per acre and inquired if there needed to be frontage? Mr. Kirkman stated when a new lot is created under single family residential zoning and called a subdivision, those lots have to have frontage and direct access on a public street. There is a minimum amount of frontage that must be done in the different zoning districts in order to create the lots. This lot is fairly deep, any lots created would have to have frontage on Youngs Mill Road and that would limit the potential for additional units on that property. Chair Holston asked how much frontage is there and what is the minimum per home. Mr. Carter advised when he ran the numbers, there was only enough road frontage for 2 lots. Mr. Kirkman stated in the R-3 district at least 75 feet of frontage is needed to create a new lot in that district. Chair Holston asked how much frontage this lot had. Mr. Kirkman advised staff did not have an exact figure. Chair Holston asked if it could be a flag lot on a standard lot or not. Mr. Kirkman stated every lot that is created now under the ordinance has to have the minimum lot frontage on the public streets. The option for the flag lot was taken out when the Land Development Ordinance was adopted in 2010 unless there are extreme circumstances with the lot that usually has to do with odd environmental constraints and more for the purposes of providing utilities or something else. Chair Holston asked if only one dwelling could be placed on the lot based on the frontage. Mr. Carter responded no. They have enough frontage to have two lots. It could look like a flag lot but would not be considered a flag lot because it has enough lot width to meet the minimum standards of the ordinance. Chair Holston asked if there was at least 150 feet of frontage. Mr. Carter responded that was correct and that he showed 170, enough to get two lots but not enough for three. Chair Holston asked if the houses could be stacked, one behind and one in front. Mr. Carter stated that would be one way or houses could be side by side. There are several different options available. Chair Holston asked if they were side by side in context to the neighborhood, would it be different than what is currently there. Mr. Kirkman stated when creating a lot in the R-3 district, there has to be a minimum of 10 feet on the side and 30 feet in the rear. Staff does not have the dimensions for the existing homes. If they meet those dimensions in setting up the lots and building houses, there could be several different configurations. Mr. Kirkman was not able to fully answer the question about what the existing context was from that level of specificity as staff does not have that information and was not sure if the applicant would have that information for what the existing use is. Mr. Engle asked if this was being done to hook to city utilities. Mr. Kirkman stated that was the purpose for this as they are asking for access to city services. By the City's water and sewer extension policy in order to get those, they have to be annexed into the city and if annexed have to establish some type of original city zoning. Chair Holston inquired if there was another designation that would be more expansive than R-3. Mr. Kirkman stated the R-3 district is the least intensive district. It has the largest minimum lot size and the largest side and rear setbacks of the residential single-family districts. Chair Holston inquired if anyone had questions for staff. Mr. Carter advised he had a survey of the lot. A survey was depicted that provided the lot dimensions. Given the lot width and the requirements for R-3 there was enough for two houses but not for three. Mr. Engle asked how deep it was. Mr. Carter stated 431 on the north side and 413 on the south side. Chair Holston stated it matched the other properties but there was only one structure on the other lots. Chair Holston inquired if there were any questions for Mr. Carter regarding the survey. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition and advised a total of up to 15 minutes was available.

Mr. O.J. Caldwell, 1406 Youngs Mill Road, stated his property adjoins the south lot. Mr. Caldwell stated Mr. Orland Pitman, who was with him, owns the property to the north addressed 1402 Youngs Mill Road. Mr.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

13

Caldwell stated the majority of the residents are in opposition to the rezoning. As a resident of Youngs Mill Road, Park Place, Hickory Tree Lane, and Candice Ridge Communities, he opposed the rezoning of 1404 Youngs Mill Road from County RS-40 to City R-3. Changing the zoning will change the character of the community. Currently there are spacious lots with no density. An R-3 zoning would change the density allowing three homes in that one small space. This request is completely out of character for the community and he asked the Zoning Commission to deny the request based on these points and the outpouring of the community. Youngs Mill Road is a very old and established community of folks who take great pride in their home ownership. Mr. Caldwell mentioned all of the neighbors who have lived there 40 to 50 plus years. Everyone in the community values the character of their community and want good neighbors. The neighborhood is not opposed to growth but do not want a developer to place something in their community and change the character of the community. Mr. Caldwell stated they have not heard anything regarding what the plan is. There are great concerns what the change of the zoning will do their properties and character of what is established.

Mr. Pitman, 1402 Youngs Mill Road, stated he appreciated the historical nature of the neighborhood and echoed the concerns spoken by Mr. Caldwell.

Mr. Lamar Rice, 1318 Waldrige Court, lives in front of Mr. Caldwell. To have someone build in that area right next to Mr. Caldwell is not the right thing to do. The value of the community would go down. Mr. Rice stated he and everyone on the street was opposed to the construction. Chair Holston inquired if there were questions for Mr. Rice. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request. Seeing none, Chair Holston 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. The request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed R-3 original zoning request allows uses present on adjacent properties. Staff recommended approval of the request.

Chair Holston stated in recognizing the applicant is not required to be at the meeting to present the case, this case has topics or issues that are not covered or need to be investigated more thoroughly and he was not able to support this request. Mr. Engle echoed Chair Holston and added a concern of his was no evidence of any outreach by the applicant. As a Zoning Commission they have always supported that and he was against the request. Mr. Engle stated he would make a motion unless someone else would like to. Ms. Jones advised community outreach is not required of the applicant. If they do it though, they are required to inform the Commission of that. Mr. Engle stated community outreach is strongly encouraged. Ms. O'Connor stated the Commission did not know of any other circumstances and was giving the applicant the benefit of doubt. When looking at the property across the street, it appeared this lot request would be similar to what is across the street in terms of lot size and having two houses possibly side by side or a different position. Ms. O'Connor stated knowing that this would be limited to two dwellings she was in favor. Mr. Engle inquired of staff if a road was built down the side of the property, could that happen and the 400 feet taken into account. Mr. Kirkman stated any road constructed would have to meet public street standards. Mr. Kirkman was unsure if there was enough space to make it work and how the access worked off of Young Mills to do that. Mr. Tipton stated there would have to be a public need for the street and then 26 feet is the minimum size; including rights of ways. Right of ways could go up to 40 feet. Mr. Kirkman advised the very minimum lot size in R-3 is 12,000 feet. If the

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

14

applicant attempted to build a street, all of the right of way would be dedicated and the lots themselves would have to have enough depth to do that.

Mr. Trapp stated it is very difficult to surmise what the applicant is planning on doing without the applicant being here. He understood the applicant was not required to be there, but it is outside of the norm for the applicant not to be present in a situation such as this. Mr. Trapp would not be in favor. Mr. Engle stated what he has seen City Council do in situations like this is to continue the case. Chair Holston asked Ms. Jones if the annexation and the zoning are denied, what would happen. Ms. Jones responded the annexation would automatically go to City Council in October. Mr. Kirkman advised the Commission is only making a recommendation on both items. Mr. Engle made a motion to deny the annexation. Seconded by Mr. Rosa. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,).

Mr. Engle then moved that in regards to agenda item Z-20-09-002, the Greensboro Zoning Commission believes that its action to recommend denial of the original zoning request for the property described as 1404 Youngs Mill Road from County RS-40 (Residential Single Family) to City R-3 (Residential Single Family-3) 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 permitted within the proposed zoning district are not of a similar scale intensity, or off-site impact as existing nearby uses. The proposed City R-3 zoning district allows uses that do not fit the context of the surrounding area. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to neighbors and surrounding community and denial is in the public interest. Seconded by Mr. Trapp. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,). Both the annexation and zoning constitute an unfavorable recommendation and is subject to a public hearing at the October 20, 2020, City Council Meeting.

At this point in the meeting a 10 minute break was taken.

**Z-20-09-004 & PLP-2017: An annexation and original zoning request from County RS-30 (Residential Single Family) to City-R-3 (Residential Single Family-3) for the property identified as 3443 Randleman Road, generally described as east of Randleman Road and north of Wolfetrail Road, (.67 Acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised this is an original zoning and no conditions are related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Alberto Rodriguez, 3449 Randleman Road, adjacent to the 3443 Randleman Road subject property. Mr. Rodriguez stated he would like to access the city utilities for an existing house. Mr. Rodriguez advised he has lived on the property for 27 years and the well system is drying up. Chair Holston inquired if there were questions for Mr. Rodriguez. Seeing none, Chair Holston inquired if there was anyone else wishing to speak in favor of the request.

Doug Lewis, 3443 Randleman Road, stated he was in favor of the request for annexation. There is city water currently to the property and they need city sewer. Mr. Lewis was glad to see it being annexed.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

15

Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public portion of the meeting and requested to hear from city 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. This request is consistent with the Comprehensive Plan because the uses requested exist on adjacent tracts and are of similar and intensity and offset impacts as these existing uses. The proposed R-3 zoning does allow uses that are present on adjacent properties. Staff recommended approval of the request.

Chair Holston inquired if there were questions for staff. Mr. Trapp then made a motion to approve the annexation of 3443 Randleman Road. Seconded by Mr. Engle. The Commission voted 8-0. (Ayes: Chair Holston, Jones, Trapp, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Mr. Trapp then stated in regards to agenda item Z-20-08-004, the Greensboro Zoning Commission believes that its action to recommend approval for the original zoning request for the property described as 3443 Randleman Road from County RS-30 (Residential Single Family) to City R-3 (Residential Single Family-3) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed City R-3 zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Engle. The Commission voted 8-0. (Ayes: Chair Holston, Bryson, Jones, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised both actions constituted a favorable recommendation and are subject to a public hearing at the October 20, 2020 City Council Meeting.

**Z-20-09-008: A rezoning request from CD-C-L (Conditional District Commercial Low) to LI (Light Industrial) for the property identified as 3110 North Church Street, generally described as east of North Church Street and north of Charles Street, (3.76 Acres). (Approved)**

Mr. Kirkman provided the zoning map for Z-20-09-008 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised it did not appear the applicant was present. Ms. Jones advised the Commission can take cases out of order and move on to another case and then see if Mr. Johnson enters the meeting later. It is the Commission's prerogative to change the order of the agenda. Chair Holston asked the Commissioners if the order should be changed. Ms. O'Connor stated the difference may be the applicant on the previous time was he was told he did not have to be present. Mr. Kirkman stated staff does not tell applicants they do not have to be present. Staff does say they understand if something comes up but would prefer the applicants to be present. Usually staff is advised of any issues but on these two items no communication has been received. Mr. Kirkman stated staff does not have any other information. It is up to the Commission on how to proceed but it did not appear there was any opposition to this request. Mr. Rosa stated he thought the application should go forward as was done with the previous application. The Commissioners agreed.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

16

Mr. Kirkman advised the request is to rezone from Conditional District Commercial Low (CD-C-L) to Light Industrial (LI) and is 3.76 acres located east of North Church Street and north of Charles Street. North of the request is zoned Conditional District Commercial Low and Light Industrial, east of the request is zoned Light Industrial, south and west of the request are zoned R-5 (Residential Single Family). The property is vacant. North of the request is undeveloped land and single family dwellings, east of the request is undeveloped land, a self-storage facility and an electrical substation further east. South of the request are single family dwellings and undeveloped land, west contains a single family dwelling, retail establishment and a religious assembly use. Mr. Kirkman provided pictures depicting the subject parcel and surrounding area and noted there were no conditions associated with the request. Chair Holston inquired if there were questions for city staff. Chair Holston inquired if Mr. Johnson joined the meeting. Mr. Carter advised he had not. Chair Holston inquired if there was any additional information from staff on this case. Mr. Kirkman stated he could provide some further information based on his conversations with the applicant. This property is a portion of a larger parcel. The eastern portion of the parcel is currently zoned Light Industrial. Part of this was zoned Light Industrial previously and was rezoned to the CD-C-L. At that point in time there was a discussion to have some type of a retail use which is why commercial zoning was needed. That use did not materialize. The owner has come to the city with plans for an industrial building for a wood working contractor which is allowed in the commercial low district and is requesting a zoning change to Light Industrial to allow that use. Chair Holston inquired if there was anyone else to speak in favor, support or to provide information about the case. Seeing none, Chair Holston inquired if there was anyone in opposition to the request. Seeing none, Chair Holston closed the public portion and requested to hear from city 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. The request is consistent with the Comprehensive Plan because the uses requested are compatible with existing uses on adjacent properties. The proposed LI request is adjacent to a node of existing Light Industrial uses and is designed to not cause negative impacts on adjacent residential property. Staff recommended approval of the request.

Chair Holston asked the Commissioners for comments, thoughts, or a motion. Mr. Rosa stated the only reason he was voting for this request is because there was no one here against it. Ms. O'Connor agreed. Mr. Bryson was voting against for the main reason no one appeared to support it. In looking at the questions on the report with number 5 stating "all the uses permitted within the proposed zoning district of a similar scale, intensity is off site impact as existing nearby uses." Mr. Bryson stated he lives in the area and this particular use is not consistent with this area. The area is vacant except for the flower shop, and residential housing in that area. Mr. Bryson was not in favor at this time. Mr. Engle stated someone did reach out to him to explain sort of what they were doing prior to this meeting and he felt comfortable as it is already inside the city and not voting on an annexation. The surrounding use is zoned the same way. The plan was to do retail use in conjunction with the light industrial use that was there which did not materialize and went back to the primary purpose of the property. Mr. Engle supported the request for that reason. Chair Holston inquired if there were any further comments from the Commissioners. Chair Holston requested a motion be made.

Ms. O'Connor stated in regard to agenda item Z-20-09-008, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property described as a portion of 3110 North Church Street from CD-C-L (Conditional District Commercial Low) to LI (Light Industrial) to be consistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

17

interest for the following reasons. The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The uses permitted within the proposed zoning district are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed LI zoning district allows uses that fit the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Mr. Alford. The Commission voted 7-1. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Rosa, Engle, and Alford. Nays: Bryson). Chair Holston advised the approval constituted a final action. Anyone may appeal within 10 days. The appeal would be heard at the October 20, 2020 City Council Meeting. Seconded by Mr. Holston. All adjoining property owners will be notified of any such appeal.

**Z-20-09-010: A rezoning request from R-3 (Residential Single Family -3) to AG (Agricultural) for the property identified as 3630 Lewiston Road, generally described as east of Lewiston Road and south of Scarlet Haw Drive, (19.25 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicants to state their name, address, and present their case.

Susan Lambert, 5625 Francisco Drive, purchased the Lewiston Road property several years ago with the hopes of maintaining some green space in an area under a lot of rapid development. Ms. Lambert stated she is a fiber artist and aware of the superior quality of Alpaca fiber. Her intention was to have an Alpaca farm to promote the idea of local textile production on a small scale, similar to the farm to table idea but with textile production. Ms. Lambert's business partner is Melodi Fentress who will speak to their intentions with the land. Ms. Lambert stated they want to be a farm. There was a meeting with TRC with the result being they would need to request Agricultural zoning. They would like to start with a small herd of Alpacas to do fiber production and use the Alpacas as therapy animals on a limited basis. There is a program titled Alpaca Grams, a business where trained Alpacas can go to birthday parties and children's functions. She noted this was a good way to preserve the land and have good use of it at the same time. One of the considerations neighbors may have had when hearing about farms and animals is perhaps the smell. Alpaca manure has almost no odor whatsoever and is good for gardens. Ms. Lambert is hopeful Gate City Harvest will create a relationship with them to use the Alpaca manure. Ms. Lambert did not anticipate any additional traffic on Lewiston Road and her request fits well into the Greensboro's 2040 Plan.

Melodi Fentress, 3630 Lewiston Road, was not able to play a video, but did show a number slides to walk the Commission through the request and how the Alpaca farm would work. Mr. Engle asked how many Alpacas would be on the property. Ms. Fentress responded 7. Mr. Engle asked if there was any sort of regulation the city or state had with an Alpaca farm. Ms. Fentress stated there is no ordinance for Alpacas. They have submitted an ordinance determination to make it the same as sheep as Alpacas have the same fecal and urine output as sheep. Mr. Kirkman stated there are standards in the ordinance that speak to the distance from property lines for all agricultural operations and structures associated with agricultural operations. Mr. Engle stated one of the things spoken was about manure and being sensitive to that, asked what does the City's ordinance or State regulations state regarding storing any sort of runoff or otherwise. Ms. Fentress stated Alpacas generate 1.5% of

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

18

their body weight in fecal outputs. The average Alpaca is approximately 200 lbs. so that equals about four pounds of poop a day. Seven Alpacas would create about 21 pounds a day which is less poop per day than one horse would produce. Alpaca poop is often referred to as black gold in the Alpaca community because it is such good fertilizer and sells for a lot of money. The intent is to use the Alpaca poop in their garden and sell some to local farms. Ms. Lambert advised there is no odor with Alpaca poop. It is pelletized and does not run off. The video presentation would show their site plan, the pasture lines, and that the barn and things are well within the requirements on the property lines. Mr. Kirkman stated Zoning defaults to the State and County in terms of health regulations and other things. There is not a local ordinance specifically for this use. The previous questions are not necessarily tied to a land use, but are more of an operational question. Mr. Engle was sensitive to the issues because of the types of livestock farming in North Carolina and the intensity of the residential uses around it. Ms. Lambert stated it would not smell like a pig farm.

Ms. Fentress then presented additional slides and stated this request was a step forward in implementing Greensboro's new unique multi-faceted GSO 2040 Plan which focuses on place making. When voting yes to rezone the Lewiston Road, the Commission would be voting yes to honoring the plan, creating jobs, environmental stewardship, sustainability, wild life preservation, supporting Greensboro's autistic community, and honor Greensboro's textile industry. Ms. Fentress indicated a large amount of development surrounding their property. Wildlife has been displaced and this land would be a good place for the animals to go. Concerns expressed with other development have been population density, overcrowding of schools, and displacement of wildlife. On the new future land map, this site is in the urban general place type allowing for mixed use areas and in the noise cone which allows non-residential types of development. TRC recommended agricultural rezoning. Looking into the 6 big ideas of the 2040 Greensboro Plan, the request fits into the unique character of their neighborhood. Ms. Fentress referred to the riding stables on Lewiston Road and stated another barn would fit into the area. She noted Alpaca Grams was already a business in Charlotte which has been purchased and would be moving to Greensboro. Ms. Fentress stated they would be providing the Triad area with mobile Alpaca therapy relieving their customers of the need to use cars. This property is registered as a certified wildlife habitat and they were part of the million pollinator garden challenge. Being agriculture promotes environmentally beneficial patterns of land use and preserving forestry in the area will help to balance the light pollution from the airport, surrounding activities and combat the urban heat island effect created by the airport. Ms. Fentress stated rezoning to AG supported her ability to start a business and generate much needed income for her family and provide a better future for Greensboro. Alpaca's are a Camelid species, they are not camels but within the same family and considered to one of the lowest risk species in North America agriculture with respect to potential human exposure to pathogens or bi-products of the animal waste. The species seem to be ideally suited to urban farm settings. Animal therapy will be provided to autistic individuals by autistic individuals. The prevalence rate of autism is higher than elsewhere in the nation. Ms. Fentress stated having this property rezoned to AG and getting the business going will pull her family out of poverty. Local fiber mills would be able to utilize the alpacas to process their fiber and commission local artists to create items for the online store.

Ms. Fentress distributed fliers on Hickory Ridge Road. An article was placed in the Northwest Observer. People in the neighborhood have stated the loved the idea. Emails were provided indicating support of the request. Ms. Fentress stated voting yes to rezone will be honoring the unique vision of the new Comprehensive Plan in

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

19

creating jobs, lifting her family out of poverty, environmental stewardship, sustainability, preservation of wildlife, supporting Greensboro's autistic community, and honoring Greensboro rich textile history.

Chair Holston stated the presentation was very interesting and helpful and then asked if outreach was posted on the Next Door app. Ms. Fentress responded she did post it on Facebook with 145 likes. Chair Holston inquired if there were letters or door knocking. Ms. Fentress stated the emails shown were a result of a flyer that was put out. She did not knock on doors due to Covid but placed flyers on 60 to 75 homes in the Hickory Woods neighborhood with responses from people stating they wanted to join the Zoom meeting but was too late for some of them. Ms. Fentress reached out on Facebook and the New Door App. Chair Holston asked if 7 Alpacas were a small herd. Ms. Fentress replied 7 is a small herd regarding Alpacas. They are herd animals and have to be together and the Alpaca Owners Association recommends having no less than 3 Alpaca. They are very docile, quiet, they hum, stick together and will not escape. Ms. Lambert stated they visited an Alpaca farm located in a residential area in Lexington, surrounded by houses on every border of the property. Ms. Lambert thought there were 60 Alpacas at that location which was approximately 10 acres. Ms. Lambert stated they do not intend to have that large of a herd as it would be more than they could manage. Ms. Fentress stated they are purchasing, four of the Alpacas from Alpaca Gram who have been in training as therapy animals and are in the process of becoming USDA approved therapy animals. The focus is Alpaca therapy, fiber production and the Alpaca Gram for parties. Chair Holston asked how many Alpacas could be on the land. Ms. Lambert stated half of the land is heavily wooded and would be cost prohibitive to clear and turn it into pasture. It was originally a horse farm and there are two areas that are closer to Lewiston Road currently overgrown with small pine, shrubs, and other things, that would be easier to clear and return to a pasture. A picture was depicted showing the field on the left side of the house. Ms. Fentress stated they are considering growing lavender as the soil is not great but very good for lavender. The idea of fiber farming and fiber shed would include growing the plants used to dye the fiber in an ecofriendly way. There have been talks for that side of the property to be used for planting. Right of the property would be cleared and house the Alpacas. Chair Holston inquired if it would be open to the street and those passing by. Ms. Fentress responded it would be fenced. Chair Holston inquired if it was buffered at all. Ms. Fentress stated not with any vegetation but the fence will be a good distance off the street. On the right there is a large tree buffer between this property and the neighbor's property. Ms. Lambert stated Alpacas are valuable animals. Depending on the quality of their fiber, it could be up to \$30,000 for a single Alpaca. Alpacas need to be kept in their pasture and kept safe. Chair Holston inquired if there was anyone else wishing to speak in favor of the request.

Jeff Mills, 3404 Hickory Woods Court, stated he was very much in support of the request. There were a number of horse farms in the area which have become housing developments. Mr. Mills lived at this location before Proehlific Park came to be. Going back to this area's agricultural roots is nothing but a good thing, particularly with these animals that are smaller, manageable, and very friendly. As the first house in the neighborhood and this site right up against his home, Mr. Mills was all for it.

Janet Mazzurco, 5443 Winters Way, supported the request, but was concerned about the lack of conditions. This would be an Alpaca farm but with no conditions that would keep it an Alpaca farm. If the business were to fail with the zoning Agricultural in the city, what uses would be allowed under City Agricultural on the 20 acres of land. From the report of the water resource review everything looks good but also appears that the water runoff discharges directly into Horse Pen Creek and the northwest Greensboro water There are problems currently that are being managed with PFAs contamination and asked if the Alpaca farm would have any impact on the

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

20

watershed. Ms. Mazzurco asked if there would be more TRC to go through as this request works through the process. Mr. Kirkman responded Agricultural zoning allows a variety of agricultural uses and would include growing crops, raising animals and all of the associated activities that would go with that and the storage of materials associated with those things. It is a broad category of agricultural development in the AG district. Mr. Kirkman was unable to speak to the water runoff question as there was no one from Water Resources present. Part of this will default more to the State. Ms. Fentress had stated during the TRC meeting it will be classified as a bona fide farm and some of the local regulations would not apply in that scenario. What will be built and how it is tied to the use of a bona fide farm would determine if TRC would become involved as it kicks in some of the local regulations out and would also go to county health and state level of regulations. Ms. Fentress stated this will be an all organic farm and will not be using any chemicals. There would not be any chemical runoff into the watershed. They are all about environmental protection and ensuring everything will be done for the environment. Ms. Lambert stated if the Alpaca farm fails, she receives calls at least once a month from developers asking if she would be interested in selling the parcel on Lewiston Road. The likelihood that someone would come along and buy that land with a different type of farm is unlikely. If the property were to become a different use, it would probably go to residential development as that makes more economic sense. It would perhaps be a better value for the land in dollar sense. Enriching the community and the national environment. Their choice is for an Alpaca farm as the better one.

Chair Holston asked if the question on the TRC was answered. Ms. Fentress stated they went through TRC. There was a lot of confusion and miscommunication initially because TRC thought they were starting a big commercial farm operation. The Alpaca Farm is a family farm. It will have a business aspect but all of the business would happen off site with the mobile Alpaca therapy and mobile Alpaca Grams. The public will not be allowed on the property. TRC concluded that since it will be a bona fide farm and not having the public on the property, there was no need for implementation of anything in the TRC review but they would review if that were to happen in the future. Ultimately doing that would go against the environmental stewardship. Ms. Lambert purchased this land for her children to inherit and it would be part of her legacy. This land would be kept clean, support wild life, and will have a few Alpacas for a fiber family farm. Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request.

Janet Mazzurco, stated she was also in opposition but would like to work it out. Ms. Mazzurco was concerned regarding conditions looking to the future. If it failed as Alpaca farm, what conditions could be imposed ensuring there would be another Alpaca farm or something more palatable. Ms. Mazzurco stated she lives next to the only other bona fide farm in the city of Greensboro and the City has basically no jurisdiction over that farm. The farm is regulated by the State and the county, but the county does not have jurisdiction when it comes down to it. There have been challenges over the years working with that property owner. The lack of conditions is a big concern for a lot of people in the northwest Greensboro area. Ms. Mazzurco supported the applicants and their business venture but without conditions it was troublesome. Ms. Fentress asked where did Ms. Mazzurco live and where that was in relation to the where their farm is. Ms. Mazzurco provided her address and advised where she was in relation to the farm. Mr. Engle advised Ms. Fentress that typically the Commission does not allow those in support and those in opposition to speak in both segments. This is all new for everyone, especially to have someone with experience speaking on both sides of an issue. Chair Holston asked Mr. Mills if he was in opposition.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

21

Mr. Mills responded he was not in opposition, and stated it was worth noting when he first moved to the area, the land was not overgrown, and it was vacant. The previous owners used it to ride four wheelers and that type of thing, which was more offensive than what the Alpacas will be. Chair Holston inquired if there was anyone else to speak in opposition to the request. Hearing none, Chair Holston advised the applicants or anyone else had a total of 5 minutes in rebuttal. Ms. Fentress stated in speaking to Ms. Mazzurco she understood the concern regarding what would happen if the Alpaca farm failed. Ms. Lambert stated they would not engage in something that they thought may fail. As everyone had seen within this past year, there are no guarantees. Ms. Lambert stated she could not imagine that someone would want to create a large farming operation with that land. Ms. Lambert did not know what the options are as far as placing conditions and restrictions about different types of farming such as large cattle, horses, pigs like that could be obnoxious to other residents in the area. Ms. Lambert stated she is open to conditions because their only interest is raising the Alpacas for fiber and as long as that would not be restricted, she did not see why there could not be a good way to please everyone. Chair Holston asked if Ms. Lambert was saying she would be open to conditions. Mr. Kirkman stated this is a straight zoning request and conditions are not applicable. Mr. Kirkman advised this was getting into a question of operation versus use and Zoning is not designed to address operation questions. Ms. Lambert stated the Alpaca industry is not a hugely profitable industry. That is why there is not one everywhere. There are tight margins to be successful as a business with that and having the agricultural zoning will help them with some of the taxing and things like that which would give them a better shot at being successful. Chair Holston inquired if there were any additional comments for those wishing to speak in favor of the request. Ms. Fentress asked the Commission to consider that Ms. Lambert purchased this land for her children to inherit and the likelihood of anyone trying to do anything other than the Alpaca farm on this property in the next 20 years is slim to none. Chair Holston inquired if there were any questions from the Commissioners. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition in rebuttal. Ms. Mazzurco asked staff if they could connect her with the applicants to get together and perhaps work through this a little bit. Ms. Fentress was in agreement. Chair Holston inquired if there was anyone else to speak in opposition. Chair Holston 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. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed AG zoning would allow uses that complement those found on adjacent properties. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle advised the applicants they did a great job on their presentation and requested them to work with Ms. Mazzurco as he believed it was a win/win for what they are doing.

Ms. O'Connor stated in regard to agenda item Z-20-09-010, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described as 3630 Lewiston Road from R-3 (Residential Single Family-3) to AG (Agricultural) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The proposed AG zoning district allows uses that are complimentary to existing uses in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

22

benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Jones, Bryson, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal within 10 days. All such appeals will be subject to a public hearing at October 20, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-012: A rezoning request from R-3 (Residential Single Family-3) and LI (Light Industrial) to CD-LI (Conditional District Light Industrial) for the properties identified as 3316 near 3400, 3400YY, 3402, 3404, 3406, 3408, 3410, and 3414 Sandy Ridge Road, generally described as east of Sandy Ridge Road and south of West Market Street, (10.52 Acres). (Approved)**

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

Amanda Hodierne, 804 Green Valley Road, attorney on behalf of the property owners and applicant Distribution Corporation, TCP Triad Drive, LLC and Little Santee, Sandy Ridge, LLC. Ms. Hodierne introduced two principals from the property owner group, Mr. AB Henley and Mr. Tom Townes. Ms. Hodierne stated through various entities the owner group operates numerous soft industrial or flex space uses across the Triad and many single tenant buildings. Ms. Hodierne referred to slides indicating the zoning map just presented by staff. This request is to square off the property owned by her clients into one uniform zoning designation. There is both R-3 and LI zoning because there are not only multiple parcels but also split zoning and old conditions that need to be cleaned up. The clients have developed and operated properties along Triad Drive, south of this site, for many years. They began putting together this particular assemblage about 16 years ago, bounded by West Market Street to the north, Sandy Ridge Road west and extends over to Little Santee Road on the east. Acquiring the 6 residential properties shown on the front of Sandy Ridge Road was the last piece of the puzzle and the owners closed on the last of those properties last year. Owners are looking to clean up the district that will appropriately capture the highest and best use for this property. Given the zoning pattern and the other surrounding uses of the area, Light Industrial is an appropriate district. This corridor is mostly industrial. There is easy access from the site to I-40 to go to all points east and west and plays a crucial role in why this corridor has developed into such an industrial pattern. A slide was shown depicting business types within the area such as heavy equipment, trucking type users, large distribution operations, and chemical manufacturers. What was not shown on the image because it is older is the newly developed use that her clients sold and developed to Professional Trailer Repair. A photograph looking south from the intersection of West Market Street down Sandy Ridge Road depicted their property to the left. Facing their property across on Sandy Ridge Road is the breath and intensity of the industrial use which is a manufacturing facility. Ms. Hodierne walked the Commissioners through a slide which indicated the appropriate use for the subject property assemblage is also industrial. Light Industrial captures all of the use types that would best serve this high profile corner which could house distributors, warehouses, manufacturing type users and would allow for the opportunity for all of the supporting type uses that an employment center would need. Light Industrial allows for daycare centers, restaurants, and office users. A conditional use has been applied for to prohibit the permitted use of amusement parks, water parks,

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

23

and fairgrounds as those uses were not in keeping with the nature of the industrial corridor. If this request is approved, the unified zoning district of CD-LI for this assemblage will allow for the orderly and comprehensive development of the soft industrial flex space type user or a group of users that are compatible with the surrounding area and take full advantage of the strong transportation network in this location.

Ms. Hodierne noted that letters were sent to all of the property owners within 600 feet of the subject property. There was one response from Mr. Rodney Rice, who has a residential property to the south. Mr. Rice raised an issue in regards to storm water and drainage. Storm water management is an important consideration in development but not typically an aspect that would be discussed at this land use evaluation stage of the process. It will be fully scrutinized as one of the main components of the city's TRC review process and any eventual site plan would have to go through that process. It is a recorded plat and a recorded drainage with a pond maintenance agreement that contemplates a multi-parcel storm water facility indicated on the slide. In the middle of the plat there was a separate parcel for the storm water detention facility. It was put into the ownership of the Little Santee property Owners Association and in the recorded declaration governs the co-ownership of that facility and the maintenance and all of those things. This was contemplated, designed, and installed to handle this entire assemblage her clients put together. They did it because the Professional Trailer Repair site was developing and they wanted to think about this in the beginning instead of piece meal and ad hoc for each property that would come in. It has been in place for approximately a year. Ms. Hodierne indicated on a slide where the storm water pond was located and stated this was the best management practice for the treatment of quality and quantity of storm water generated by development back to a pre-development rate and then releases that from the pond at a flow that mimics the flow from before the site was developed. The pond does drain into a drainage channel that was pre-existing and does eventually traverse the Rice property but because of the pond facility, the flow into that channel is not any different that it was prior to development. When any further site plans come in as this site develops, calculations and engineering that show how this site drains to that facility and how that facility functions to manage the storm water would all be part of the TRC process that the city's water resources department looks at during the TRC process. Ms. Hodierne stated this request is very reasonable and logical at this location and will clear the way for this property to reach its highest and best use. Ms. Hodierne inquired if Mr. Townes or Mr. Henley wished to speak.

A.B. Henley, 1219 Westwood Avenue, High Point, stated Ms. Hodierne did a good job summarizing their request. Mr. Henley added since the letters have gone out, there have been phone calls with neighbors mainly regarding what was going to be done and what would be there. All the calls were favorable. The letter received from Mr. Rice came to him out of left field and he did not know how to best respond, if at all. One of the comments in the letter in his mind somewhat disparaged some of the small wood frame residential homes. There are six in total along Sandy Ridge Road, 3400 to 3410 Sandy Ridge and Ms. Rice disparaged them as low income housing. Mr. Henley give a shout out to the Greensboro and Colfax Fire Departments. They have been working with them pre Covid on the notion of 3 of the houses being used to do fire department training, particularly through the GTCC program and now have a calendar date to do that at 3402, 3404, and 3406. The folks at Greensboro kicked it off and delegated Mr. Henley to GTCC and Colfax have been great to work with. Mr. Henley stated our men in uniform need shout outs as often as possible.

Chair Holston inquired if there were any questions from the Commissioners for Mr. Henley. Seeing none, Chair Holston inquired if Mr. Townes was going to speak.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

24

Mr. Tom Townes, 801 Sunset Drive, business partner of Mr. Henley. Mr. Townes did not have any further remarks, but was available to address any questions that arose. Chair Holston inquired if the Commissioners had any questions. Seeing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Hearing none, Chair Holston closed the public portion of the 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 the Western Area Plan designates this site as West Market Street Village, Commercial Mixed-Use Planning area. The request is consistent with the Comprehensive Plan because the use is permitted within this district and are of a similar scale and intensity and offsets the impact as existing nearby used. The proposed CD-LI zoning request is consistent with surrounding uses, mostly zoned both LI and HI and allows for the continued use in the future expansion of existing industrial uses on the portion of this property that is already zoned LI. Staff recommended approval of the request.

Chair Holston inquired if the Commissioners had any questions, thoughts or discussion. Mr. Engle stated he had a motion if Chair Holston would like for him to make it. Chair Holston asked if any of the Commissioners had any comments before the motion. Hearing none, Chair Holston advised Mr. Engle to proceed. Mr. Engle stated in regard to agenda item Z-20-09-012, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties located as 3400, 3400YY, 3402, 3404, 3406, 3408, 3410, and 3414 Sandy Ridge Road and 3316 near Sandy Ridge Road from R-3 (Residential Single Family-3 and LI (light Industrial) to CD-LI (Conditional District Light Industrial) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The requested CD-LI district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community, and approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal within 10 days. All such appeals will be subject to a public hearing at the October 20, 2020 City Council Meeting. All adjoining property owners will be notified of any such appeal.

A five minute break was taken at this point in the meeting.

Upon return from the break Chair Holston thanked everyone for staying with the meeting and noted there are not normally 10 or 11 cases. It is an unusual evening with a lot of discussion and he appreciated all that have stayed and they would attempt to as efficient and as they possible can be for the cases going forward.

**Z-20-09-014: A rezoning request from R-7 (Residential Single Family-7) to CD-O (Conditional District Office) for the property identified as 201 Leftwich Street, generally described as north of Leftwich Street and east of Magnolia Street, (16. Acres). (Denied)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

25

questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Stephen E. Robertson, 201 Leftwich Street, presented a slide presentation depicting the home Mr. Robertson lived in and also functioned as a law office. Mr. Robertson did not originally intend to have his law office at the home but down sized and started his practice from his home. The plan was to maintain the historic character of Fisher Park and he had his business sign custom made to fit in with the character of the neighborhood. Mr. Robertson stated he does family law, domestic violence victims, child custody, child support cases, and some guardian work. There is a staff of two, a paralegal and a legal assistant. An intern worked with him over the summer. There is never more than 5 people in the office at any one time. Zoning on the property should be conditioned on use only for an office and specifically a law office or a residence. Mr. Robertson stated his home is one of the two nicest homes on Leftwich Street that he would like to keep in his family and to continue to operate the law office at this site. Anyone could rezone it in the future, but as long as this Conditional Zoning attaches, it cannot be used for other uses. Mr. Robertson stated the rezoning would not change anything. The driveway can fit 4 vehicles and there have never been more than 2 client vehicles on the street at one time. Client interactions have been remote even before the pandemic. Zoom meetings are held with clients frequently. The flow of people and traffic should not change. Mr. Robertson stated as long as he lives on this property, he can operate his office from the property. Mr. Robertson stated he attended a Historic Commission meeting to advise of the plans and the proposed use was approved by the Historic Commission. The slide presentation currently displayed was sent out to approximately 80 of the neighbors. Mostly positive feedback was received from all but one of his immediate neighbors and received emails from other parties, one being Sanctuary House who was in support of the proposal and advised some of their residents could benefit from their work in guardianship. Mr. Robertson asked for approval of the zoning from the Commissioners.

Mr. Engle asked Mr. Robertson to speak regarding parking given how narrow Leftwich is. The one law office Mr. Engle has seen is off of Church Street and with parking behind their building. Mr. Robertson stated the house is 1900 square feet, with 3 bedrooms, two of which are very small. There is no room for a larger law practice in the house. The lot is .19 acres and there is no place to make a parking lot. The car could be driven down the driveway into the back yard to park but is not practical. The only empirical evidence regarding parking is that in two years, Mr. Robertson has had zero complaints and did not anticipate any parking problems in the future. Mr. Robertson has not had any issues on his own and did not anticipate any parking problems in the future. Chair Holston asked if the no more than 5 people in the office at one time were employees or clients. Mr. Robertson responded it would be 5 total people. Two staff members, himself and clients. There is no waiting room. Clients are not booked to overlap and not many clients actually come to the office. They did not before the pandemic and certainly not since the pandemic. Chair Holston asked if when the clients come now, if they park on the street if available. Mr. Robertson responded that was correct. Chair Holston asked if that was also in the driveway. Mr. Robertson responded the driveway may or may not be available. As a practical matter, sometimes the driveway is available and sometimes not. Chair Holston inquired if there were any other questions for the applicant. Ms. O'Connor asked if the applicant had guidelines or restrictions that would need to be followed to convert it to office use if rezoned to office and was there anything that would restrict him from affiliating more attorneys, particularly if no longer living there. Mr. Robertson responded he had another attorney working with him and could affiliate another attorney but the house would not accommodate more than 2 attorneys. Ms. O'Connor asked if there would be handicap access. Mr. Robertson has had preliminary discussions with Tom

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

26

Monroe, an architect, who provided guidance on what may be necessary by way of accessibility. The front door and a bathroom door would probably need to be reframed. The threshold would be 0 and a ramp accommodation likely built. There have been preliminary discussions but expected to be able to meet all ADA accessibility requirements. Mr. Robertson stated he was told by TRC he would need to perform measurements on load bearing for the upstairs portion of the house. Chair Holston inquired if there were other questions from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston advised to move to the opposition and stated Jim Halsch, Cheryl Pratt, Marsh Prause, Megan Callahan, Tim Hyde, and Barbara Maddox would speak in that order and had a combined 15 minutes to divide. Chair Holston requested the speakers to provide their name and address.

Jim Halsch, 812 Elm Street, Board President of the Fisher Park Neighborhood Association, stated the Board opposes the rezoning application for 201 Leftwich Street and it would set a dangerous precedent allowing any area home owner to change from residential zoning to conditional district office zoning. The Fisher Park Board met virtually with Mr. Robertson in August to discuss the rezoning request. Neither Mr. Robertson nor any Board member could identify a single reason that this rezoning would be beneficial to Fisher Park or Greensboro. Mr. Robertson stated he recently rebranded his practice and the Leftwich house suited his brand and field. The Fisher Park Board voted not to support the rezoning as they want to preserve the neighborhood character, avoid more traffic problems, and maintain the family environment. Parking is an existing problem. The Board was told at the meeting there were two attorneys, two paralegals working at the office, and others who worked remotely. With more space available, more people could work on this site and parking could be more on demand and dangerous to the neighborhood. Even if Mr. Robertson does not increase his firm size, the next person could. As an office, this residence could easily go 8 to 10 total people, plus additional clients as they come in. Fisher Park is a charming historic walkable neighborhood. Historically zoning a single lot in a residential block is not done in most states and municipalities. It appears to be spot zoning and harmful to the entire Fisher Park community. More detailed discussions on these issues was submitted to the Commissioners for the record. This is Fisher Park and do not want to be an office park. The Fisher Park Board requested the Zoning Commission to deny this rezoning application.

Cheryl Pratt, 910 Magnolia Street, stated her opposition to the rezoning from residential to commercial is based on parking. Parking is a daily concern and never taken for granted. The majority of the houses in east Fisher Park are different from west Fisher Park. There are shared driveways or no driveways at all. Everyone parks on the street. Parking is premium and it is not unusual to park several blocks away or several houses away to unload groceries' or pets, children and then move your car in front of your house when you can. That is exacerbated if anyone has repair people, renovation going on, or family visiting. This problem has increased during the pandemic as everyone is working from home. Everyone is here and the cars are all here. Any trades people or anything comes in there is nowhere to go. To change 201 Leftwich from an owner occupied residence to a small business with one or two employees to commercial office with several employees will strain parking on Leftwich with parking only on one side of the street. Several of the homes have no driveway. On Magnolia Street there are several homes there that have no access to off street parking at all. To the former neighbors Mr. Robertson is leaving behind, it will be untenable. There are many no rezoning signs displayed all over Fisher Park currently. This is a neighborhood concern; this is where they live. It is where a lot of people work, where they play, and want to maintain a live/work/play neighborhood. Ms. Pratt requested the Commission to deny the rezoning and turned the discussion over to Marsh Prause.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

27

Marsh Prause, Attorney for the Fisher Park Neighborhood Association, 516 Woodlawn Avenue and law office at 380 Noland Street in Winston-Salem, stated beyond all the factors heard from the speakers based on their living in the neighborhood, there is a distinct legal reason calling for the rejection of the proposed rezoning that applies on top of the conventional rezoning analysis. The proposed rezoning would be illegal spot zoning as defined by North Carolina's Appellate Courts in multiple decisions. The majority of states in the United State prohibit all spot zoning. Explanation usually given is spot zoning amendments are those which by the terms single out a particular lot or parcel of land usually small in relative size and place it in an area where the land use pattern, of which is inconsistent with the small lot of parcels in place, projecting an inharmonious land use pattern. Such amendments are usually triggered by efforts to secure a special benefit for a particular property owner without proper regard for the rights of the adjacent land owners and is why the majority of jurisdictions in the United States absolutely prohibit spot zoning per se. North Carolina is in the minority in that it does recognize that spot zoning is not invalid per se, but is still highly suspect and can be found illegal in some circumstances. Under North Carolina jurisprudence, the first thing to be assessed is whether what Mr. Robertson is proposing is indeed spot zoning. He noted there are many cases going back to the Blades City of Raleigh case in 1972 that set out the definition used by North Carolina courts stating "spot zoning is a zoning ordinance or amendment which singles and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned as to impose upon the small tract greater restrictions than those imposed on larger areas or so as to relieve the small tract from restrictions to which the rest of the area is subjected.

Mr. Engle asked if it would have to be inconsistent with the Land Use Map for it to be considered spot zoning. Mr. Prause responded Mr. Engle was jumping to the second prong. Looking at that definition and applying it to this case, Mr. Prause did not think anyone would seriously contest that this is spot zoning as Commissioner Engle alluded to. The bigger issue is whether it is an illegal spot zoning based on a number of factors under the Kristman case decided by the North Carolina Supreme Court in 1988. This is a single parcel, owned by a single person that is only 16/100 of an acre. It is difficult to imagine a rezoning could become smaller than that unless someone was to rezone their front yard. It has been mentioned the rest of the surrounding area is restricted to residential only zoning. For purposes of moving forward, assuming this is spot zoning, under the Kristman case, the zoning cannot be legal unless there is a clear showing by the proponent of a sufficient reasonable basis for the rezoning. The Kristman case sets out the four factors to be considered. One is the size of the property in questions, 2 is the compatibility of the proposed rezoning within an existing comprehensive zoning plan, 3 is it analysis to the benefits and detriments for the petitioner, their neighbors and the surrounding community, 4, is how the new uses under the rezoned use would relate to the uses currently made on the adjacent parcels. The Court in Kristman was particularly persuaded by the degree of public benefit and the similarity of the proposed use. Here there is no public benefit. There is a lot of office space available currently. In the Kristman case, the Court found the public benefited because 88 neighbors signed a petition in support of the spot zoning and only one in opposition. In this case, the neighborhood has submitted 125 signatures opposing the rezoning on a petition. A 2014 case from the Court of Appeals was referred to where there was not overwhelming public support for the rezoning that would be necessary to establish that it was beneficial to the surrounding community. Here, there is an absence of overwhelming support. There is clearly demonstrated overwhelming opposition to this request. For personal reasons, the petitioner has decided he wants to go beyond operating a law practice and wants something more which is an office land use and is the only benefit associated with this

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

28

request and is only for him. The applicant could get the benefit by buying a commercial office building in another location already zoned and would not have negative impacts in the middle of an historic residential neighborhood. There is no public benefit or demand issue in terms of social utilities. It is not about the provision of legal services. It is an illusory public benefit. It is making a commercial investment opportunity available to a single person. A residence has people living in it, an office has people working in it, customers and vendors parking their vehicles. In terms of long term residential neighborhood vitality, there is no substitute for people actually living, sleeping and waking in a house. That is the fundamental principal. With this kind of rezoning, the residences would be out of downtown and the concern is Fisher Park will become a Fisher Office Park.

Megan Callahan, 705 Magnolia Street, stated she owned Cardinal Law Partners, a small law firm in Greensboro at 529 College Road. Ms. Callahan stated the applicant currently lives in the house. His family comes in on the weekends. He plays music and is an integral part of the neighborhoods. Asking for this rezoning is a selfish request and is not a benefit to the community or neighborhood. It is for the applicant to have his law firm which can have more than one lawyer, it can have two and once he moves out can have many more. Her office is looking for other commercial space and knows how expensive commercial space is. Ms. Callahan lives 3 doors around from the applicant. Granting the applicant the rezoning, there would be many other lawyers thinking of the same thing and now that it is known everyone can work from home, attempting to think to convert their homes, rezone it, and do it exactly what the applicant has done. Throw a sign on the front door and run their law practice out of it. Ms. Callahan advised she has one law partner and two paralegals. She left a big firm just like he did and is a board certified specialist, like he is. It starts a problem that would envelope the neighborhood. The applicant stated he talked to neighbors, he did not talk to her and did not talk to two of his adjoining property owners beside him. That is concerning regarding his representations. There is commercial space right behind her property on Elm Street. If the applicant wants something here on the block, his law office can be moved right there on the block that is already zoned and there is parking. As a lawyer who has been in domestic court, Ms. Callahan's concern is he is running a family law practice in their back yard and representing domestic violence individuals, 50Bs and 50Cs. The American Bar Association journal and West Law Fine Law have had articles that family lawyers face disproportionate amounts of threats and violence over other lawyers. They are dealing with the most volatile time in people's lives. This applicant is running that type of law firm in our backyard. Nothing has happened yet but not to say nothing could not happen. The applicant can become a landlord in this situation and allow other law firms to lease that property and could be any kind of law firm with any number of young lawyers. This is a neighborhood that enjoys the historic environment with a lot of individuals living here and is not a slippery slope that this Commission or City wants to see take over Fisher Park with such a cherished neighborhood that is there. If so, obviously she could be one of the first people on your next agenda asking for the same thing. It's not about money, not about law. It's about doing what is right in a residential neighborhood. Ms. Callahan asked the Commission to vote no. Chair Holston advised the 15 minute time was up and asked if there were any questions from the Commissioners. Ms. O'Connor asked staff if there were concerns for this being a historic neighborhood and zoning it as office. Mr. Kirkman responded the historic district does not necessarily dictate the use within the structure. It will depend on how the site is developed and how it maintains the character as part of the historic district or reinforces aspect of the historic district. The actual use inside the structure is not regulated by the historic district regulations. Chair Holston advised Mr. Robertson he had up to 5 minutes for rebuttal.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

29

Mr. Robertson stated Leftwich Street is in shambles. There are low lying one story multiple brick apartment complex two doors down, the house next to him has been abandoned for several years, most every house on his side of Leftwich and down the other side has been divided into rental units. He was not a land developer, was not an opportunist, had been very transparent and plain about what he is doing and why he was doing it. The land use pattern is not inconsistent. Professional offices are allowed in Fisher Park. The reality is professionals can have offices and do have offices throughout Fisher Park. The use proposed is extremely compatible and will maintain the integrity of this property on Leftwich Street. It is not inconsistent with the Land Use Plan. Having a law office in the Fisher Park neighborhood would be consistent with the historic practice throughout the years and is convenient for people. Mr. Robertson stated his reasons were very transparent and he was not looking to grow or make this something it is not; it is simply what Mr. Robertson has represented it to be. Chair Holston inquired if there were any questions for Mr. Robertson. Hearing none, Chair Holston requested Mr. Hyde to speak in opposition rebuttal and advised it is a combined 5 minutes

Thomas Hyde, 202 Fisher Park Circle, is not only a resident but the current Vice President of the Fisher Park Neighborhood Board and the Chairman of the Park Committee. The Fisher Park Neighborhood Board represents the owners and residents of approximately 700 households and businesses in the downtown neighborhood. They are committed to preserving the residential character of Fisher Park, one of Greensboro's most beloved communities for over a century. The streets are lined with many historic residences and architecturally significant homes. Two homes within the neighborhood are listed on the National Register of Historic places. Mr. Hyde stated in the 1980s the Fisher Park Historical Society was formed in response to the rapid commercial development of private homes along North Elm Street. Since then, maintaining the residential makeup of the neighborhood has been an ongoing mission for all who call Fisher Park Home. Mr. Hyde referred to Exhibit 4 depicting the blocks of the neighborhood. The blue areas zoned for offices located inclusively along major thoroughfares that form the boundary of the neighborhood or along the North Elm Street corridor that intersects it. All of the commercial buildings have adequate off street parking, clear signage, and predictable traffic patterns away from residential structures and narrow streets. Within the boundaries there are two exceptions, Guilford County School Administration Building and its parking lot and Faith Action.Org, a non-profit organization located across the street from the First Presbyterian Church. Spot zoning a private home on a small street in the interior of the neighborhood as a commercial office, will erode the desired residential character of Fisher Park and the value of each and every residence. In preserving the charm and character of this neighborhood will result in higher property values and higher tax revenues for the city. Mr. Hyde requested the Zoning Commission to deny this rezoning request.

Barbara Maddox, owner of Databar Properties, LLC, owns the low line brick building Mr. Robertson complained about in his rebuttal. Ms. Maddox provided the background of her parent purchasing the properties. Ms. Maddox intends to pass them to her son and stated these homes constitute almost half of her income. Ms. Maddox stated she is opposed to the rezoning because once the commercial aspect is introduced, there is no stopping and it will evolve. Her apartments are located at 205 and 207. Chair Holston inquired if there was anyone else to speak.

Marsh Prause quoted to the Commissions from a North Carolina Supreme Court ruling which has jurisdiction over the City of Greensboro. In 1998 it was said, "Significant disturbances such as the rezoning of a parcel in an old and well established residential district to a commercial or industrial district would clearly be objectionable". The Supreme Court said if you endorse this rezoning tonight, it will be contrary to North Carolina law. Mr.

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

30

Prause stated that people are shocked that the City is arguing that somehow this spot zoning is justified by the brand new Connections 2040 Plan. That plan is ambivalent about whether this property should be commercial or residential. Under those circumstances, that is only one of the four factors. There is no clear showing of a sufficient reason for spot rezoning and will constitute an illegal spot rezoning if approved. Chair Holston closed the public portion of the meeting 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 and Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan because it does encourage mixed use, walkable infill development, and ensure revitalized sites are of high quality and complement existing neighborhood character. The proposed CD-O district, as conditioned, ensures that the use of the property will limit any potential negative impacts on surrounding properties. Staff recommended approval of the request.

Chair Holston inquired if there were any questions for staff or if any Commissioner would like to speak. Mr. Engle stated this request took a lot of time for him to evaluate and look at. There was a lot of communication regarding the request. Mr. Engle stated to Mr. Robertson that he had no doubt that his intent was pure. For Mr. Engle, he was struggling and trying to see how it would work in relation to how close the interior of the neighborhood is as opposed to Church Street. The small size of the parcel was an issue as Mr. Engle did not see a way for the Commission to overcome the potential of a parking issue. Mr. Engle stated he was not in favor of this request. These situations are difficult and had no strong stance other than he could not support the request. Chair Holston asked if any other Commissioners wished to speak. Mr. Engle stated he was willing to make a motion, if no one else wished to speak.

Mr. Engle stated in regard to agenda item Z-20-09-014, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning request for the property described as 201 Leftwich Street from R-7 (Residential Single Family-7) to CD-O (Conditional District Office) 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 requested CD-O district, as conditioned, would permit uses that are not complimentary to those existing in the surrounding area. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It would be a detriment to the neighbors and surrounding community and denial is in the public interest. Seconded by Ms. O'Connor. The Commission voted 7-1. (Ayes: Chair Holston, O'Connor, Bryson, Jones, Rosa, Engle, and Alford. Nays: Trapp). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-015: A rezoning request from C-H (Commercial High) to C-M (Commercial Medium) for the property identified as a portion of 4631 (4653) West Market Street, generally described as south of West Market Street and west of Montrose Drive (0.43 Acres of 12.88 Acres) (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

31

were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case.

Chaz Kumar, 8204 Bradley Trail, stated they are requesting a rezoning from commercial high to commercial medium. This site has a restaurant they have been operating for the past two years. The purpose of the rezoning would be because they are in the process of buying the property. In order to purchase the property, it has to be subdivided. This property was an individual unit in the past but when the shopping center was acquired, everything was combined. Chair Holston inquired if there were any questions for Mr. Kumar. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Seeing none, Chair Holston closed the public meeting 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 Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed C-M zoning district permits uses that are compatible with the surrounding uses on adjacent tracts. Staff recommended approval of the request.

Chair Holston inquired if there questions for staff. Seeing none, Chair Holston inquired if there were any comments, questions, thoughts, or a motion. Mr. Trapp stated in regard to agenda item Z-20-09-015, the Greensboro Zoning Commission believes that its action to recommend approval for the rezoning request for the property described as a portion of 4631 (4653) West Market Street from C-H (Commercial-High) to C-M (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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The requested CD-O district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**Z-20-09-016: A rezoning request from R-5 (Residential Single Family-5) to CD-RM-8 (Conditional District Residential Multifamily-8) for the property identified as 2905 Holmes Road, generally described as west of Holmes Road and south of East Cone Boulevard, (.19 Acres). (Approved)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston advised this is the applicant who had depart due to an emergency and Mr. Kirkman will provide the information.

Mr. Kirkman stated the request is limited to a daycare center use and similar to the use located directly north. This will be a separate operation but the two properties have a relationship in terms of partners working together. These would be separate operations from each other. The intent is to keep the existing residence and

**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

32

convert it into a daycare center use. Chair Holston inquired if the standard notification did go out to the neighbors. Mr. Kirkman stated that was correct. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone in opposition. Ms. O'Connor asked if it was any type of daycare such as children or adults. Mr. Kirkman stated it could be either but felt the intent was to do a child daycare center. Chair Holston asked if this building was already a daycare. Mr. Kirkman advised the house at the corner of Cone Boulevard and Holmes is an existing daycare center and was the next property up from the subject property. Chair Holston asked if the subject property itself was already a daycare. Mr. Kirkman did not know if it was operated as a home base center currently. There is an option for a home base occupation and that may have been the case but this would effectively allow for a commercial operation. Chair Holston then closed the public portion 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 Commercial on the Future Land Use Map. The request is consistent with the Comprehensive Plan, because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed C-M zoning district permits uses that are compatible with the surrounding uses on adjacent tracts. Staff recommended approval of the request.

Chair Holston asked the Commissioners for any questions, comments, or a motion. Ms. O'Connor stated in regard to agenda item Z-20-09-016, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property described as 2905 Holmes Road from R-5 (Residential Single Family-5) to CD-RM-8 (Conditional District Residential Multifamily-8) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map. The requested CD-RM-8 district, as conditioned, would permit uses that are complimentary to those existing in the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner, and surrounding community. Approval is in the public interest. Seconded by Mr. Bryson. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0). Chair Holston advised the approval constituted a final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.

**STREET CLOSURE:**

**PL (P) 20-18: Proposed street closing for Cainsdale Drive Exit 110 NC 68 south to its terminus. (Recommended Approval)**

Mr. Carter stated street closure requests were something that was a Planning Board duty and have now been transferred to the Zoning Commission. This is new for most of the Commissioners except for Mr. Bryson who was a former Planning Board member. The Commissioners will be making a recommendation to City Council who will have final action. This is a street closure for Cainsdale Drive on Exit 110 off of NC-68 to its terminus. The right of way associated with Cainsdale Drive closure is approximately .6 miles. The City must make two determinations for a street closure. One, closing the street to vehicular traffic is not contrary to the public interest. Cainsdale was a street that had access to another portion of Cainsdale. When the loop came into being,



**MEETING OF THE  
GREENSBORO ZONING COMMISSION  
SEPTEMBER 21, 2020**

33

that access was cut off. Nothing is using the street. Two, no property owner in the vicinity is deprived of reasonable means of ingress or egress. It was staff's determination that no properties would be denied access as a result of this closure.

A motion was made by Mr. Trapp to approve the street closure; seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Trapp, Bryson, Jones, Rosa, Engle, and Alford. Nays: 0).

**ITEMS FROM THE PLANNING DEPARTMENT:**

Mr. Engle inquired how many cases for the October meeting. Mr. Kirkman responded currently there were 11 cases for the October meeting.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Ms. Jones advised she has been offered a position with another jurisdiction and will be leaving Zoning and stated it has been a pleasure working with everyone. Congratulations were sent to Ms. Jones.

**ABSENCES:**

Chair Holston advised Mr. Collins was an excused absence.

**ADJOURNMENT:**

There being no further business for the Commission, the meeting was adjourned at 10:58 p.m.

Respectfully submitted,

Hugh Holston, Chairperson

HH/cg