

**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
MARCH 20, 2023**

**Z-23-03-006: A rezoning request from R-3 (Residential Single-family – 3) and CD-O (Conditional District - Office) to CD-O (Conditional District - Office) for the properties identified as 5908 and 5912 Ballinger Road, generally described as north of Ballinger Road and west of Fleming Road (5.087 acres). (APPROVED)**

Mr. Kirkman reviewed the summary information for the subject property and surrounding properties and advised of the conditions associated with the request. Mr. Kirkman stated the GSO2040 Comprehensive Plan designates a small portion of the site as Residential on the Future Land Use Map. The remainder of the property is currently designated Mixed Use Residential under the New Garden Road Strategic Plan. Staff determined the proposed rezoning request supports the broader Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development Goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community. The proposed CD-O zoning request includes many of the previously approved zoning conditions for the portion of the property current zoned CD-O related to use limitations, building heights, vegetative buffers and building materials. Staff recommended approval of the request.

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

Marc Isaacson, 804 Green Valley Road, on behalf of Ballinger, LLC, stated that the applicant acquired and rezoned 5905 Ballinger Road in 2021 and the purpose of this request is the same; to build a medical office. Since that request, the applicant acquired 5902 Ballinger Road, and this request allows for additional parking for the medical office use. He stated that the previous request's conditions are not changing apart from condition 5, regarding the exterior façade. The applicant worked with Planning staff to modify the wording of the condition regarding exterior building materials. Mr. Isaacson displayed aerial photography of the subject property, indicated the new additional parcel, and stated that vegetative buffering to the west is above minimum requirements. The applicant worked with neighbors to make the request more compatible with the character of the area, and entered into private parking agreements with major stakeholders in the area. He displayed an illustrative sketch plan of the proposed medical office use and extensive parking. The applicant sent a letter to neighbors and held a neighborhood meeting with 4-5 participants, similar stakeholders as with the previous request. They heard concerns about historical relevance of the area and potential Revolutionary War relics. Mr. Isaacson stated that the applicant is working with an archaeological firm to conduct historical examination of the subject property in the event that it contains unmarked graves or artifacts.

Chair O'Connor inquired if there was anyone wishing to speak in opposition of the request.

Steve O'Connell, 1000 Courtland Street, stated he owns properties directly across from the subject property, and that high-density apartments are not acceptable for this area. Traffic in the area will become more dangerous, and this is a gradual erosion of the residential character of the neighborhood. He stated that many of the neighbors may be unaware of the nature of this request, and the previous rezoning request happened when many neighbors could not comment due to the Covid-19 pandemic. Mr. O'Connell stated that not accounting for potential gravesites

on the subject property is disrespectful and reckless, and requested visual and sound buffering around Ballinger Road and any residential uses adjacent to the subject property.

Allen Burns, 5919 Ballinger Road, stated that this neighborhood has been subject to unreasonable development in recent years, and the request extends non-residential uses too far down Ballinger Road. He asked why the previously approved request needed more parking, and stated that he is concerned that this means it will increase traffic, particularly if the Church uses the parking lot. The area is already under significant development, and his neighbors cannot trust the developer as they feel the neighborhood outreach was not substantial. Mr. Burns stated that the subject property has large old-growth trees that the development will destroy to facilitate the added parking space. He asked where non-residential development on Ballinger Road would stop, and is concerned about high-density multi-family residential uses on the subject property instead of the current proposal.

With opposition speaking time expired, Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Mr. Isaacson stated that the existing property is zoned Office and has conditions restricting land use that are being carried over to this request. The intent is to combine the two properties and apply the unified development standards to the new parcel. He stated that the applicant has been available for any questions from the neighbors and exceeded all neighborhood outreach requirements. The applicant has started the development review process for the driveway positioning, and the intent is to make the access as safe and functional as possible. The expanded parking and driveway configuration will contribute to the proposed use's compatibility with the neighborhood.

Ms. Skenes asked if the listed acreage accounts for both parcels, and Mr. Kirkman stated that was correct. Ms. Skenes asked what the acreage of the newly added parcel, and Mr. Isaacson stated it was less than an acre. Ms. Skenes asked to clarify that nothing significant was changing about the conditions of the larger property, and Mr. Isaacson stated that was correct.

Ms. Magid stated she has lived in this neighborhood and there has not been any significant intense development on or adjacent to the subject property in the last 20 years. The proposal made sense given the location of the fire station, and asked if there would be trees on the west side of the subject property. Mr. Isaacson stated there would be, and that this request simply shifts the extensive buffer requirements imposed by the conditions west along the property line of the newly acquired property. Ms. Magid asked to confirm that the neighboring church's parking configuration will not affect the subject properties, and Mr. Isaacson stated that was correct. Ms. Magid stated she could support the request.

Mr. Engle asked about the Revolutionary War skirmish in the area. Mr. Isaacson stated that the applicant's understanding is that some skirmishes in proximity to the current New Garden Road corridor had led to the Guilford Battleground area, and they have respected the concerns heard from the community about the subject property's historical considerations.

Chair O'Connor asked if there was anyone else in favor of the request wishing to speak in rebuttal. Hearing none, Chair O'Connor then advised anyone speaking in opposition had 5 minutes for rebuttal.

John Ballinger, 6112 Ballinger Road, stated that the Guilford Courthouse battle started on the Ballinger property. There are American soldiers buried near New Garden Road in the area according to historical records, and the applicant has not allowed historical researchers to

investigate. He stated that neighbors did not understand the nature of the rezoning request, and requested neighbors to have a chance to organize for the outreach. The property at 5912 Ballinger Road has significant old trees that buffer the neighborhood, and the removal of these trees concerns him. Mr. Ballinger stated that a TIA should have been required, and that the previous rezoning request was hard to respond to due to the Covid-19 pandemic. He stated that the applicant has not committed to not expanding the proposed building, and neighbors are suspicious of the developer's intentions.

Carol Carter, 5505 Hempstead Drive, stated that there was a Revolutionary War skirmish in the area, and some Quaker historians want to investigate the property. This area around Fleming Road/New Garden Road does not have any buildings as tall as the proposed development, and 48 feet building height is too high for the area.

Mr. Engle asked what the LDO's height restriction was in the R-3 zoning district. Mr. Kirkman stated it permitted up to 50 feet. Mr. Engle asked about the notices mailed since there was an error in the staff report, and Mr. Kirkman stated that the mailed notices and advertisement correctly indicated the R-3 to CD-O rezoning request. Mr. Engle asked about the placement of the zoning sign, and Mr. Kirkman stated that the sign is roughly in the middle of the acreage of both subject properties.

Chair O'Connor stated that it was policy to put signs in reasonable locations on subject properties, not at their boundaries.

Mr. Engle stated that there are uses in the area higher than 2 stories, and he can support the request.

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

Mr. Engle then stated regarding agenda item Z-23-03-006, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties identified as 5908 and 5912 Ballinger Road from R-3 (Residential Single-family – 3) and CD-O (Conditional District - Office) to CD-O (Conditional District - Office) 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-O 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. Ms. Magid seconded the motion. The Commission voted 9-0, (Ayes: Glass, Alford, Engle, Magid, Skenes, Egbert, Peterson, Vice Chair Bryson, Chair O'Connor; Nays: 0). Chair O'Connor 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 Monday, April 17, 2023 City Council Meeting. All adjoining property owners will be notified of any such appeal.