

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

Z-21-02-003: A rezoning from R-3 (Residential Single-family-3) to CD-C-L (Conditional District-Commercial-Low), for the properties identified as 4123 and 4125 Lawndale Drive, generally described as west of Lawndale Drive and north of Benton Lane, (1.37 acres). (Recommended Approval)

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties, and advised of the conditions related to this request. Chair Holston inquired if there were any questions from the Commissioners for Mr. Kirkman. Hearing none, Chair Holston requested the applicant to come forward, state their name, address and state their case for the record.

Will Stevens, 3500 Camden Falls Circle, developer of this property, in partnership with Dr. Liz Duey. Dr. Duey is looking for a place for her medical practice. Ms. Duey will own the lot at 4125 Lawndale Road and Mr. Stevens will place a second medical practice at 4123 Lawndale Rd. The property was under contract in early November. Mr. Stevens reached out to the two adjoining property owners prior to submitting the zoning request to tell them what the vision was and asked them what their concerns were. The neighbors assisted in the zoning request and it was submitted. Letters were mailed to 58 neighbors within the 600-foot requirement. Twelve responses were received asking for additional information. Mr. Stevens sent them the site plan and the proposed elevations for the buildings. There was a Zoom conference call on February 7, 2021 and only 6 people attended. Some concerns were expressed and talked through. On the property currently is a dilapidated house which is an eyesore and a nuisance to the neighbors who are happy to have taken down and are looking forward to this proposal.

Chair Holston inquired if other Commissioners had questions for Mr. Stevens. Mr. Engle asked if there was a reason why they were going for Commercial Low and not Office zoning. Mr. Stevens responded Dr. Duey's office is a medical office and the other building is speculative. Mr. Stevens would like it to be a single tenant user but it could be a multi-tenant, up to three tenants. They wanted to eliminate any high traffic potential uses and were thinking of a florist or other low intensity uses that would be allowed in the commercial district but not with office. All drive throughs from restaurants to dry cleaners and any eating establishments were eliminated because they want this to be a low traffic use. Mr. Rosa asked if there were any site plans the Commissioners could see. Chair Holston stated any illustrative information to provide to the Commissioners such as a site plan and elevations. Mr. Stevens responded they were sent in with the information packet. Chair Holston advised Mr. Carter the Commission could hold off until they are located. Chair Holston inquired if there were any additional questions for Mr. Stevens while Mr. Carter was searching for the document. Chair Holston asked if access into the two buildings would be with one entrance and an exit or two. Mr. Stevens responded there would be a single entrance onto Lawndale. They have spoken with GDOT and there were questions being worked out currently. Chair Holston asked, for illustrative purposes, if the proposed egress and ingress be across from Beckham or askew. Mr. Stevens responded it would be askew. Attorney Harrell, stated while it may be illustrative, the Commissioners needed to remember that all potential uses must be considered for the property. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Hearing and seeing none, Chair Holston moved to those wishing to speak in opposition to the request.

Aaron Terranova, 106 Tanum Place, President of the Lawndale/Lake Jeanette Neighborhood Association, was in opposition to this rezoning request because as President of the Association, they had not been informed of the rezoning. There was only signage on the streets. Mr. Terranova understood the applicant speaking to 58 neighbors within the 600-foot radius, but was

asking to meet after this meeting to discuss a better plan and have all of the neighbors that he represents as President to be involved. Mr. Terranova stated this is what the neighborhood feared when the property on the corner was rezoned to Office and is exactly what they said would happen. The properties along Lawndale would be rezoned and Battleground East in a commercial corridor would be formed and here it is. It is a great concern to the neighbors who specifically moved to these neighborhoods because it is right next to a park district. This is a residential single-family home area and not an area where commercial development should be. Within a two-mile radius of the location, there are approximately 50 restaurants, 20 bars, 20 coffee shops, 10, gas stations, 5 major grocery outlets, 11 medical clinics, 13 banks, 10 pharmacies, 14 health and fitness centers, 6 pet stores, specialty stores, the Science Center, a national park, neighborhood parks, a public library, a fire house, three shopping centers with Walmart, Lowes, Target. No other amenities are needed for the residents in these neighborhoods. Once this is rezoned Commercial, it cannot go back to residential and anything could be placed there. Mr. Terranova asked the developer to withdraw the request, go back to the table and talk to the Neighborhood Association and find the best use of this property that will be aesthetically pleasing and developed within the residential frame of the R-3 neighborhood.

Mr. Collins stated when Mr. Terranova saw the sign, that was his notification and asked why he did not contact the Planning Department and then contact the developer prior to this meeting. Mr. Terranova responded he had been very busy. Residents are always at a disadvantage when it comes to rezoning. They do not have the time and the effort to always be available at a moment's notice. The neighborhood should not be penalized because they did not see a random sign on the sidewalk driving 50 mph down Lawndale. The neighborhood wished a better effort would have been made by the developer. They are willing to work with the developer. Mr. Collins stated it would have been a better use to call them in advance but appreciated his answer. Chair Holston inquired if there were additional questions of Mr. Terranova. Chair Holston asked Mr. Terranova if he would be showing visuals. Mr. Kirkman advised the email was not received from Mr. Terranova, but did have his presentation from the previous case in the area and asked if he would like that presented to the Commissioners. Mr. Terranova responded he may be use during the 5-minute rebuttal.

Chair Holston inquired if there was anyone else to in opposition to the request. Mr. Terranova referred to a power point presentation depicting a 2-mile corridor depicting Lawndale, Cornwallis, Elm Street and Friendly Acres. The corner of Lawndale and Lake Jeanette have been rezoned to medical office. There is 40,000 square feet available on Pisgah Church of retail available with about 100,000 square feet of space available for lease and for tenants for a variety of uses. Mr. Engle asked if the center was empty. Mr. Terranova responded driving by right now there are signs saying for lease and he drove by there before this meeting. Chair Holston asked what building was it. Mr. Terranova responded he thought it was the old AT&T call center. Chair Holston stated that was the old Dunn and Bradstreet building. There are four spots that have available tenant availability. There is good parking and right on major thoroughfares. North on Joan Avenue on the western border, there is a beauty salon that is out of business and another facility a tenant could move into. Chair Engle asked Mr. Terranova if he was against the Commercial – Low or against anything that was not residential. Chair Engle stated he has to take some direction from when that will go and asked if he would be in supportive of it if it was just a medical office like the one across the street or against it. Mr. Terranova responded he has not had a chance to talk to the entire Neighborhood Association which he represents. The last rezoning there was a lot of time and talking weeks and months to organize a meeting. It is very hard to organize a few hundred residents to come together and would like more opportunity to get together with his constituents and make sure he is saying what they want him to say. Going north to the proposed rezoning to New Garden, and where New Garden comes down, there is a BP gas station and just behind that gas station is a bakery. They approached the Neighborhood about

rezoning that area and it was agreed to the rezoning because they are going to keep it looking like a house and it fits within the aesthetics of the neighborhood. There will not be a lot of commercial traffic and would have walk up service. The neighborhood is not entirely against any sort of commercial. Not knowing what will be placed there and anything can be placed there was one of the contentions in the past. The neighborhood is worried this will have a domino effect where more and more properties going up to the new bypass will be all commercial. Mr. Terranova reiterated how much he would like to meet with the developer and really ask if it could stay residential. Everyone would win in that situation. Mr. Terranova stated right across the street is the PUD which is the Devonshire, a multi-family homes and works because of the aesthetics of the homes and fits within the neighborhood and are fine with that development. Chair Holston inquired if there were any additional questions for Mr. Terranova. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request. Hearing and seeing none, Chair Holston moved to the rebuttal period and requested Mr. Stevens to speak.

Will Stevens apologized to Mr. Terranova as he did not have his number and should have and would like to reach out to him and talk about the project. The project is low impact. The primary difference between their project and all the retail that was shown, is Dr. Liz Duey would own this project. She is a single-family practice practitioner that would like own her business. The others are for lease and not for sale. Mr. Stevens stated they originally tried to place her practice right beside the Fleet building but it did not physically work. They have been working on this project for a long time and is hard for them to deny somebody wanting to own their own business. All of the neighbors were very excited to have an actual owner occupant who will show up every day and will make sure that trash is picked up and landscaping is maintained. That is the difference and the reason why they are there. Given the size and the cost of the land, he did not see residential being able to be developed there. A site plan was depicted for the Commissioners indicating the single entrance. The building north at the top of the screen was the building that Dr. Liz Duey is going to take and will own that land and the building. Due to technical issues, the audio of Mr. Stevens was lost. Mr. Stevens asked if there were any questions regarding the site plan. Chair Holston responded none for him. Due to technical issues, the audio of Mr. Stevens was again lost. Mr. Engle asked if there was anything else in this packet that could be looked at.

Mr. Rosa asked if there was a possibility for the two parties to sit down, talk and come back before the Commission for further discussion. Mr. Stevens responded he will meet with Mr. Terranova and if they cannot agree on a solution, then he could appeal it and have it before City Council. Based on the timeline, Mr. Stevens preferred to proceed. They have been attempting to find an amenable solution. Mr. Rosa stated that was fine and was just suggesting to get to the table before City Council to come up with some type of decision. Chair Holston stated whether the vote is 7-0 for or against, the appeal factor is there and either party could appeal and take it to City Council within 10 days. Chair Holston inquired if there were additional questions for Mr. Stevens. Hearing none, Chair Holston advised those in opposition had 5 minutes for rebuttal.

Aaron Terranova stated he appreciated Mr. Stevens candor. The southern property would probably be the main sticking point because the developer is not sure what will go. It is the southern property that will be potentially rezoned commercial with anything that can go there. Mr. Stevens has an idea but that is what the Neighborhood Association will want to talk about. Mr. Terranova suggested reaching out virtually or somehow. Mr. Terranova stated the Neighborhood Associations would love to see the southern property remain residential if at all possible. Chair Holston inquired if there were any questions for Mr. Terranova from the Commissioners. Hearing none, Chair Holston closed the public portion of the hearing 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. The Comprehensive Plan also designates this site as Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan's Growing Economic Competitiveness goal to build a prosperous, resilient economy that creates equitable opportunities to succeed and the Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro. The requested CD-C-L allows limited commercial, office, and service uses along a major thoroughfare, while including provisions to limit impacts on adjacent residential uses. Care should be taken with respect to building orientation, building materials, building height, and visual buffers to ensure an appropriate transition to the lower density residential uses on adjacent properties. Staff recommended approval of the request.

Mr. Engle stated when he saw this address, he knew the Lake Jeanette and Lawndale Neighborhood Association would have an interest. Mr. Engle asked if there was a reason why the Commission does not recommend and have that in the staff report or advise the applicant to reach out to the Neighborhood Associations. Mr. Kirkman responded it was mentioned to the applicant about the Lawndale and Lake Jeanette Association and trying to reach out to discuss the request. Staff had a different contact for who was the President. Mr. Engle asked if that was done in writing or verbally. Mr. Kirkman responded it was done verbally and believed an email was sent. Based on information shared with staff, Mr. Stevens did attempt to try to make connections with the Association but was trying to reach out to the wrong person, which is now corrected. Mr. Engle stated this is a fine project and a fine plan. It will probably go and get a favorable recommendation from Council but with what he has, he would not be in support. Chair Holston stated one of the first questions Engle asked was regarding the designation of Commercial Low versus Office. That concerned Chair Holston and he felt Mr. Terranova brought up what he calls the "Devils Triangle", the intersection at Lake Jeanette and Lawndale which was before the Zoning Commission last year. If he were to consider this for approval, there would need to be something adjacent to the Devils Triangle so there would not be sprawl occurring. Chair Holston stated he will do his job and he did not support the approval of the application. Mr. Rosa agreed with both Mr. Engle and Chair Holston. It is a fine project but there is a lot of traffic and speeding. The Commission opened the door for one commercial and that opened doors for more. It is a tight spot for that area and for that reason was not in support of the project. Mr. Bryson stated in listening to both arguments for the property, staff has approved this recommendation because it showed that another portion to the southeast of the subject property is already zoned CD-C-L. This not a new zoning for this area. It appears the Commission picks and chooses or go by the letter of the law and because it is unknown what will be there, the Commissioners step back since they don't know what's going to happen, do not approve. Mr. Stevens made a good presentation and it matches because CD-C-L is already there. Mr. Bryson was in support of the application and has not seen anything that would stop this from moving forward. Mr. Terranova and anybody else can appeal it and go before City Council. Chair Holston asked Mr. Bryson if he was speaking of the CD-C-L at the intersection of Lake Jeanette and Lawndale. Mr. Bryson was unsure but saw one of maps depicting southeast of New Garden Road. Mr. Engle understood what was said but to him it was apples and oranges. Chair Holston asked Mr. Bryson in looking at the screen, was that the CD-C-L that he was speaking of. Mr. Bryson responded yes. Chair Holston stated that is the one that was before the Commission last year. Mr. Collins shared a similar view and saw it as straight forward. Mr. Collins lives off of Lake Jeanette Road and is on Lawndale every day. He stated there are a lot of different uses on Lawndale between New Garden Road and between Pisgah Church and New Garden Road back to the Food Lion. It is not all residential. There are offices inside of houses and different things. Mr. Stevenson has brought forward to the Commission conditions that tell what the total square footage will be, what the roofs will look like. The gentleman had said it will be a Battleground Avenue traffic volume. The only place probably protected is when you get to the loop going out to Greensboro Day School with nothing except churches, a baseball field, and the day school.

From there back in, it is changing. There was a comment about one lot at a time, the problem is that is how it is owned. People who own those little lots are going to have them at a reasonable cost for those who put lots together and do something. That stretch of road is an eyesore and time for it to change. Last year City Council made a decision and said what it will be. Mr. Collins would be voting in favor.

Chair Holston inquired if there were additional comments from the Commissioners or a motion. Mr. Collins stated in regard to agenda item Z-21-01-003, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property identified as 4123 and 4125 Lawndale Drive from R-3 (Residential – Single-family-3) to CD-C-L (Conditional District – Commercial – Low) 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 CD –C-L zoning district, as requested, would permit uses that are complimentary to those existing on adjacent tracts and contains conditions that limit potential negative impacts on adjacent residential uses. 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 4-3. (Ayes: Vice Chair O'Connor, Collins, Bryson, and Alford. Nays: Chair Holston, Engle, and Rosa.) Chair Holston stated this constitutes a favorable recommendation and is subject to a public hearing at the March 16, 2021, City Council meeting. Chair Holston again thanked everyone for their participation and encouraged more conversation before the public hearing in March.