

**PARTIAL MINUTES OF THE  
ZONING COMMISSION  
February 15, 2021**

**Z-21-02-001: A rezoning from R-3 (Residential Single-family-3) to CD-O (Conditional District-Office) for the property identified as 5908 Ballinger Road, generally described as north of Ballinger Road, west of Fleming Road, and northwest of New Garden Road, (3.65 acres). (Recommended Approval)**

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Mr. Kirkman stated there were two conditions originally associated with the request and the applicant has asked to make multiple changes, which include amending the first condition and then adding several new conditions. Mr. Kirkman read the revised conditions into the record as followed:

1. Uses shall be limited to those found in Section 30-8-6.7 Medical Facilities, excluding hospitals and specialty hospitals. Section 30-8-8.2, Office Uses and Section 30-8-8.5, Personal and professional services of the Land Development Ordinance. Except the following uses shall not be permitted. Communications and broadcasting office, except for dispatch purposes. Conference Center, residential office conversion, bank branch with drive through, barber shop, beauty shop, massage therapist as principle use, tanning salon, local mailing service, dry cleaning pickup and drop off station, funeral home, mortuary, crematoria, kennel, laundromat, pet grooming, shoe repair and shoe shine shop, tailor, milliner, upholsterer, veterinary service and animal hospital, courier service, satellite office, music production and recording, photocopying, blue print, and duplicating service, quick sign service and taxi dispatch center.
2. Building height shall be limited to up to 48 feet, excluding architectural design features, roof top equipment, HVAC equipment and the like and other non-structural components.
3. All activities associated with principal uses shall be conducted fully indoors, except mobile medical facilities, vehicles, equipment shall be permitted to remain on the subject property for a period of 60 days at one time.
4. Plantings with required Type B buffer along the western property line shall be of Evergreen material. Any new vegetation to supplement existing vegetation shall be a minimum of 3 feet in height at time of planting.
5. Building materials shall consist of no less than 75% glass, brick, stone, stucco, or comparable material.
6. Free standing signs shall be monument style. Any electric message board must use a minimum hold time message of 6 hours.

Mr. Kirkman requested the Zoning Commission to accept the amended and new conditions. Mr. Engle moved to accept the amended conditions; second by Ms. O'Connor. The Commission voted 7-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised the applicant and the opposition will each have up to 15 minutes to present their statements. There may be another 5-minute rebuttal period thereafter. Chair Holston requested the applicant to provide their name, address, and state their case.

Marc Isaacson, 804 Green Valley Road, attorney representing Blue Ridge Company who own and manage their own properties. The proposal on the 3.65-acre parcel is to build a professional two-story medical office. An illustrative site plan was shown depicting a building away from the intersection and two access drives on Ballinger Road. Attorney Isaacson noted the site plan was redesigned to move the building back and away from New Garden Road and maintain the view of the corridor. Drawings were shown depicting how the building, parking, buffers and access

points would be laid out. The proposed two-story medical office building will have a covered drop off, circular drive, and a drive through to allow drop-offs of patients. Aerial photographs were shown depicting a mix of medical and institutional uses in close proximity, along with office buildings, fire station, assisted facilities for older adults, and the campus of Guilford College. A copy of the letter that was sent to everyone listed on the city's notification list within 600 feet radius was depicted. Forty-three letters were mailed. The same materials shown to the Zoning Commission were also shown to the neighbors via Zoom. Questions were answered, notes taken and they followed up with several of the stakeholders in the area. Attorney Isaacson stated this will be going to City Council for a final decision next month. Mr. Isaacson presented some of the factors the plan takes into account and showed why this project is supported by those factors. There are no significant obstacles posing any issues for the development. The proposal fits the property size and development potential. The proposed medical office building will only allow access from Ballinger Road and will have onsite parking and vehicular stacking. The existing traffic signal at the intersection of Fleming Road and New Garden Road will assist in the management of any increased volume during peak hours of the day. Davenport Engineering completed the traffic analysis. This proposed development would be limited to two in and out access points from Ballinger Road. The medical office would not be sub-divided into multiple parcels that would require additional points of access and would have minimum impact on the use and enjoyment of neighboring properties. Primary use of the property will be limited to the standard work days and hours. This development will not produce a foreseeable increase in outdoor storage, noise, vibration, odor, or other emissions that may impact neighbors. The proposed development will align with the character of neighboring and nearby properties. A church borders the property to the north. There are various other medical and institutional uses within close proximity and two large assisted living facilities close to the property. The development of this property for use as a medical office creates a balanced growth along a portion of New Garden Road. Attorney Isaacson stated this is a good fit and in alignment with well established planning principles that the city has embraced for many years.

Chair Holston inquired if there were questions from the Commissioners for Mr. Isaacson. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request.

Rev. Jeremy Troxler, 614 Westwind Drive, is lead Pastor of Guildford College United Methodist Church. Rev. Troxler has been empowered by their church council to speak in favor and support of this rezoning. The medical office use is very compatible with their church in terms of the times when the building would be used and the times when the church is used. The applicant has worked with the church on this project and offered to share parking with the church, which has been a long-time struggle with the church. There are elements of this project that would be a great benefit to the church. The applicants have worked with the church in a number of other requests and given written commitments regarding building materials, landscape buffers, signage, trash receptacles. They were willing to move the building to accommodate the church view. Given all those things has provided the church confidence Blue Ridge Companies and their tenants would be good neighbors. For that reason, the church council supported and was in favor of the rezoning.

Chair Holston inquired if any Commissioner had questions for Rev. Troxler. Chair Holston then requested Richard Jordan to speak next.

Richard Jordan, 5503 Belvedere Place, served on the New Garden Strategic Plan Advisory Board and was a defacto representative of neighbors. He state they have been working with Marc Isaacson and the contractors working with the zoning conditions. The neighborhood is in favor of the proposal and the development. Mr. Jordan stated the New Garden Strategic Plan advised the neighborhood should be notified early on in the process and they were notified 39 days out. The New Garden Strategic Plan actually asks for 60 days. This was a non-contentious development that was continued to be worked on until this meeting. If it had been more

contentious, a request would have been made to have the 60 days to work through the zoning. He stated zoning conditions were tightened with the developer and Mr. Isaacson very well, but city planners wanted to widen out the zoning to reduce the restrictions. Mr. Jordan read from the New Garden Strategic Plan what the city actually placed in the plan. "Amendments to the plan and rezoning to the non-residential districts occurs, the city and developers should work together to choose the zoning district or conditions that contains the narrowest list of uses necessary to accommodate the business use." That was accomplished on this date. City planners wanted to push it slightly wider to include things like a laundromat and a junk yard. In working with these developers and narrowing the conditions to what the New Garden Strategic Plan is for and not to enable the city to develop it as they see but to work with the neighbors.

Chair Holston inquired if the Commissioners had questions for Mr. Jordan. Mr. Engle stated he would encourage Mr. Jordan to also make those comments at City Council. They will have some larger "teeth" in making sure that staff is following the Plans guidance. If something comes before the Zoning Commission there was not enough time, it is something he would take into consideration in the future. Mr. Engle stated his appreciation to Mr. Jordan and the comments as they were helpful. Chair Holston inquired if there was anyone else to speak in favor of the request. Chair Holston requested Diane Guinan to speak.

Diane Guinan, 5607 Robin Ridge Road, stated the conditions came up in a different form than what the neighborhood had seen. They are in favor as long as those conditions are what was discussed and revised. Mr. Isaacson responded he believed the conditions were the same. Mr. Isaacson stated the conditions were in a slightly different format and would circulate those among the stakeholders to be absolutely certain everyone is on the same page. Ms. Guinan stated her concern was things processing through Zoning, passed and indicating the neighborhood is in support but the neighborhood was unable to see what they were supporting. It then goes to City Council but that is not the same. Ms. Guinan requested assurances that what Mr. Isaacson thought he presented, was presented and what was supported. If not, to have those changes made prior to going to City Council. Chair Holston stated that can occur. The Commission is voting as a Zoning Commission for a recommendation to City Council. There are conditions and once this public hearing goes to City Council, those conditions can be updated, amended, or corrected. Mr. Isaacson stated they may be in a different form than what may have been shown previously, but the new conditions do match up with what the intent was. If not, at the public hearing with City Council, Ms. Guinan would be able to address those concerns or see them before the City Council meeting so there would not be an issue at City Council. Mr. Engle added this does get confusing for people as conditions are brought to city staff and they have to put them in a way that the city can make them enforceable. It is not any sort of malfeasance on the part of the applicant. They do work with staff to make sure that what the intent of the conditional enforcement is, can be done by the city. Mr. Engle was hopeful it was all taken care of. Chair Holston inquired if there was anyone to speak in opposition to the request.

Alan Socol, 5912 Ballinger Road, stated he was concerned regarding the modified conditions and requested clarification for point number 4, to know that the existing dead growth of approximately 10 to 15 trees in the barrier site would be cleared and not incorporated into the barrier. In the same barrier area, Mr. Socol asked if there was an average width of Type B barriers that could be used to gauge the closeness to parking lots and homes. Chair Holston stated regarding the first question, Mr. Isaacson will address during rebuttal. City staff may be able to respond to the Type B buffer question. Mr. Kirkman stated any kind of dead material would not be counted towards the required vegetation within a landscape buffer. The city arborist will review the plans and be a part of the discussion regarding the planning material and landscape buffer. Type B buffers have an average width of 25 feet.

Chair Holston inquired if there were questions for Mr. Socol from the Commissioners. Seeing none, Chair Holston asked if there was anyone else to speak in opposition. Seeing none, Chair Holston closed the public hearing and requested to hear from city staff for a recommendation.

Mr. Kirkman stated the Greensboro 2040 Comprehensive Plan designates this site as Urban General and being within the New Garden Road Strategic Plan on the Future Built Form Map designated as Low Residential on the Future Land Use Map, If this rezoning request is approved, the future land use category for the subject site will be considered to be amended to the Mixed Use Residential classification. The request is consistent with the Comprehensive Plan because the proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The proposed CD-O zoning classification is conditioned to allow office uses that are appropriate for the surrounding area and would complement the broader New Garden Road corridor. Staff recommended approval of the request.

Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston inquired if there was conversation, discussion, or a motion. Ms. O'Connor made a motion in regards to agenda item Z-21-02-001, the Greensboro Zoning Commission believes that its action to recommend approval of the New Garden Strategic Plan amendment and the zoning request for the property described as 5908 Ballinger Road, from R-3 (Residential Single-family-3) to CD-O (Commercial 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use map. The proposed CD-O request, as conditioned, limits those uses which fit the context of the surrounding area. The request is reasonable due to the size, physical conditions and other attributes of the area, and will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Bryson. The Commission voted 7-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated this is a favorable recommendation and is subject to a public hearing at the March 16, 2021 City Council meeting.