

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
January 18, 2023**

Z-23-01-007: A rezoning request from CD-C-M (Conditional District - Commercial - Medium) to CD-C-M (Conditional District - Commercial - Medium) for the properties identified as 4200 & 4206 United Street, generally described as northeast of United Street and northwest of Ashland Drive (0.97 acres). (APPROVED)

Mr. Kirkman reviewed the summary information for the subject property and surrounding properties and advised of the conditions associated with the request. He then advised the applicant wished to add six additional conditions to the request as follows:

3. Required vegetation materials for any street planting yard fronting United Street shall be of evergreen material for year round screening.
4. The exterior of the existing buildings shall be painted in earth-toned colors.
5. Freestanding exterior lighting shall be limited to 25 feet in height and be located no closer than 30 feet to the right-of-way of United Street.
6. No freestanding signage shall be permitted within 30 feet of the right-of-way of United Street.
7. This site shall only be open to the public between 7:00am and 8:00pm.
8. Prohibited fence materials shall include barbed wire and chain-linked/woven wire.

Mr. Engle moved to accept the new conditions, seconded by Chair O'Connor. The Commission voted 7-0: (Ayes: Magid, Alford, Engle, Skenes, Chair O'Connor, Glass, Vice Chair Bryson; Nays: 0).

Mr. Kirkman stated the GSO2040 Comprehensive Plan designates the property as Urban Central on the Future Built Form Map and Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports 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 requested CD-C-M (Commercial - Medium) zoning district, allows additional commercial uses for an existing commercial zoned tract and incorporates conditions to limit negative impacts on adjacent and nearby residential properties. Staff recommended approval of the request.

Vice Chair Bryson asked for any questions or comments from the Commissioners. Hearing none, Vice Chair Bryson then asked if the applicant or anyone else wished to speak in favor of the request.

Mr. Egbert was able to rejoin the meeting in progress at some time before 9:01 p.m.

Marc Isaacson, 804 Green Valley Road, on behalf of Christopher Robinson, stated that the applicant wished to add additional detail to the second condition as follows:

2. Any outdoor storage of equipment or material must be fully screened from ground level view. This condition shall not apply to automobile display areas located along Ashland Drive.

Chair O'Connor moved to accept the new conditions, seconded by Ms. Magid. The Commission voted 8-0: (Ayes: Magid, Alford, Engle, Skenes, Chair O'Connor, Glass, Egbert, Vice Chair Bryson; Nays: 0).

Mr. Isaacson stated that the applicant operates automobile sales in the City. He stated that Hardin Oil used the subject property for decades and it now has a perpetual land use restriction imposed on it by the State's Department of Environmental Quality (DEQ) due to a notice of residual petroleum. Accordingly, the subject property may never have residential development or some other uses. With the removal of the underground storage tanks and additional remediation measures in accordance with DEQ requirements, the applicant seeks to utilize the subject property responsibly, subject to the environmental restrictions. He displayed an aerial photograph from 1974 showing the previous intensive industrial petroleum use. He stated that the subject property was rezoned CD-C-M (Conditional District - Commercial - Medium) in 2007, and has been used by a plumbing contractor. One of the conditions in that rezoning was a prohibition of automobile sales uses. Mr. Isaacson displayed a current aerial photograph and stated that the subject property is in close proximity to Wendover Avenue and Holden Road, and has had significant traffic in its current use. He stated that the applicant conducted neighborhood outreach and held a neighborhood meeting. Neighbors expressed concern about the impacts on United Street, and the applicant has proposed to add significant additional buffering and orient the use on the subject property toward Wendover Avenue and away from United Street as well as prohibiting objectionable fencing, signage, and lighting. He stated that the CD-C-M zoning district allows for a broad variety of uses, and the proposed conditions restrict them significantly. Mr. Isaacson stated that the applicant expects 4 to 6 customers a day and anticipates little significant repair work on the vehicles for sale. He stated that while there is a residential neighborhood in proximity to the subject property, it is at the end of a street facing a major thoroughfare, and the applicant has conditioned the request to account for that.

Vice Chair Bryson inquired if there was anyone else wishing to speak in favor of the request. Hearing none, Vice Chair Bryson then inquired if there was anyone wishing to speak in opposition of the request.

Andrew Shoffner, 4204 Princeton Avenue, stated that the restriction against automobile sales is important to the Highland Park neighborhood. He stated that the current owner of the subject property previously attempted to remove the restriction on automobile sales in 2012, which City Council denied. Highland Park supports development, including commercial development. He stated that the applicant does not provide sufficient traffic or environmental impact information to alleviate their concerns. Mr. Shoffner stated that he had been unaware of the petroleum restriction, and that the proposed use could reintroduce new petroleum contamination. He stated that some neighbors did not receive notice of the request. He stated that the automobile sales use with its proposed hours of operation is particularly objectionable to the neighborhood, even with the proposed screening, given that a primary point of ingress and egress to the neighborhood is at this intersection. He stated that the current use of the subject property has been damaging to the neighborhood, and flooding is a significant concern in this area in recent years, as any effluent from the subject property will flow into Buffalo Creek. There are no sidewalks or pedestrian facilities and bike lanes in the area. Mr. Shoffner stated the neighborhood believes this proposal could create hazards for bicyclists and pedestrians as the traffic signal situation in the area is unacceptable and this request may exacerbate this pre-existing significant traffic problem. He stated that the lack of a traffic impact study and environmental impact analysis is concerning. With opposition speaking time expired, Vice Chair Bryson advised the applicant had 5 minutes for rebuttal.

Mr. Isaacson stated that removing the automobile sales restriction from the zoning conditions is reasonable given the applicant's proposed additional conditions intended to limit impacts on United Street. He stated that under GDOT guidance, no TIA was required. Given the more intensive commercial uses possible, the proposed use is unlikely to increase traffic volume significantly. The required site plan review under TRC will include environmental considerations. Mr. Isaacson stated that the applicant would be required to install sidewalk improvements. He then displayed illustrative renderings of a potential site configuration, and displayed how the subject property could look as seen from United Street with the conditioned development requirements.

Ms. Skenes asked if the applicant has experience with the automobile sales business. Mr. Isaacson stated that the applicant has an established business already and this would be an expansion into a second location.

Vice Chair Bryson inquired if there was anyone else in support wishing to speak in rebuttal. Hearing none, Vice Chair Bryson advised anyone speaking in opposition had 5 minutes for rebuttal.

Mr. Shoffner stated that the request does not contribute to sustainability or growing the economic competitiveness of his neighborhood. The neighborhood has only two primary entrances for traffic and any increase in commercial activity will intensify the pre-existing safety concerns at the Holden Road/Ashland Drive intersection. He stated that paving the subject property, which is currently a permeable surface, would create additional stormwater runoff in the area. Mr. Shoffner stated that the neighborhood is concerned about the future of the subject property and degradation of the neighborhood if the Commission grants the request.

Vice Chair Bryson inquired if there was anyone else in opposition wishing to speak in rebuttal. Hearing none, Vice Chair Bryson closed the public hearing.

Mr. Engle asked if a vape shop or mattress store would be permissible in the current zoning district. Mr. Kirkman stated that both of them are currently available on the subject property by right. Mr. Engle asked if the subject property was in a flood plain. Mr. Kirkman stated it was not, and that maps indicate the flood plain was to the southeast at the intersection. Mr. Engle stated that approximately a third of Greensboro drains into Buffalo Creek. He stated that this is a difficult decision, and he generally does not support automobile sales in close proximity to residential uses, but this is different because of the subject property's situation. Many potentially objectionable uses could happen on the subject property, and he hopes the neighbors and the applicant continue to collaborate.

Chair O'Connor stated that she is sympathetic to the neighbors. While environmental concerns are not part of the Commission's review, its interaction with land use is, and the subject property is under significant restrictions. She stated that the applicant has clearly tried to find acceptable restrictions to make its proposed use as unobjectionable to the neighborhood as possible, and she will support the request.

Ms. Skenes stated that she had often driven by this intersection and it has been in need of improvement for a long time. The area has significant traffic already, and contemporary automobile purchasing habits mean that there is unlikely to be an unreasonable increase of traffic to the area. She stated that the conditions are very comprehensive and demonstrate a willingness to work with the neighborhood, and she can support the request.

Ms. Magid stated that she was initially wary about the request. When she visited the subject property, there was a motor vehicle accident at the intersection of Ashland Drive and Holden Road, which is a difficult interchange. She stated that the additional conditions allow her to be comfortable with the request.

Chair O'Connor then stated regarding agenda item Z-23-01-007, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties identified as 4200 & 4206 United Street from CD-C-M (Conditional District - Commercial – Medium) to CD-C-M (Conditional District - Commercial – Medium) to be consistent with the adopted GSO2040 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-M zoning district 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. Mr. Engle seconded the motion. The Commission voted 8-0, (Ayes: Magid, Alford, Engle, Skenes, Chair O'Connor, Glass, Egbert, Vice Chair Bryson; Nays: 0). Vice Chair Bryson advised the vote constituted a final action, unless appealed in writing and the appeal fee paid within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the Tuesday, February 21, 2023 City Council Meeting. All adjoining property owners will be notified of any such appeal.