

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

Z-22-07-009: A rezoning request from RM-12 (Residential Multi-family – 12) to CD-C-L (Conditional District – Commercial Low) for the properties identified as 4525 and 4527 Lawndale Drive, generally described as west of Lawndale Drive and north of New Garden Road East (2.23 acres). (APPROVED)

Mr. Kirkman reviewed the summary information for the subject property and surrounding properties, and advised of the condition associated with the request. He then advised the applicant wished to add a new condition to their request. The new condition added was:

1. Where allowed a minimum 6 foot high opaque fence shall be installed along the northern border of the property for a distance of approximately 430 feet as measured from the northeast corner.

Mr. Alford moved to accept the new condition, Seconded by Mr. Bryson. The Commission voted 9-0, (Ayes: Engle, Glass, Peterson, Egbert, Magid, Alford, Skenes, Bryson, O'Connor; Nays: 0).

Chair O'Connor inquired if there were questions from the Commissioners. Hearing none, Chair O'Connor inquired if the applicant was present to speak.

Nathan Duggins, 400 Bellemeade Suite 800 on behalf of Happy Tails, stated that the applicant had outgrown their current facility and was seeking to relocate their operations to this property, not start an additional practice. This is infill development, compatible with the character of development nearby. He stated that the applicant sought feedback from neighbors including conducting a neighborhood meeting, and added conditions accordingly.

Dr. Kelly Gebhardt, 2936 Battleground Avenue, stated that emergency veterinary services are needed in the area and her practice is locally owned. The facility does not board animals or have outside runs, as the clinic serves injured and sick animals only. She stated the business had operated with no complaints in 14 years in its current location, and they were seeking to relocate because the business had reached capacity at its current location. They intend to build the site in such a way as to prevent issues with headlights and noise.

Chair O'Connor inquired if there were questions or comments from the Commissioners. Hearing none, Chair O'Connor asked if there was anyone else to speak in favor of the request. Hearing none, she requested those speaking in opposition to identify themselves and provide their address.

Warren Sackett, 4619 Lawndale Drive, stated he represented the homeowners of the Magnolias and residents of the Hamptons developments. They received a notification letter offering to host a meeting the same day the meeting was held, and he could not attend. He stated most of the neighborhood did not understand the proposal, and that all of the neighbors he had talked to opposed destruction of the woods in the area. The woods are necessary because the sidewalks in the area are unsafe. He stated that the woodlands and the wildlife in them are a major part of the cultural experience for residents in the area. The operating hours of the business are a concern for the neighborhood, given that it exclusively operates at night during the week. He then displayed the applicant's current business location and the subject property as it exists now, and stated that they were very different in character and that the intense commercial nature of the area around the current business location would explain a lack of noise complaints. Mr. Sackett

reiterated that the woods are important to the people in his neighborhood, and questioned why this residential area was suitable for commercial development.

Sharon Bibby, 4603 Lawndale Drive, stated that the arrangement of the properties in this area mean that many of the townhomes overlook the subject property and will be heavily impacted by any added nighttime traffic. She is concerned about the destruction of habitat for the wildlife in the area. The traffic and noise in the area is already significant, but is reduced in the evening and she is concerned this development will change that.

Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Lee Whitley, 4606 Highberry Road, stated that he had owned the subject properties for many years and he believes the development proposed would have a minimal impact given what could be built instead given the growth of the area.

Dr. Gebhardt stated that her practice is the main contracted emergency clinic for the animal shelter, and also cares for wildlife where few other local providers do.

Mr. Duggins stated that some of the opponents were discussing trespassing on the applicant's property. They take neighborhood contact seriously and have undertaken significant efforts in this case, but that if neighbors do not want to speak to them, they cannot do anything about it. At that point the applicant has to move forward without discussion or a possibility for compromise. He stated that they intend this to be a productive, low-impact infill development.

Ms. Skenes asked about the fence condition, and asked about the depth of the property as it backed up to the Magnolias properties. Mr. Duggins stated that the depth of the parcel is approximately 703 feet, and they intend to keep the woods in the back undisturbed. The fence will run to where the development ends. If they ran the fence all the way to the end of the property line, they would instead have to remove trees and disrupt the woods further. Additional vegetation and landscaping inside the buffer around the fence should provide adequate separation for the neighbors while retaining much of the woods' natural state. Ms. Skenes asked if Mr. Duggins would be willing to display a sketch plan. Mr. Duggins agreed, and Mr. Kirkman displayed it. Mr. Duggins stated that the clinic building should be a further buffer between the neighborhood and parking, limiting disruptions. He stated that it is likely there will only be one entrance off Lawndale Drive.

Chair O'Connor inquired if there were questions or comments from the Commissioners. Hearing none, Chair O'Connor advised anyone speaking in opposition had 5 minutes for rebuttal.

Sharon Bibby stated people are afraid of lawyers and might not want to speak to them. A six-foot fence is insufficient to provide screening for a business, given the height of the residences in the neighborhood. She does not oppose development, but feels this is not compatible with the residential character of the neighborhood.

Haley Shirley, 4663 Lawndale Drive, stated that she has worked hard to buy her home and this jeopardizes the reason why she wanted to buy it and live in this neighborhood forever. She does not oppose development but does not understand why it has to be a 24-hour business as opposed to more homes.

Patrick Jones, 4661 Lawndale Drive, stated that the area has been a quiet residential area for nearly twenty years. He understands the woods may eventually get removed, but does not wish for it to be commercial development.

Janelle DeLeon, 4613 Lawndale Drive, stated that many people in the neighborhood are pet owners but do not necessarily want an emergency vet right next door. She stated that if the applicant is so successful and draws traffic from outside the city and even the region, they should build in a more central location for future growth as opposed to a residential neighborhood.

Sharon Bibby, stated this is extremely important for their neighborhood. They understand the need for the business, but that once this area is rezoned commercial, it may permanently change the character of the neighborhood.

Chair O'Connor inquired if there was anyone else in opposition wishing to speak in rebuttal. Hearing none, Chair O'Connor closed the public meeting.

Mr. Egbert then stated regarding agenda item Z-22-07-005, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties identified as 4525 and 4527 Lawndale Drive from RM-12 (Residential Multi-family – 12) to CD-C-L (Conditional District – Commercial Low), as conditioned, 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 CD-C-L zoning district, as conditioned, permits uses which fit the context of the 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. Approval is in the public interest. Ms. Magid seconded the motion.

Mr. Engle stated that he visited the property and that it seems like a remainder parcel after the existing multi-family developments were built. He had some hesitations about a 24-hour business, but that the GSO 2040 Comprehensive Plan emphasizes mixed uses and the Commission had approved similar rezoning requests in predominantly residential areas. This property is going to be developed, and the Commission can only look at land use. Mr. Engle suggested for the neighbors to engage with the applicant and find some middle ground, which is what the Commission seeks in this process. The Commission voted 7-2. (Ayes: Engle, Glass, Peterson, Egbert, Magid, Alford, Bryson; Nays: Skenes, O'Connor). Chair O'Connor advised the approval constituted a final action, unless appealed in writing. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the Tuesday, August 16, 2022 City Council meeting. All adjoining property owners will be notified of any such appeal.