

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
NOVEMBER 18, 2024**

Z-24-11-004: A rezoning request from R-5 (Residential Single-family – 5) and RM-18 (Residential Multi-family – 18) to CD-LI (Conditional District - Light Industrial) for the properties identified as 1326 Seminole Drive and a portion of 1041 Battleground Avenue, generally described as northwest of Benjamin Parkway, east of Whilden Place, and northeast of Seminole Drive (approximately 2.96 acres). (RECOMMENDED APPROVAL)

Mr. Carter reviewed the summary information for the subject properties and surrounding properties. He advised that the applicant had proposed the following condition:

- 1) No Outdoor Advertising Signs (Billboards) shall be permitted on the property.

Mr. Carter stated that the GSO2040 Comprehensive Plan designates this property as Urban Central on the Future Built Form Map and as Commercial and Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports the Comprehensive Plan's Filling in Our Framework strategy to invest in building and maintaining city services to sustain livable neighborhoods and the Prioritizing Sustainability strategy to promote resilient, efficient, and environmentally beneficial patterns of land use. The proposed CD-LI zoning district, as conditioned, would allow for expansion of the existing public facility use on the adjacent property, which is necessary to allow the City keep up with increased demand on public utilities. 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.

Chair Magid asked for any questions or comments from the Commissioners. Hearing none, she asked the applicant to come forward.

Tony Baker, 300 West Washington Street, stated he was the Chief Deputy Attorney for the City. He introduced his colleagues, Ms. Christine Williams, the Assistant Director for the Department of Water Resources and Ms. Monica Jarett, the Project Manager for the request. Mr. Baker said that it was the first time coming before the Planning and Zoning Commission for such a request for the Water Resources. He clearly stated that the request was not associated with wastewater, but for drinking water. He said the big differences were no lagoons and no odor. He noted that all operations would be done under roof inside, pulling water from Lake Brandt and distributing drinking water throughout the city.

Mr. Baker gave a brief history of the subject property and noted that the water treatment plant existed since the 1880's. He said that the surrounding residential communities were platted about 1928 and fully developed in the 1940's. He stated the treatment plant, and the surrounding neighborhoods grew together. He said that the expansion of the water treatment plant is an ongoing venture for the past four years. He mentioned that in 2019 the City Council approved purchasing of the subject properties, with the last purchase in May 2024, for the expansion of the water treatment plant. He said the main purpose was for the removal of the PFAS "forever chemicals" out of the drinking water. Hence the City is requesting the rezoning of the subject properties from

RM-18 and R-5 to LI (Light Industrial). Mr. Baker noted that the City needed to come into compliance with the PFAS Regulatory requirements by 2029.

Mr. Baker noted the main challenge of the rezoning is that it exists within or in proximity to residential neighborhoods. The facilities have big pipes which then branch out into small distribution pipes. It stated that it would not be possible to relocate the treatment plant or treat the water elsewhere. He noted the treatment of the water had to be done prior to distribution of the water due to physical or fiscal constraints. He stated that for treatment of the water the subject properties had to be rezoned to LI. He pointed out the application is a conditional zoning request, and public meetings held, and notices sent to residents within the 750ft radius. He said that additional information could be obtained from Ms. Jarrett. He said out of the meeting residents prepared a petition with their requests and concerns. He stated the applicant responded to the petition at a follow-up meeting. He also said there were substantial correspondences via mail and emails.

Mr. Baker talked through the concerns raised by the resident as well as some of the state and agencies requirements which governs the expansion. These included:

- 1) Wrought iron fencing around the WTP (Water Treatment Plant). Material and design to comply with LDO and Homeland Security Requirements.
- 2) Use vegetation for screening. Landscaping must comply with Homeland Security and Duke Energy requirements.
- 3) Existing vegetation remained where appropriate and additional screening measures to be considered.
- 4) Evaluate the Seminole Drive access and limit traffic.
- 5) Greenway access to be provided via Seminole Drive and Benjamin Parkway sidewalks,
- 6) Lighting designed to have limited impacts to surrounding neighborhoods.
- 7) Equipment installed in compliance with City's sound ordinance.
- 8) Removal of existing structures/slabs on subject properties.
- 9) Underground stormwater management, if required, to be provided.

Mr. Baker specifically mentioned that the neighbors requested a 100 foot setback along Seminole Drive. He pointed out that the 100 foot setback was not achievable as it already intersected some of the existing buildings. He said however, the applicant was inclined to provide the 45ft setback as stipulated in the LDO (Land Development Ordinance). He mentioned that the 3 story storage building would be under 50ft building height as permitted under the LDO. He said the storage building would be located closer to Battleground Avenue and away from Seminole Drive. He stated that there was a request to design the buildings in a pyramid form which might be allowed for some of the buildings but not for the storage building.

Mr. Baker concluded his presentation saying the request was to provide PFAS, clean drinking water for the residents of the city.

Chair Magid asked for any questions or comments from the Commissioners.

Ms. O'Connor asked Mr. Baker to clarify his presentation in respect to some of items in the presentation were conditions yet they were not part of the request.

Mr. Baker said that there was one condition which was not to having billboard signs on the subject properties. He explained that his presentation was based on conversations they had with the neighbors during outreach. He noted that site designs were subjected to Homeland Security and Duke Power specifications. He said there were some requirements, such as vegetation, fencing and pyramid building design, they would try to achieve.

Ms. O'Connor referenced his presentation regarding the list of proposed requirements. She felt the list could be conditions for the request.

Mr. Baker reiterated that the list was a representation of discussion occurred at the community meetings. He said the list included what the neighbors requested and how the applicant felt they could be addressed given other regulatory requirement from the state and agencies.

Ms. O'Connor noted that there was no commitment to address the neighbors' concerns.

Mr. Baker noted that the Water Resources Department represented City Council who are the elected individuals. He said the city and Council have worked with the community in the past and would continue to do so.

Vice Chair Skenes referred to the letter mailed to the neighbors on August 21st, she asked if there would be additional conditions.

Mr. Baker confirmed that there was one condition that billboards would not be constructed, as would be permitted in LI zoning district.

Vice Chair Skenes read from handout and noted that the entrance on Seminole Road would be eliminated, and traffic would be routed to access from the exiting entrance on Benjamin Parkway and the proposed entrance on Battleground Ave. She looked to Mr. Baker for clarification as he said earlier in his presentation that Seminole Drive would remain open to traffic.

Monica Jarrett, stated she works for the Water Resources Department. She explained that after discussion about closing Seminole Drive they discovered they would need the street to remain open for emergency access. She said they planned to close the existing access and based on evaluation process they might need to create an emergency access along Seminole Drive. She said the traffic would be limited possible for staff vehicles and not allowing trucks. She stated that trucks would use the entrance on Benjamin Parkway or the proposed access along Battleground Avenue.

Vice Chair Skenes asked the applicant if there could be a condition regarding trucks not accessing or using Seminole Drive. She pointed out that the concerns she heard from the neighbors were trucks entering Seminole Drive. She noted that since the Treatment Plant was expanding the traffic could intensify.

Mr. Ducharme advised that should the applicant wanted to add conditions that would be their choice. He reminded the Commission that the application has one condition.

Vice Chair Skenes noted she had contradictions between the handouts and the presentation.

Mr. Nichols pointed to the aerial photography in the staff book and asked staff to clarify the highlighted yellow boundary along the perimeter of the properties, and an orange rectangular box.

Mr. Carter explained that the boundary was a former lot line and was part of the request.

Chair Magid called on the persons wishing to speak in opposition to the request to come to the podium. She reminded the speakers that they have a total of ten minutes for the presentation.

Brandon Porterfield, 1348 Seminole Drive, said he represented the community and organized the petition. He noted that most of the concerns were met with promises. He pointed out that the main concern was the scale of the development. He said there would be multiple buildings which could be as tall as 50ft. He said such buildings would be alarming compared to the surrounding single family residences with height up to 25 ft tall. He said the neighbors were asked that the taller building placed closer to Battleground Avenue and away from Seminole Drive. He said the 100ft setbacks mentioned earlier was intended to keep the proposed buildings away from Seminole Drive and close to the lower sections of the properties. He explained the pyramid building design concept which would allow for lower building height along Seminole Drive. He said that since the buildings would be used for storage purposes there would be more walls and almost no glazing. Therefore, the neighbors were asking to break up the building as best as possible.

Johnathan Wade, 1319 Seminole Drive, concurred with Mr. Porterfield and said they wanted assurance that the promises would be carried out. He noted that the LDO would protect the neighborhood, however, he pointed out the adding of sidewalks and greenway could be beneficial to the community which is a separate project. He mentioned that with the improvement of the water treatment plant he hoped there would also be improvements in the community especially adding the sidewalks. He felt that closing the Seminole Drive access to traffic would be a traffic safety measure that was necessary. He emphasized his concern that the neighborhood should benefit from the upgrading of the treatment plant.

Caroline Cook, 1341 Seminole Drive, said she lived at the address since 1997. She said it was important they knew how the area would look, namely the landscaping, fencing, and the building layout on the subject properties. She said she like her neighborhood and would like the addition to the Treatment Plant to fit into the residential setting. She noted there was one condition for the request and wanted to know if there could be additional conditions.

Chair Magid inquired if there was anyone else wishing to speak in opposition to the request.

Chair Magid asked staff for clarification if the request was conditional rezoning.

Mr. Kirkman clarified that it was a conditional rezoning application.

Chair Magid asked the applicant to clarify the reason for not having additional conditions.

Mr. Baker explained that the first step was to rezone the subject properties and then have the engineers to evaluate the site. He stated that based on the evaluation they would be able to determine the locations for the buildings. He referenced to his presentation and noted that the proposed maintenance building, which would be three stories, would be in the back towards

Battleground Avenue and away from Seminole Drive. He noted that it would be possible for the proposed buildings along Seminole Drive to incorporate the pyramid style construction. He said they could not commit to the proposed locations or site layout because it depends on the engineer's evaluations. He emphasized that Water Resources is a public entity representing the City Council, who are elected by votes, would do their best to satisfy the concerns of the neighbors.

Ms. Jarrett stated that working with the Planning staff she understood that since they met the LDO requirements for light industrial zoning district they would not need to add conditions.

Mr. Kirkman clarified that the LDO has specific requirements, for example lighting on the premises, and therefore there would not be the need for such conditions. He noted that there are other requirements such as landscaping which is addressed under the LDO. Mr. Kirkman said the main idea was not to repeat the Ordinance standards. He said that the site specific concerns are early in the process, and it was difficult to commit to the site layout. He also noted that there are other agency regulations such as the Homeland Security factoring into the site layout. He said staff was given the same information as to why there could not be additional conditions.

Ms. O'Connor referenced the presentation and asked about the proposed three buildings whether they would be treatment facilities or for other uses.

Ms. Jarrett said the building close to Seminole Drive would be used for water storage, the building right next to the water storage building would be the treatment facility, and building close to Battleground Avenue would be the operations and maintenance building. She said the building close to Battleground Avenue would house staff and used for equipment storage and maintenance area. Ms. Jarrett said that the neighbors expressed concerns about not having maintenance outdoors and so the building is designed to have all maintenance indoors.

Chair Magid asked for further questions from the Commissioners.

Brandon Porterfield said that if the rezoning is granted despite the building rendering is great they still do not know where the buildings would be located. He stated that on the presentation the 3 story building was shown to the rear close to Battleground Avenue which could change. He noted it was the neighbors main concern that the 3 story building could be placed close to Seminole Drive after the engineering evaluation.

Chair Magid told the neighbors that the next step would include an evaluation of the site profile and the lighting plan. She encouraged the neighbors to continue working with the Water Resources Department to address their concerns.

Johnathan Wade said he is a civil engineer working with a lot of site layout throughout the city. He stated he understood the site profile, the timeline and the stormwater implications. He said given the grade of the site the proposed building heights could be lower than the previous apartment building that were demolished. He said he was not too concerned with how the building would look or placed. Mr. Wade stated his main concern, as shared with his neighbors, was how the applicant would be held to their promises, which were not conditions.

Ms. Turner asked staff if it would be possible to word conditions subject to the other agencies guidelines and requirements.

Mr. Ducharme said have conditions subject to other guidelines would be adding conditions on another condition. He said having such conditions would lead to uncertainty. He said that Mr. Baker's presentation showed they needed to go through the process to determine what could take place on the site.

Mr. Kirkman added that there could be the question of establishing unrealistic expectations by adding conditions that might conflict with other agencies regulations. He stated he understood from Mr. Baker's presentation there was uncertainty what could happen on the site. Mr. Kirkman said given the uncertainty the applicant was not comfortable adding other conditions.

Mr. Baker noted that the plan conforms with the LDO, there would be a 50ft maximum building height, 45ft setbacks, and said based on Homeland Security regulation there would be landscape buffer and attractive fencing. He mentioned the Homeland Security regulation would be for the protection of the drinking water. He emphasized the plan would conform to the LDO for the LI zoning district. He reiterated the primary purpose for the treatment plant expansion was to remove the PFAS "forever chemicals" out of the drinking water, and to expand the treatment capacity for the growth of the city.

Ms. Glass noted that if conditions are added that conflict with Homeland Security regulation then the condition would be cancelled. She stated that adding conditions could put the city in a compromising situation.

Chair Magid asked again for comments from the Commissioners.

Ms. Skenes expressed reservations for not being able to address the residents' concerns. She felt that there would be no issues with the Homeland Security regulations in respect of building heights. She stated that there could be a specific condition limiting building height adjoining the residential area. She felt that such conditions would offer some assurance to the neighbors and not impede the development of the project. She emphasized that she was bothered by just having one condition regarding billboards without addressing the residents' concerns.

Mr. Gilmer, Sr said that while he understood the residents' concerns, it seemed they were expecting more than what staff could offer. He noted there were restrictions from Homeland Security and the treatment plant existed since the 1800's. He said he would focus on the rezoning itself and supported the request. He said the city needed clean drinking water. He encouraged that staff to work with Homeland Security and the residents.

Ms. Glass added that the plan still needs to be evaluated by the engineers thus the city does not want to commit to conditions. She said that should there be changes then the process would start over. She mentioned that there are other limitations such as working with an existing treatment plant and not starting with undeveloped land. She noted that the residents' concerns are valid, however there were limitations to work with. Ms. Glass said that the city did not want to add conditions without the engineering evaluation. She said adding conditions could impact the

expansion of the treatment plant, which could limit the equipment or staff, and to meet Homeland Security requirements. She supported the request.

Mr. Nichols acknowledged the residents' concerns and difficulty of having the request in their neighborhood. He said they demonstrated that the treatment plant needed to expand; however, their concerns were based on how it should happen. He felt that it was not necessarily the job of the Planning and Zoning Commission to design the facility. Therefore, the concerns of the building height and what the building would look like are understandable, but it was outside the Commission's purview. Mr. Nichols said he is National Security professional and that conditions could not be added to national security concerns. He pointed out that the residents should take comfort in knowing there were several stakeholders involved in the process who would take care of their concerns. He supported the request.

Chair Magid asked for further comments from the Commissioners. Hearing no further comments, Chair Magid closed the public hearing.

Ms. Glass then stated regarding agenda item Z-24-11-004, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties at 1326 Seminole Drive and a portion of 1041 Battleground Avenue from R-5 (Residential Single-family – 5) and RM-18 (Residential Multi-family – 18) to CD-LI (Conditional District - Light Industrial) 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-LI zoning district, as conditioned, permits uses that 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. Gilmer, Sr. seconded the motion.

The Commission voted 5-2 (Ayes: Chair Magid, Vice Chair Skenes, Mr. Gilmer Sr., Ms. Glass and Mr. Nichols). Nays: (Ms. O'Connor and Ms. Turner)

Mr. Kirkman advised that with the votes being less than the required six favorable votes the item would be a recommendation from the Commission and then presented before the City Council.

Chair Magid advised the votes constituted a favorable recommendation and was subject to a public hearing at the Tuesday, December 17, 2024 City Council Meeting