

**PARTIAL MINUTES OF THE
ZONING COMMISSION
April 18, 2022**

PL(P) 22-09 & Z-22-04-001: An annexation and original zoning from County LB (Limited Business) and County CZ-HB (Conditional Use-Highway Business) to CD-C-M (Conditional District-Commercial- Medium) for the properties identified as 5835 West Gate City Boulevard, generally described as southeast of West Gate City Boulevard and north of Queen Alice Road (6.635 acres); AND

**PL(P) 22-09 & Z-22-04-002: An annexation and original zoning request from County CZ-HB (Conditional Use-Highway Business), and Jamestown IND (Industrial) to City C-M (Commercial - Medium) for a portion of West Gate City Boulevard right of way from the northeastern right of way of Queen Alice Road extending in a northeasterly direction for approximately 900 feet to the existing primary City limits (3.32 acres).
(RECOMMENDED APPROVAL)**

Mr. Kirkman stated that the request was to annex property on West Gate City and establish original zoning, and further stated that as a result of that annexation action being approved, there would be annexation and original zoning of adjacent road right-of-way on West Gate City Boulevard. He provided summary information for the private property at 5835 West Gate City Boulevard. He noted that the subject property was currently undeveloped at this time. He then went over other existing site conditions with the Commission and noted the condition associated with the request.

Mr. Kirkman explained the factors that supported staff's recommendation for approval of the request. He stated that the GSO 2040 Comprehensive Plan designated the property as Urban General within an Urban Mixed Use Corridor on the Future Built Form Map, and Commercial and Residential on the Future Land Use Map with the majority of the property as Commercial. He went on to say that the proposed original zoning request supported the Comprehensive Plan's Growing Economic Competitiveness Big Idea to build a prosperous, resilient economy that creates equitable opportunities to succeed and the Comprehensive Plan's Prioritizing Sustainability Goal to build economic resilience, expanding the local economy's ability to withstand and adjust to disruptions and changes at the regional, national and global scales. The proposed CD-C-M zoning district would permit a variety of commercial, retail, office and service uses, and the uses permitted in the proposed CD-C-M zoning district would be compatible with existing adjacent and nearby commercial and civic uses. He asked if the Commissioners had any questions.

Hearing no questions for Staff, Chair O'Connor opened the public hearing. She instructed speakers on the 10-minute combined time they had to speak and asked them to identify themselves before they spoke.

Celeste Macmurdo, 4143 Shepherd Drive, Burlington NC, spoke on behalf of Goodwill Industries and Chris Gorham the applicant. She explained that the purpose of the request would be for the primary use of a retail store and donation center and to secure water and sewer services for the site. She said that they had reviewed existing zoning on the property and for adjacent properties and along the corridor. Ms. Macmurdo explained that they tried to be very cognizant of land use exclusions that would marry well with rest of neighborhood, including if the primary use would not be for Goodwill down the road. Ms. Macmurdo explained the outreach efforts. They reached out to 35 households and businesses in the area via letter that outlined the purpose of the request, the zoning conditions, and contact information for the applicant. The letter was sent on March 28, 2022, they received 3 responses with one letter being sent back, one call without a call-back

number, and one call was about the proximity of the property to another, resolved with a plat review.

Chair O'Connor asked if there were any questions or if anyone else who would like to speak in favor of the proposal. Hearing none, she opened the floor to speakers in opposition to the request. No opposition came forward and there was no need for a rebuttal. Chair O'Connor closed the public hearing.

Mr. Kirkman advised that a motion could be made on the annexation and then there would need to be two motions made on the original zonings.

Ms. Magid made a motion to recommend approval for the annexation. Mr. Peterson seconded the motion. The Commission voted 8-0. (Ayes: Peterson, Magid, Alford, Engle, Skenes, Glass; Egbert; and Chair O'Connor; Nays, 0).

Ms. Magid then moved to recommend approval for Z-22-04-001, an original zoning request for the property described as 5835 West Gate City Boulevard from County LB (Limited Business) and County CZ-HB (Conditional Use – Highway Business) to City CD-C-M (Conditional District – Commercial - Medium) to be consistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1) The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2) The proposed City CD-C-M zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; (3) 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. The motion was seconded by Mr. Peterson. The Commission voted 8-0. (Ayes: Peterson, Magid, Alford, Engle, Skenes, Glass; Egbert; and Chair O'Connor; Nays, 0).

Mr. Peterson then moved to recommend approval for the original zoning request for a portion of West Gate City Boulevard right-of-way from County CZ-HB (Conditional Use – Highway Business), Jamestown CIV (Civic), and Jamestown IND (Industrial) to City 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: (1) The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2) The proposed City C-M zoning district permits uses which fit the context of surrounding area.; (3) 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. The motion was seconded by Ms. Magid. The Commission voted 8-0. (Ayes: Peterson, Magid, Alford, Engle, Skenes, Glass; Egbert; and Chair O'Connor; Nays, 0).

Chair O'Connor explained that the votes constituted favorable recommendations and were subject to a public hearing at the May 24, 2022 City Council meeting.