



US Army Corps  
of Engineers  
Wilmington District

## Greensboro Auto Auction, Inc., Guilford County, NC (Regulatory)

- **Project proposal to expand an existing automobile dealership and re-develop an existing adjacent commercial facility, in Guilford County, NC**
- **Current concerns are related to a permit denial for failure to rebut the presumption that there is a less damaging practicable alternative permit modification request**

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CONGRESSIONAL DISTRICT: NC 12

DATE: 8 April 2013

1. **PURPOSE:**

To provide information regarding a permit denial issued to Greensboro Auto Auction, Inc. concerning a request to modify an existing permit to provide adequate drainage, accommodate parking requirements associated with the expansion of the existing Greensboro Auto Auction and renovation of an existing 30,000 square foot building to make it suitable for tenant use, in Greensboro, Guilford County, North Carolina.

2. **BACKGROUND:**

a. On September 16, 2011, a Department of the Army individual permit (SAW-2010-00636) was issued to Greensboro Auto Auction, Inc. for impacts to 295 linear feet of jurisdictional stream channel. The activity permitted under SAW-2010-00636 involved the redevelopment of the existing 26 +/- acre tract on West Wendover Avenue and immediately adjacent to Greensboro Auto Auction, Inc., in Greensboro, North Carolina. An individual permit was required, as the Corps had previously permitted permanent impacts to 75 linear feet of stream channel, 2.8 acres of waters/wetlands, and temporary impacts to 40 linear feet of stream channel at this location for Greensboro Auto Auction, Inc.

b. The northern portion of the site included an existing structure, which was formerly occupied by LifeSpan Incorporated, and was to be remodeled to house Kaplan University. Approximately 270 additional parking spaces were required for students, faculty and staff. On the southern portion of the site, an existing building was to be demolished and used for parking for a proposed retail restaurant. Also, Greensboro Auto Auction was to construct additional parking spaces for customers, employees and inventory on the southern portion of the site.

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(Regulatory) – Continued

c. The alternative that was permitted on September 16, 2011, met the stated basic and overall purpose and need and was determined to be the least environmentally damaging practicable alternative (LEDPA).

d. On February 6, 2012, the applicant requested a modification to the existing permit (SAW-2010-00636). The request was for 319 additional feet of jurisdictional stream fill associated with a 10,000 square foot expansion of the existing structure which was to house Kaplan University and for 100 additional parking spaces to accommodate the additional staff and students. The applicant indicated that the purpose of the expansion to the Kaplan University building and the additional parking requirements were part of Kaplan University's 10 year plan to accommodate expected growth. The applicant stated that without the ability to expand the facility, the existing building and site were not viable options for Kaplan University.

e. In correspondence dated August 29, 2012, the applicant indicated that Kaplan University would not be leasing the building and property that is the subject of the modification request. Therefore, Kaplan University's 10 year plan, which was the basis for the proposed expansion of the 30,000 square foot building and most of the additional parking requirements, no longer serves as the applicant's justification of a present need with regard to those features.

f. The Corps of Engineers received a letter dated September 4, 2012, from Senator Richard Burr, on behalf of Mr. Dean Green, owner of Greensboro Auto Auction, requesting assistance from the U.S. Army Corps of Engineers (USACE) regarding this modification request.

g. On September 25, 2012, the Corps of Engineers denied with prejudice the request for a Section 404 permit modification because it did not comply with the 404(b)(1) Guidelines. Specifically, the applicant did not rebut the presumption that there was a less environmentally damaging practicable alternative.

3. **CURRENT STATUS:**

a. By letter dated November 19, 2012, Mr. Dean Green, owner of Greensboro Auto Auction, Inc., requested an extension of time to appeal the U.S. Army Corps of Engineers permit decision.

b. By letter dated December 4, 2012, the Corps informed Mr. Green that the request for appeal could not be accepted, as the request did not contain any reason for appeal. Mr. Green was informed that he could revise the request to correct the deficiency and submit a revised request by January 3, 2013. The Corps confirmed this information by letter to Mr. Green dated December 6, 2012. Mr. Greene revised his request for appeal and met with the appeals board on February 14, 2014.