

**PARTIAL MINUTES OF THE
ZONING COMMISSION
September 20, 2021**

PL(P) 21-28: Hywood Drive – From the eastern right-of-way line for Guilford College Road eastward and southward approximately 1,050 feet to the southern right-of-way line for McCallum Street; Kellom Street – From the eastern right-of-way line for Hywood Drive eastward approximately 460 feet to the western right-of-way line for Bridford Parkway; and McCallum Street – From the eastern right-of-way line for Hywood Drive eastward approximately 700 feet to the western right-of-way line for Bridford Parkway. (Recommend Approval)

Mr. Carter stated staff received a request to close Hywood Drive, Kellom and McCallum Street as stated by Chair Holston. The applicant for this request was 5 Seas Property, LLC who controlled 100% of the properties along those three streets. When the City makes a determination on whether or not to close public streets, two things are taken into consideration; First, closing the street to be vehicular traffic was not contrary to the public interest; and two, no property owner in the vicinity would be deprived of reasonable means of ingress and egress. In order to maintain reasonable means of ingress and egress, the applicant was advised that the existing lots adjacent to the rights of way to be closed would need to be recombined so the new lots had frontage and direct vehicular access to a public street. At the August 12, 2021 meeting, the Technical Review Committee recommended closing Hywood Drive, Kellom Street, and McCallum Street with the following conditions; (1.) The street closure would become effective upon the recording of a plat in the Guilford County Register of Deeds combining all the lots with frontage on Hywood Drive, Kellom Street, and McCallum Street with abutting property so the resulting lot, or lots, would have frontage and direct vehicular access to a public street; (2.) The street closure shall become effective upon the Fire Department's determination that the dwelling located at 607 Hywood Drive is considered to be unoccupied. Before City Council can consider any proposed street closure, the Planning and Zoning Commission must provide a recommendation at the September 20, 2021 meeting. Staff requested that the Planning and Zoning Commission hold a public hearing, receive public input, and consider making a recommendation to City Council. The public hearing before City Council had tentatively been scheduled for the October 19, 2021 meeting.

Mr. Engle stated the maps in his staff report say PL(P) 21-27, which was the text amendment and asked if there were issues with advertising. Mr. Carter responded no issues. The streets themselves were identified properly and this could move forward. Mr. Bryson asked if the current owner owned all of the parcels and was part of the contingency closing these streets to combine the plats into one parcel. If the owner hypothetically sold the one large parcel in the future and the future owner wanted to divide it back up again, who would be responsible for putting a road back in there. Mr. Carter responded the new developer would be responsible for that. Ms. Magid asked if 607 Hywood was vacant. Mr. Carter responded he was unsure of the status at this time. Before the streets would be considered closed and all access was removed, it would have to be verified that no one was there. The conditions recommended by the Technical Review Committee stated it would be acceptable for the Planning and Zoning Commission to carry those conditions forward. Mr. Kirkman stated Mr. Gladden, a representative of the applicants, was available to speak. Chair Holston stated if there were no additional questions from Commissioners, they would hear from those wishing to speak in favor of the request. Ryan Gladden and Adams Winfrey, 100 South Elm Street, noted there were some very minor typos in how the appears on the agenda. The map of the street closings shown was correct and indicates the streets that are to be closed. In the description of Hywood Drive, it was from the eastern beginning point of Guilford College approximately 1,050 feet to the southern right of way line which would be Kellom Street. McCallum was 460 feet and Kellom Street was approximately 700 feet. In response to the question of 607 Hywood being vacant, the attorneys

have been working closely with the tenant for several months and have located a new residence for the tenant who has agreed and plans to move by the end of September. The house should be vacant by the City Council meeting in October. Mr. Gladden advised he was available to answer any other questions. Ms. Skenes asked if the road closings were to combine all of the property for a larger project. Mr. Gladden stated the property is being sold to a developer with a plan to unify all of the tracts into a single development for commercial use. Chair Holston inquired if there were additional questions for Mr. Gladden. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Hearing none, Chair Holston inquired if there was anyone wishing to speak in opposition. Hearing none, Chair Holston closed the public hearing and requested a recommendation. Mr. Carter stated staff and the Technical Review Committee recommended approval. Ms. Skenes moved that the Commission recommend the closure on case PL(P) 21-28 with the two conditions; (1.) That the street closure shall become effective upon the recording of a plat in the Guilford County Register of Deeds combining all of the lots fronting on Hywood Drive, Kellom Street, and McCallum Street with the abutting properties that result in lot or lots having frontage and direct vehicular access to a public street; (2.) That the street closure shall become effective upon the fire department's determination that the dwelling located at 607 Hywood Drive is considered unoccupied. Second by Mr. Engle. Mr. Alford stated the change in description was not mentioned and asked if that needed to be mentioned on the proposed street closing on the map that was switched by Mr. Gladden. Mr. Carter stated it was a typo correction by Mr. Gladden that should be amended into the motion to be representative of the changes Mr. Gladden stated. Ms. Skenes amended her motion that the map presented to the Commission had an incorrect case number that should be PL(P) 21-28, along with the clarification of the actual distances of the streets involved, Kellom and McCallum. Second by Mr. Engle. The Commission voted 8-0. (Ayes: Egbert, Skenes, Magid, Bryson, Engle, Alford, Vice Chair O'Connor, and Chair Holston. Nays: 0). Chair Holston stated this constituted a favorable recommendation and subject to a public hearing at the October 19, 2021, City Council meeting.