

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

The regular meeting of the Greensboro Planning and Zoning Commission was held in person, electronically through a Zoom meeting and broadcast simultaneously on the City of Greensboro's website on Monday, May 16, 2022, beginning at 5:30 p.m. Members present were: Chair Sandra O'Connor, Vice Chair Richard T. Bryson, Vernal Alford, Zach Engle, Mary Skenes, Erica Glass, Keith Peterson, Andrew Egbert, and Catherine Magid. Present for City staff were Lucas Carter, Mike Kirkman, and Rachel McCook (Planning), Deniece Conway (GDOT), and Allen Buansi (City Attorney).

Chair O'Connor asked Planning Staff for any items for the expedited agenda and Mr. Kirkman said that he would announce those items after discussing withdrawals and continuances.

Chair O'Connor welcomed everyone to the meeting and noted the meeting was being conducted both in-person and online. Chair O'Connor advised of the policies, procedures and instructions in place for the Planning and Zoning Commission. She briefly explained how the Commission members normally prepare for the meeting by reviewing materials and visiting the subject properties. Chair O'Connor advised those participants attending virtually would be able to view the meeting and speak when called upon. The online meeting was being recorded and televised and was also close-captioned for the hearing impaired. She further explained the expedited agenda and how staff would give a shortened presentation and the applicant would have up to 2 minutes to speak if they had additional information they wanted Commissioners to know.

Chair O'Connor introduced the Commissioner members and noted that Commissioner Egbert and she were participating on Zoom.

Mr. Allen Buansi, City Attorney, then advised that the Planning and Zoning Commission was here only to determine land use and conditions of a rezoning application, with respect to highest and best use of the property. All other concerns not related to land use and conditions of the rezoning application are not germane to the determinations made by the Commission, but can be referred to the Planning Department or Technical Review Committee as appropriate.

ACKNOWLEDGEMENT OF ABSENCES:

There were no absences.

APPROVAL OF THE April 18, 2022 REGULAR MEETING MINUTES: (Approved)

Chair O'Connor requested approval of the April 18, 2022 meeting minutes. Mr. Engle moved to approve the April meeting minutes as presented. Seconded by Mr. Egbert. The Commission voted 8-0-1. (Ayes: Alford, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0, Abstain: Engle). Mr. Engle abstained since he was not present for that meeting.

WITHDRAWALS OR CONTINUANCE:

Chair O'Connor stated that the applicant for 1208-1220 Pleasant Ridge Road and 729-YY-745 Brigham Road (Z-22-04-014) had withdrawn their rezoning request and no action was needed by the Commission. She then noted the applicant for 6801 West Friendly Avenue and 6727-6729 Forsythia Drive (Z-22-05-006) has also withdrawn their request and no action was needed by the Commission. Mr. Kirkman made a point of clarification that the withdrawal was for 1208-1220 Pleasant Ridge Road and 729-YY-745 Brigham Road. Chair O'Connor thanked Mr. Kirkman for the clarification and asked for Mr. Kirkman to announce the expedited agenda items.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

EXPEDITED AGENDA:

Mr. Kirkman then introduced the items that were eligible for the expedited agenda as they were recommended by staff and no one had signed up to speak in opposition. These items were an annexation and original zoning request, PL(P) 22-11 and Z-22-04-007 for 817-YY, 819, 821, 823, 827, 827-ZZ, 827-ZZ1, and 829 Guilford College Road and 5520, 5520-YY, 5524, 5600, 5600-ZZ Sapp Road, and a portion of 5526 Sapp Road; and Z-22-04-008 for a portion of Sapp Road right-of-way from the existing City limit line extending in a westerly direction for approximately 710 feet.

Mr. Engle asked to Staff to confirm that there was no one present in the audience who wanted to speak on the expedited agenda items. He also asked the audience if there was anyone present to speak on the expedited agenda. No audience member came forward.

Mr. Kirkman also noted a group of cases to the expedited agenda for annexation and original zoning for properties and right-of-way on Presbyterian Road, identifies as the following items: PL(P) 22-16, Z-22-05-007, Z-22-05-008 and Z-22-05-009 for various portions of 4000 Presbyterian Road and portions of right-of-way for Presbyterian Road and Millpoint Road.

Mr. Kirkman asked the audience again to confirm that there was no one present to speak in opposition to the expedited agenda items. Not seeing or hearing any speakers in-person or online, he noted the last expedited agenda item, PL(P) 22-17 and Z-22-05-010 for 4100 Presbyterian Road and a portion of the Foust Road right-of-way, the intersection of Foust Road and Presbyterian Road. He asked one last time if there were any speakers in opposition to them expedited agenda items. No one indicated opposition to the items so Mr. Kirkman asked the Commission for a motion to change or re-order the agenda to hear the expedited items first.

Mr. Alford made a motion to re-order the agenda as noted by staff. Seconded by Ms. Magid. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0).

PL(P) 22-11 and Z-22-04-007: An annexation, original zoning and rezoning request from County RS-40 (Residential Single-family), City CD-C-M (Conditional District – Commercial Medium), and City R-3 (Residential Single-family - 3) to City PUD (Planned Unit Development) and consideration of associated Unified Development Plan for the properties identified as 817-YY, 819, 821, 823, 827, 827-ZZ, 827-ZZ1, and 829 Guilford College Road and 5520, 5520-YY, 5524, 5600, 5600-ZZ Sapp Road, and a portion of 5526 Sapp Road, generally described as southeast of Guilford College Road and north of Sapp Road (14.66 acres). (RECOMMENDED APPROVAL); AND

PL(P) 22-11 and Z-22-04-008: An annexation and original zoning request from County RS-40 (Residential Single-family) and County MXU (Mixed Use) to City C-M (Commercial - Medium) for a portion of Sapp Road right-of-way from the existing City limit line extending in a westerly direction for approximately 710 feet (0.85 of an acre). (RECOMMENDED APPROVAL)

Mr. Kirkman reviewed the summary information for the subject properties and surrounding properties, and advised of the conditions associated with the request. Mr. Kirkman then noted the associated

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Concept Plan and Unified Development Plan for the request and stated these documents would be recorded with the Guilford County Register of Deeds office as part of the zoning action. Mr. Kirkman stated that the GSO 2040 Comprehensive Plan designated this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. Staff concluded the request was consistent with the Comprehensive Plan's Comprehensive Plan's Creating Great Places goal to expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and the Building Community Connections goal to maintain stable, attractive, and healthy places to live and raise families. He also noted that the proposed PUD zoning designation, as conditioned, would allow uses that are complimentary to uses present in the surrounding area. This request would permit moderate to high density residential uses and indoor recreation uses directly adjacent to large scale commercial uses. Staff recommended approval of the request.

Chair O'Connor thanked Mr. Kirkman for his presentation and asked Commissioners if they had any questions. Hearing none, she invited the applicant to speak on the case.

Amanda Hodierna, 804 Green Valley Road, Suite 200, said that she was representing the case on behalf of Marc Isaacson who was unable to be present at the meeting, and could answer any questions from the Commissioners in regards to the case. Chair O'Connor asked if there were any questions or comments from Commissioners, and hearing none, she closed the public hearing.

Chair O'Connor said that the Commissioners would need a series of motions starting with the annexation recommendation of the subject properties. Mr. Engle moved that the Planning and Zoning Commission annex the subject properties. Mr. Peterson seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated the vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle asked if they should move to approve the Unified Development Plan (UDP) first or the zoning, and Mr. Kirkman advised to hold the vote for the zoning items first and then the Commissioners should vote on the UDP as the last action. Mr. Engle made a motion to recommend approval of the original zoning and rezoning request for the properties described as 817-YY, 819, 821, 823, 827, 827-ZZ, 827-ZZ1, and 829 Guilford College Road and 5520, 5520-YY, 5524, 5600, 5600-ZZ Sapp Road, and a portion of 5526 Sapp Road from County RS-40 (Residential Single-family), City CD-C-M (Conditional District – Commercial Medium), and City R-3 (Residential Single-family - 3) to City PUD (Planned Unit Development) to be consistent with the adopted GSO 2040 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 PUD zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. The motion was seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated that this constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle then made a motion to recommend approval of the original zoning for the property described as a portion of Sapp Road right-of-way from the existing City limit line extending in a westerly direction

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

for approximately 710 feet from County RS-40 (Residential Single-family) and County MXU (Mixed Use) to City C-M (Commercial-Medium) to be consistent with the adopted GSO 2040 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 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. The motion was seconded by Ms. Skenes. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated that this constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle then made a motion to approve the UDP (Unified Development Plan). Mr. Alford seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the vote constituted a final action but was tied to the other items that would be subject to a public hearing at the June 21, 2022 City Council meeting.

PL(P) 22-16 & Z-22-05-007: An annexation and original zoning request from County PI (Public and Institutional), County RS-40 (Residential Single-family), and County AG (Agricultural) to City PI (Public and Institutional) for the property identified as a portion of 4000 Presbyterian Road and a portion of Presbyterian Road right-of-way, generally described as west of Presbyterian Road and north of Foust Road (24.89 acres) (RECOMMENDED APPROVAL); AND

PL(P) 22-16 & Z-22-05-008: An annexation and original zoning request from County RS-40 (Residential Single-family) to City RM-12 (Residential Multi-family – 12) for the property identified as a portion of 4000 Presbyterian Road and a portion of Millpoint Road right-of-way, generally described as east of Presbyterian Road and north of Millpoint Road (1.27 acres) (RECOMMENDED APPROVAL); AND

PL(P) 22-16 & Z-22-05-009: An original zoning request from County PI (Public and Institutional), County RS-40 (Residential Single-family), and County AG (Agricultural) to City CD-RM-12 (Conditional District - Residential Multi-family – 12) for the property identified as a portion of 4000 Presbyterian Road, generally described as west of Presbyterian Road and south of Millpoint Road (12.11 acres) (RECOMMENDED APPROVAL)

Mr. Kirkman provided an overview of the requests and explained that the requests involved several different actions. He stated the main property was on the west side of Presbyterian Road and would be zoned from County PI, RS-40 and AG to City PI and that the applicant's desire was to continue the current use of religious assembly on the property. Mr. Kirkman explained that the properties across Presbyterian Road were also owned by the church and included uses related to the church so the zoning was intended to accommodate the existing uses. Mr. Kirkman then reviewed the summary information for the subject properties and surrounding properties, and advised of the conditions associated with the CD-Rm-12 request.

Mr. Engle said that he thought the entire request was for City RM-12 and not City CD-RM-12. Mr. Kirkman further specified that the conditional district zoning of CD-RM-12 was the proposed zoning designation

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

for the property on the east side of Presbyterian Road south of Millpoint Road. There was associated right of way along Millpoint Road that would be zoned RM-12. The main church property would be rezoned to PI if this request was recommended for approval.

Mr. Kirkman stated that the GSO 2040 Comprehensive Plan designated the portion of 4000 Presbyterian Road and the portion of Presbyterian Road right-of-way as Exurban on the Future Built Form Map and Residential on the Future Land Use Map. Mr. Kirkman noted that if this original zoning and annexation request was approved, the designation would change to the Urban General place type. He said that the Future Land Use Map currently designated these properties as Residential on the Future Built Form Map. He said that the proposed original zoning requests supported the Comprehensive Plan's Filling in our Framework to Framework goal to arrange land uses for a more vibrant and livable Greensboro and to attract world-class development to transform underutilized sites and buildings into valued assets that complement their surroundings. Mr. Kirkman noted that the proposed City PI zoning district would permit places of religious assembly, hospitals and parks. This zoning district was intended to accommodate mid to large-sized, campus-style development semi-public and institutional controlled by a single entity, and that the uses permitted in the proposed City PI zoning district are compatible with existing residential and religious assembly uses located on adjacent tracts. Mr. Kirkman concluded that Staff recommended approval of all of the requests.

Chair O'Connor asked the Commissioners if they had any questions. Hearing none she invited the applicant to speak on the request.

David Michaels, 4102 Oak Cliff Road, Greensboro, addressed the Commission, thanking them and Planning Staff for their time. He said that he was a long-time member of the church. He explained that the church was trying to better fit the zoning with the existing land use and that Staff had provided guidance on how to do that. The primary function of the request was to access the new water line the City installed along Presbyterian Road, and that the church was already connected to the sewer line at the back of the property. The water line would allow the church, its daycare, and other uses tied to the church on the properties to access full City services. He offered to answer any questions from the Commission and said that he would appreciate their support of the requests.

Chair O'Connor thanked Mr. Michaels and asked if the Commissioners had any questions. Hearing no questions or objections, she closed the public hearing and asked for a motion. Ms. Magid moved to annex the properties. Mr. Peterson seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting. Ms. Magid then made a motion to recommended approval of the original zoning request Z-22-05-007 for the properties described as a portion of 4000 Presbyterian Road and a portion of Presbyterian Road right-of-way from County PI (Public and Institutional), County RS-40 (Residential Single-family), and County AG (Agricultural) to City PI (Public and Institutional) to be consistent with the adopted GSO 2040 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 City PI zoning district permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

community, and approval is in the public interest. Mr. Peterson seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Peterson made a motion to recommend approval of the original zoning request Z-22-05-008 for the properties described as a portion of 4000 Presbyterian Road and a portion of Millpoint Road right-of-way from County RS-40 (Residential Single-family) to City RM-12 (Residential Multi-family – 12) to be consistent with the adopted GSO 2040 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 City RM-12 zoning district permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor stated the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Peterson then made a motion for to recommend approval of the original zoning request Z-22-05-009 for the property described a portion of 4000 Presbyterian Road from County PI (Public and Institutional), County RS-40 (Residential Single-family), and County AG (Agricultural) to City CD-RM-12 (Conditional District - Residential Multi-family – 12) as conditioned to be consistent with the adopted GSO 2040 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 City CD-RM-12 zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

PL(P) 22-17 & Z-22-05-010: An annexation and original zoning request from County RS-40 (Residential Single-family) and County PI (Public and Institutional) to City R-3 (Residential Single-family – 3) for the property identified as 4100 Presbyterian Road, generally described as west of Presbyterian Road and south of Foust Road (0.96 acres)

Mr. Kirkman provided an overview of the request and reviewed the summary information for the subject properties and surrounding properties, noting that some of the surrounding zoning shown on the slides were affected by the Commission's action to recommend approval of annexation and original zonings in its previous votes. He stated the Comprehensive Plan's Future Built Form Map currently designates this property as Exurban and noted that if this original zoning and annexation request is approved, the subject site is considered to be designated as Urban General. Additionally, the Comprehensive Plan's Future Land Use Map currently designated this property as Residential. Mr. Kirkman noted the proposed original

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

zoning request supported the Comprehensive Plan's Filling in our Framework to Framework goal to arrange land uses for a more vibrant and livable Greensboro. The proposed original zoning also supported the Plan's Creating Great Places goal to create unique neighborhoods that offer residents of all walks of life a variety of quality housing choices. He stated that the proposed City R-3 zoning district was primarily intended to promote low-density single-family detached residential development of up to 3 dwelling units per acre, and that the uses permitted in the proposed R-3 zoning district are compatible with existing uses located on adjacent tracts. Staff recommended approval of the request.

Chair O'Connor thanked Mr. Kirkman and asked if the Commissioners had any questions. There were no questions so she invited the applicant to speak on the request.

Michael Brian, 3683 Southeast School Road, stated that he was the owner of the subject property. He made the comment that on a single residentially-zoned property, he said the Commission ought to do an expedited process so he would not have to come to these meetings. He said that he was forced to annex into the City and voiced concerns that he was told he was not allowed to connect to City water that is located in the front yard of the property. However, the church next door to him was now being allowed to hook-on so he wanted to ask if he could also be connected to water at some point in time. Mr. Engle responded that there was a change at the State Legislature about twelve years ago that basically did away with cities forcibly annexing person's properties, and at that time, the City used to provide water to residents that were near existing lines. The City would then bring in properties when other services were available. When the Legislature took away the power of the City to forcibly annex, any time someone wants to connect to City water - noting that people outside of the City connecting to City water do pay a higher rate - the rule now is that properties must be annexed in order to access City water. He noted that there are some properties that were grandfathered-in to service provisions but that he would defer to Staff for additional information on that matter. He went on to say that the applicant did not have to come to the Commission meeting and that the Commission would have acted on the item, but that the Commission appreciates when property owners requesting services are present at the meeting because it let the Commissioners know that the applicant wanted the City services.

Mr. Brian asked for clarification whether or not he could hook-on to the City water line. Mr. Kirkman responded that under the City's water and sewer policy, in order for the City to provide the connection to City water and sewer and other City services like fire and police and other City services, his property would have to come into the City's jurisdiction. The City updated their policy based on the Legislature's action that Mr. Engle noted previously. Mr. Kirkman added that the church property was also being annexed for the same reason because they wanted to connect to City water. Mr. Carter said that whether or not Mr. Brian could connect to City water verses the church property was dependent on the location of the water line, how his property lays, and if a lift station would be required to provide water to the site. The City's Water Resources Department would determine the best way for the subject property to access the water. He said that Wendy Humphrey-Messer was the best person to consult and that he would provide her contact information to Mr. Brian. Mr. Carter said that if City Council officially annexed Mr. Brian's property at the next City Council meeting, Mr. Brian would have access to whatever City services were available at his property at 4100 Presbyterian Road and it was up to the City's Water Resources Department to determine what water services were available. Brian indicated that he understood. Mr. Engle said that his only question for Mr. Brian was if Mr. Brian wanted City water and if that was the reason he wanted to be annexed into the City because the Commission would not forcibly annex. Mr. Brian responded that he needed to hook-on to City sewer which was the main reason for the request. Mr.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Kirkman noted that the initial reason for annexation would be either for water or sewer. Chair O'Connor thanked Mr. Brian. Mr. Engle commented that he wanted to make sure that everyone understood that the Commission would not forcibly annex and that they only consider annexation approval upon an applicant's request. Mr. Kirkman clarified that the terminology was "City-initiated annexation" versus "voluntarily annexation" to reflect the Legislature's position and how City interpreted its policy. Mr. Engle said that the folks who had been through the City's process may feel differently but he respectfully understood Staff's point of clarification. Chair O'Connor asked if there were any further comments and hearing none, she closed the public hearing.

Mr. Engle moved that the Commission annex the subject property. Mr. Bryson seconded the motion. Chair O'Connor called for a vote and the Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Bryson then made a motion for Z-22-05-010 to recommend approval of the original zoning request for the properties described as 4100 Presbyterian Road and a portion of the Foust Road right-of-way from County RS-40 (Residential Single-family) and County PI (Public and Institutional) to City R-3 (Residential Single-family – 3) to be consistent with the adopted GSO 2040 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 City R-3 zoning district permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Chair O'Connor acknowledged that the Commission had concluded their review of the expedited agenda items and would return to the remaining items on the agenda as advertised.

PL(P) 22-12 and Z-22-04-010: An annexation and original zoning request from County RS-40 (Residential Single-family) and County LI (Light Industrial) to City PUD (Planned Unit Development) and consideration of the associated Unified Development Plan for the properties identified as 908, 912, 916, 916-ZZ, 942, and 942-ZZ Edgemont Road, generally described as south of Edgemont Road and north of Wiley Lewis Road (111.45 acres) (RECOMMENDED APPROVAL).

Mr. Kirkman provided an overview of the request and reviewed the summary information for the subject properties and surrounding properties. Mr. Kirkman noted the conditions submitted by the applicant and advertised as part of the request. Chair O'Connor asked the Commission if they had any questions for Staff. Hearing none, she opened the public hearing and advised that there would be 10 minutes for the applicant and speakers in favor to provide comments, and said that Mr. Bryson would advise when the remaining time was under 2 minutes.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Amanda Hodierno, 804 Green Valley Road, Suite 200, Greensboro, introduced herself and said that she was representing the applicant, Diamondback Investment Group, which would be the developer of the site if the Commission considered the case favorably and ultimately the City Council. She presented several slides providing site boundary information for the almost 112-acre site, a substantial area of property with water and sewer services at its door. She said that her client's desire was to provide high quality residential housing to this part of Greensboro. She noted that Greensboro needed housing everywhere but this part of Greensboro especially needed more with a lot of jobs coming to the area, and her client wanted to create a place for those people to call home. She noted that part of the property was zoned LI and that the proposed residential PUD (Planned Unit Development) request was a down-zoning for this area. Ms. Hodierno presented the Concept Plan for a two-use residential PUD for attached and detached residential homes, also described as townhomes and single-family homes. She further described the proposed development as a cohesive HOA community with declarations and amenities such as a clubhouse, amenity center, pool, pocket parks, and similar amenities for homeowners within the 525-unit development, which would be capped at this unit count. The applicant had not confirmed the proportion of attached to detached homes but Ms. Hodierno provided a color-coded visual of the areas where the home-styles would be located, and that there would be more single-family homes based on the space available. The townhomes would be concentrated closer to the highway corridor in the front part of the site. She noted the two significant streams meandering on the property which the developer would incorporate as open space and natural division of enclaves to give the community a sense of place with green trees. She then discussed the road network on the site with a spine road going through the center which is the Vandalia Extension, referring to the City's future plans for Vandalia Road being an east-west connector. As of now, Vandalia Road stops at Pleasant Garden Road. Since noted the developer did not own the property in the middle, Ms. Hodierno explained that they would build the extension to the road on her client's part of the property and would be built to City collector street standards to serve the subject property as a public road. She described that the road would lead to a signalized intersection at the 421 corridor, pursuant to the City's DOT and NCDOT requests for the area for long range planning goals and traffic mitigation for the subject site accommodating 525 homes with more direct access to the highway north or south. Drivers could still go west into the City which is no different than the existing conditions, but the new road will provide a direct connection to road infrastructure that can accommodate the higher volume without impacting the existing community as significantly. She pointed out the stormwater infrastructure on the Concept Plan and went over the UDP and proposed conditions and noted that during the TRC (Technical Review Committee) process, the proposed units may change but the conditions capped the units at no more than 525 homes, and noted the height conditions as well.

Ms. Hodierno reported that they had a Neighborhood Meeting last week and that 230 letters were mailed to surrounding community which included the City's 600 feet- notification radius and beyond in an effort to include the neighborhood at large, an effort illustrated in a slide that she showed to the Commission members that also include a visual of the outreach letter. She said that the neighborhood meeting was held at the Brown Community Center with 40 people in attendance and they had a good discussion on the project. She said that main concerns from the community were annexation and traffic, as was to be expected from a project of this size. Ms. Hodierno relayed that she and the applicant were pleased that they could work so closely with GDOT on the traffic impact study and worked on a plan to mitigate traffic impacts and to invest in Greensboro's infrastructure in the future for this part of the City. She added that there was discussion at the applicant's neighborhood meeting about limiting construction traffic on Wiley Lewis Road, the road to the south, of the proposed project, and said that it would not be the applicant's

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

intent to use that road because it would not work functionally and that the more direct route would be to access the site from the north off Edgemont. Even though there was discussion about adding a zoning condition about construction traffic, Ms. Hodierné relayed that City Staff did not think it was an appropriate condition because it would be hard to enforce. But the applicant is committed to not using Wiley Lewis Road for construction traffic. She then introduced Zach Tran, the Principal and Founder of Diamondback, the developer of the proposal, and Stephen Dorn of Lennar Homes, the developer who would work on the housing for the new community. She said that they were all excited about the project and could answer any questions from the Commission.

Chair O'Connor asked if there were any questions. Ms. Skenes asked Ms. Hodierné about the East Vandalia Road extension, and specifically if the applicant would be dedicating the right-of-way or if they would be putting the roadway in as part of the construction plan. Ms. Hodierné said that the developer would be building the facility as part of the plan and when it was up to standard, it would meet and signalize at Highway 421 in Phase 2, and Edgemont would get curtailed. The development will also have sidewalks and crosswalks. Chair O'Connor asked if there were any other speakers in favor of the proposal. Hearing none, she invited speakers in opposition to speak on the proposal.

Mr. Kirkman conveyed that Teresa Stout was listed to speak in opposition and that she was on Zoom. Mr. Carter acknowledged that Jeanie Davis was also online and may want to speak in opposition, and Ms. Stout, 1000 Wiley Lewis Road, said she worried that the increased traffic on Wiley Lewis Road not only for construction but for the new neighbors in the proposed development. She also said that once neighbors learned the short-cuts, they would use Wiley Lewis Road and Liberty Road, and added that Wiley Lewis Road was known for its dangerous curves and had been the site of several car accidents since the 1980s. Chair O'Connor thanked Ms. Stout for her comments. Mr. Carter relayed that Ms. Davis said that she did not want to speak. Chair O'Connor gave a rebuttal period to the applicant. Ms. Hodierné said that they did not want to add any additional comments. Chair O'Connor invited those in opposition to offer any additional comments. Hearing none, she closed the public hearing.

Mr. Kirkman stated that the GSO 2040 Comprehensive Plan designates the property as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. He stated that the proposed zoning request supports the Comprehensive Plan's Creating Great Places goal to expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and the Building Community Connections goal to maintain stable, attractive, and healthy places to live and raise families. The proposed PUD zoning designation, as conditioned, would allow uses that are complimentary to uses present in the surrounding area, and said that the request would permit moderate to high density residential uses and indoor recreation uses directly adjacent to large scale commercial uses. He concluded that Staff was recommending approval of the request.

Ms. Magid commended the developer and indicated her favorable support for the two-lane East Vandalia Road extension and the tying-in of the road into the Joseph M. Hunt expressway at their own cost. Mr. Engle acknowledged that they had received at least one note of opposition in writing that spoke to the traffic and loss of greenspace. He stated that the decisions that the Commission made were related to land use, and that there was an affordable housing crisis in Greensboro and that the City needed housing choices. He said he thought the proposal would serve the jobs coming to the area and that he would be supporting the request. He also noted time and investment in roads was dependent upon density and that the proposal would help to make the roads better.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Mr. Engle made a motion to annex the property. Mr. Peterson seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle made a motion to recommend approval of the an original zoning request for the properties described as 908, 912, a portion of 916, 916-ZZ, 942, and 942-ZZ Edgemont Road from County RS-40 (Residential Single-family) and County LI (Light Industrial) to City PUD (Planned Unit Development) to be consistent with the adopted GSO 2040 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 PUD zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. Peterson and Ms. Skenes seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle then made a motion to approve the Unified Development Plan (UDP). Mr. Carter said that when the Technical Review Committee (TRC) voted to approve the UDP, they stipulated the following condition of approval: Any non-blue line water features would need to be identified and appropriate buffers provided. Mr. Engle revised his motion and moved to approve the UDP with the condition added by the TRC, as noted by Mr. Carter. Mr. Alford seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor announced that the Commission's vote constituted a final action, subject to approval of the associated requests that would be heard at a public hearing at the June 21, 2022 City Council meeting.

Z-22-05-001: A rezoning from R-3 (Residential Single-family - 3) and CD-RM-12 (Conditional District – Residential Multi-family – 12) to CD-RM-18 (Conditional District – Residential Multi-family – 18) for the property identified as 3721 South Elm-Eugene Street and 111 Vivian Lane, generally described as east of South Elm-Eugene Street and north of Vivian Lane (13.06 acres). (APPROVED)

Mr. Kirkman provided an overview of the request and reviewed the summary information for the subject properties and surrounding properties. Mr. Kirkman noted that the applicant had submitted one condition originally that stated that (1) Exterior building materials shall consist of not more than 25% wood, stone, glass, brick and/or cementitious material. The applicant had added an additional 4 conditions which Mr. Kirkman read into the record for the Commission to review and accept. The proposed conditions were as follows: (2) Only the following uses shall be permitted: Single-family detached dwelling, Duplexes, Traditional Houses, Townhouses, Twin Homes, Multi-family Dwellings, and Multi-family (Elderly); (3) The portion of the property adjacent to South-Elm Eugene Street shall be encompassed by a black wrought iron or high quality metal (but not chain link) fence with brick columns at the maximum height allowed under the development ordinance, subject to openings for vehicular and pedestrian entry and exit to the property; (4) A Type B buffer yard with an average width of 25', a minimum width of 20', and a planting rate of 3 canopy trees, 5 understory trees, and 25 shrubs per 100 linear feet shall be required around the

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

perimeter of the property except along the South-Elm Eugene Street right-of-way. Existing vegetation may be utilized to meet the Type B buffer yard requirement, subject to approval by City of Greensboro; and (5) A community room or clubhouse with a minimum meeting space size of 450 square feet shall be provided on-site for use by all members of the residential community. Mr. Kirkman asked the Commission to accept the conditions.

Chair O'Connor asked for a motion to accept the new conditions, 2-5. Mr. Engle moved that the Commission accept the conditions as submitted. Ms. Magid seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the conditions were approved.

Mr. Kirkman said that he could answer any questions from Commission members.

Chair O'Connor asked the Commission if they had any questions for Staff. Hearing none, she opened the public hearing and advised that there would be 10 minutes for the applicant and speakers in favor to provide comments.

Amanda Hodierna, 804 Green Valley Road, Suite 200, Greensboro, spoke on behalf of the applicant, Davindra Patel, and was presenting on behalf of Marc Isaacson. She reminded the Commission that they had approved a rezoning at the location last Fall at the same location but the request had included a retail component with fuel pumps and even though the Commission had approved it, the request was denied by City Council. Ms. Hodierna conveyed that the developer listened to the feedback and was proposing an all-residential request to the Commission that would not include a retail component while trying to contribute to the community with multi-family housing. Ms. Hodierna said that the first condition originally submitted to Staff had also changed and was now being proposed as follows: (1) Exterior building materials shall consist of no less than 40% wood, stone, glass, brick and/or cementitious material.

Mr. Kirkman asked the Commission to accept the change to the first condition. Chair O'Connor called for a motion. Mr. Engle made a motion to update the first condition to 40% wood, stone, glass, brick and/or cementitious material, per the applicant's request. Mr. Alford seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the first condition has been amended and approved.

Ms. Hodierna continued her presentation and an overview of the site of adjacent properties and land uses, noting the existing mobile home park community to the north of the request. She said that a multifamily project would be a good transitional land use from the interstate, to heavy commercial, to multifamily, and then existing residential uses towards downtown. Next she showed the Commission an illustrative Sketch Plan of the layout of the proposal which included a stream corridor on the left side of the request. She explained that the up-zoning was necessary to RM-18 due to the existing stream corridor, and that the applicant needed to capture density on the remaining area of the site to justify the purchase of the property and nice quality housing. She went on to show illustrative housing types. She shared the community meeting notice; the community meeting was held on Zoom and no one attended virtually; however, she noted that Mr. Isaacson had a community dialogue with the Southeast Greensboro Coalition. She said that the zoning conditions were a product of that dialogue and that the effort was a good example of how to get a zoning request where it needs to be by the time it gets to the

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

Commission for consideration. Ms. Hodierna echoed Staff's report that the request was consistent with the GSO Comprehensive Plan for the Land Use and Built Form. Chair O'Connor asked if anyone wanted to speak in favor of the application online or present in Chambers. Seeing none, she invited anyone in opposition to speak on the case.

Cheryl McIvor, 404 West Montcastle Drive, Greensboro, thanked the applicant for amending the conditions and requested that Staff update the first condition to state "at least 40 % wood, stone, glass, brick and/or cementitious material" instead of "no less than 40%." Mr. Kirkman thanked Ms. McIvor for the further clarification and expressed to the Commission that the adjusted language was the intention and read aloud the corrected the first condition for approval: "The exterior building materials shall consist of at least 40% wood, stone, glass, brick and/or cementitious material." He asked Ms. McIvor if the reading was correct and Ms. McIvor confirmed that it was. Mr. Engle made the motion to approve the first condition as further amended, and requested the applicant's approval once more. She indicated her approval. Mr. Peterson seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the first condition has been amended and approved.

Ms. McIvor stated that she was originally opposed to the request but the conditions were a result of the collaboration between the community and the applicant. She thanked the attorney and developer for making sure that the community was heard. Ms. McIvor made a comment regarding page 8 of the Staff Report that noted a "PUD zoning request" but that should be changed as well, if not already updated. Mr. Engle thanked Ms. McIvor for being present and for calling the Commission's attention to changes that needed to be made and invited her to serve on the Planning and Zoning Commission in the future. He thanked her for her time. Ms. McIvor thanked Mr. Engle and said that she and her neighbors were very passionate about their community and knows that there is growth but wanted the community to grow to benefit those who had been paying taxes all along. Ms. McIvor asked Mr. Kirkman if he would correct the zoning district note in the Staff Report and Mr. Kirkman said that if the case moved forward, the report would be corrected and that the correct zoning classification was CD-RM-18. Mr. Engle said that when the motion was read, the correct zoning would be read into the record and that it would be binding. Ms. McIvor said that she had no further comments unless the Commission had questions for her. Mr. Bryson also invited Ms. McIvor to serve on the Commission and they both agreed that time is not free. Mr. Kirkman said that Staff always appreciates the Commission volunteers. Ms. McIvor thanked the Commission and Chair O'Connor invited other speakers in opposition to speak. Seeing none, she offered the applicant a rebuttal period.

Ms. Hodierna said that they had no rebuttal comments. Mr. Bryson asked Ms. Hodierna if residents were against the case for the subject properties last time recalling some signs in opposition he saw on Vivian Lane. Mr. Kirkman said that opposition was from residents on South Elm-Eugene Street specifically in opposition to the commercial component of the request. Chair O'Connor said that when the retail component was removed in this request, it would reduce the amount of traffic, a main reason for the objection. Ms. McIvor clarified that she and her neighbors were a part of the effort in opposition to the request the first time around because of the proposed gas station. Mr. Bryson and Chair O'Connor thanked her for the clarification and for working together. Ms. Magid asked the applicant if there was any outreach directly to the Cedar Creek Mobile Home Park. The applicant replied that the Mobile Home Park was within their outreach radius and that they had sent a letter to the leasing office manager and asked that the invitation be shared with the tenants. Ms. Hodierna said there was no

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

response. Ms. Magid asked her if the letter was in Spanish and Ms. Hodierne replied that the letter was only in one language, English. Mr. Bryson noted that the communication only being in English was an issue the last time the case was heard by the Commission because the population in the Cedar Creek Mobile Home Park mostly speaks Spanish. Mr. Engle asked if Commissioner Bryson was referring to the Hiatt Street off Spring Garden about the community living there but that he thought the subject property was vacant and had no mobile homes. Mr. Kirkman said that Mr. Bryson was referring to the Property to the north of the request.

Chair O'Connor asked if there were any other comments and hearing none, she closed the public hearing and invited Mr. Kirkman to continue his presentation of the case.

Mr. Kirkman stated that the GSO 2040 Comprehensive Plan designated this site as Urban General within a High Frequency Transit Service Corridor on the Future Built Form Map. The GSO 2040 Comprehensive Plan designated this site as Residential on the Future Land Use Map of the Comprehensive Plan. He said that the proposed rezoning request supports the Comprehensive Plan's Filling In Our Framework Big Idea to encourage higher density, mixed-use, walkable infill development. It also supports the Comprehensive Plan's Creating Great Places goal to expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices. He concluded by saying that the proposed CD-RM-18 zoning request, as conditioned, allowed moderate density residential uses adjacent to large scale commercial uses. The request also provided an appropriate transition between heavier commercial uses located further to the south along a major thoroughfare and various residential uses and densities located further north and west. He said that Staff was recommending approval of the request.

Chair O'Connor asked for a motion. Mr. Bryson made a motion to approve the rezoning request for the properties described as 3721 South Elm-Eugene Street and 111 Vivian Lane from R-3 (Residential Single-family - 3) and CD-RM-12 (Conditional District – Residential Multi-family – 12) to CD-RM-18 (Conditional District – Residential Multi-family – 18) as conditioned to be consistent with the adopted GSO 2040 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-RM-18 zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. Alford seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the approval constituted final action unless appealed in writing to the Planning Department within 10 days and that anyone may file such an appeal and that all appeals would be subject to the June 21 City Council meeting and that all surrounding property owners would be notified by such an appeal.

She noted that it was customary to take a 10-minute break around the 7:30pm time and called for a 10 minute break starting at 7:12pm.

Chair O'Connor called the Planning and Zoning Commission back into session at 7:22 p.m. and introduced the next case.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

PL(P) 22-15 & Z-22-002: An annexation, original zoning, and rezoning request from County AG-SP (Agricultural with a Special Use Permit), RS-40-SP (Residential Single Family with a Special Use Permit), and City AG (Agricultural) to CD-PI (Conditional District – Public and Institutional) for the property identified as 1317 Pleasant Ridge Road, generally described as north of Pleasant Ridge Road and east of Brigham Road (23.115 acres) (RECOMMENDED APPROVAL); AND

PL(P) 22-15 & Z-22-003: An annexation and original zoning request from County RS-40 (Residential Single-family), County AG-SP (Agricultural with a Special Use Permit), County LI (Light Industrial), and County AG (Agricultural) to City LI (Light Industrial) for the property identified as a portion of 1511 Pleasant Ridge Road and portions of right-of-way for NC 68, I-73 and Pleasant Ridge Road, generally described as north of Pleasant Ridge Road and including portions of NC 68, I-73, and Pleasant Ridge Road (8 acres). (RECOMMENDED APPROVAL)

Mr. Kirkman provided an overview of the requests and the adjacent zoning designations and discussed the existing land uses; he said that the subject property contained a former golf academy and golf course and associated road right-of-way. He then noted the condition associated with the request and advertised with the hearing. Mr. Kirkman then noted an additional zoning condition from the applicant which he read aloud stating that (2) Any required plantings in the buffer yard along the western property line that is common with Lot 30 (2200 Brigham Road), Lot 29 (2202 Brigham Road), Lot 28 (2204 Brigham Road), and Lot 27 (2206 Brigham Road) of the Woodfield Subdivision shall be of evergreen material for year-round screening as shown on Exhibit "A" dated 5/13/2022.

Mr. Engle asked Staff about the required planting for this site. Mr. Kirkman answered that the Type B Planting Yard of 25 feet was the standard requirement. Chair O'Connor called for a motion. Mr. Engle moved that the Commission accept the new condition as presented. Ms. Magid seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that the second condition was unanimously approved. Mr. Kirkman said that he had no other Staff comments at that point.

Chair O'Connor invited the applicant to speak on the application.

Andrew Hopper, 7616 Business Park Drive, introduced himself as the lead pastor of Mercy Hill Church, and said that his church had locations throughout Greensboro, and was now expanding into High Point and McLeansville. He said that Greensboro was their base and that they had many members on Boards of non-profits throughout Greensboro and that the church was especially focused on adoption and foster care ministries and many other interests. He said that the church's current main location was about a mile from the subject site and even though they have a multi-site model, they wanted to create a new home and hub in the community they that have already been in for about 8 years. He said that much of the church's base comes from a few miles of the subject site and that they were excited about it. Pastor Hopper turned over the remaining remarks to Pastor Randy Titus who had helped lead efforts with the application.

Randy Titus, 7616 Business Park Drive, noted that a portion of the property had already been annexed by the City as a result of interstate development. He stated that the church had worked with Planning Staff on the zoning classification of Public and Institutional. Mr. Titus said that the church had worked on the presented conditions for the proposal and had mailed outreach letters to the adjoining Woodfield

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

subdivision as well as to other property owners within 600 feet of the property line, inclusive of residential and commercial property owners. Mr. Titus relayed that the neighborhood meeting was held at the old driving range and 7 people attended. Mr. Titus said that they had a great discussion with neighbors regarding concerns ranging from the proposed building being too close to property lines, noise and security, and other issues. Mr. Titus said that he presented to the attendees the plans for the building, prohibited land uses, peak use time, traffic impacts being concentrated to Sunday mornings and some Thursday night service traffic. He and his team made outreach calls to all attendees after the meeting as well. He said that the church had added the additional condition as a direct result from the conversation with the neighbors regarding visibility, sight lines, and noise. Mr. Titus said that the meeting helped them establish some good relationships with the neighbors and felt that they had addressed many of the concerns of the neighbors. He thanked the Commission for its consideration.

Chair O'Connor thanked Mr. Titus and asked if anyone else wanted to speak in favor of the application. Hearing none, she invited those opposed to the application to speak.

Luke Diventi, 2212 Brigham Road, said he was a resident of the Woodfield subdivision located next to the request. He thanked the Commissioners for listening to his remarks and that attending the meeting was a chance to see democracy at work. He said that he was not opposed the building of the church. Rather, he was opposed to annexation and explained that he does not want there to be any forced annexations. He said that forced annexation came-about by providing water service in cases like that of the church. He said that he would help build the church, so to speak, but opposed the annexation of the area. He said that he did not want to pay thousands of dollars more in taxes and that he already had his own water and sewer, and that the church should build a well for water. He added that not all neighbors were aware that annexation could occur because he did not see a rezoning sign on the property and that not all neighbors received notification letters. He said that the meeting the Pastor mentioned was not a community meeting but just a meeting with people who lived in the neighboring subdivision and 4-5 people attended out of 26 neighborhood households. He concluded his remarks by saying that he wanted to stop the annexation, provide water to the church, and build the church. He asked if the Commissioners had any questions or comments for him.

Chair O'Connor asked if there were questions or comments. Hearing none, she asked if anyone else wanted to speak in opposition. Seeing none, she opened the floor to the rebuttal period and invited the applicant to add anything to their comments.

Mr. Titus, 7616 Business Park Drive, Greensboro, said that he appreciated Mr. Diventi's comments and acknowledged that his name was on their mailing list. He said that the church was not necessarily seeking to be rezoned but that they had purchased property that was partially within the City limits which required rezoning and annexation to tap into water and sewer as their only recourse. With that said, he noted that he understood Mr. Diventi's position. Mr. Titus said that in regards to the sign, he was not aware if the sign was required to be placed on the property by the applicant. He also noted that some of the neighborhood surrounding the site was already within the City limits.

Mr. Diventi, 2212 Brigham Road, Greensboro, spoke in rebuttal and said that he did not want to add confusion regarding the annexation. He said that the City limits stop at Pleasant Ridge Road and that the church's property is the first property beyond that point. He continued by saying that he thought it was just the beginning of annexation as noted in the GSO 2040 Plan. He said that the City should annex the area outlined in the Plan and not to do it piece by piece, and that the neighbors were

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

concerned about the plans for annexation without transparency. Mr. Diventi said that Pleasant Ridge Road was a narrow road. He recalled Mr. Engle's comment about streets being widened to support the density of an area, but that in this case, Pleasant Ridge Road area already had density because zoning put 300 apartments across the street. However, the street is still narrow, he said, and on Sunday morning, there will be more traffic. He said that we need to strengthen our streets but that the areas did not need to be incorporated into the City in order to provide water service.

Chair O'Connor opened the floor to anyone else who wanted to speak during the rebuttal time. Seeing no additional speakers, she closed the public hearing. She asked Commissioners if they had any additional questions. Mr. Engle asked two questions. He asked if a zoning sign had been placed on the Property. Mr. Carter answered that yes, a sign had been placed on the Property. Mr. Engle asked if there was a picture of the sign on the Property and Mr. Carter showed and described where the sign was located across the street from the R-3 block on Pleasant Ridge Road. Mr. Engle asked if notification letters were sent out to only City property owners or also to County property owners as a practice. Mr. Carter replied that letters were always sent out to all property owners within 600 feet of the property whether they were located within the City jurisdiction or the County.

Chair O'Connor asked Mr. Kirkman to provide a description of how the annexation process worked.

Mr. Kirkman explained the annexation process by referring to the City's water and sewer extension policy that requires private property owners who wished to add water or sewer service, and the City could provide all other required services such as solid waste, fire, and police protection, to be annexed into the City in order to receive services. Mr. Kirkman explained that this policy included the extension of new services and for upgrades of existing services. He said that in application of the proposal tonight, the applicant was seeking to access City services, and in order to do that, the property had to be annexed into the City's jurisdiction and also needed to be zoned in order to be regulated under the City's zoning authority.

Mr. Engle asked Mr. Kirkman about the fact that part of the property was already located within the City limits and what complications could be added if the rest of the property were not annexed into the City zoned concurrently. Mr. Kirkman replied that the part of the property adjacent to Pleasant Ridge Road had been annexed into the City many decades ago in conjunction with road right-of-way areas that were annexed into the City. The existing state of things was that part of the property was subject to City regulations and part of the property was subject to County provisions, and while there were similarities in regulations, the dynamic could lead to complications when two jurisdictions are working on the process. Mr. Engle said that in regard to the community across the street, there was nothing the City could do to annex the property unless they requested annexation. Mr. Kirkman replied that if those properties wanted to come into the City's jurisdiction they would have to petition the City for annexation, and it could be for a variety reasons such as City services, the potential for development, they wanted City rules applied, or consistency of properties being under one ownership and other set of regulations. Ms. Magid confirmed that the residents on Brighton Road and Merrick Court would not be annexed with this annexation request. Ms. Magid also asked for confirmation that the said residents would not be forced to accept City water services. Mr. Kirkman also confirmed that properties connected under older City water and sewer extension policies could not be annexed by the City under current law unless they petition the City to do so. There are some situations where property is within the County's jurisdiction currently but had City services but was not under the City's jurisdiction. In the future, any properties that

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

wanted City services would need to be annexed into the City. Ms. Magid thanked Mr. Kirkman. Mr. Engle asked if properties contiguous to property being annexed into the City do not have to pay City taxes unless they are annexed into the City. Mr. Kirkman confirmed that if a property was not within the City's jurisdiction, it would pay taxes to the County and receive County services.

Chair O'Connor requested a motion. Mr. Engle moved that the property be annexed into the City. Ms. Skenes seconded the motion for annexation. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that this constituted favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle moved to recommend approval of the original zoning and rezoning request for the property described as 1317 Pleasant Ridge Road from County AG-SP (Agricultural with a Special Use Permit), RS-40-SP (Residential Single-family with a Special Use Permit), and City AG (Agricultural) to CD-PI (Conditional District – Public and Institutional) as conditioned to be consistent with the adopted GSO 2040 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-PI zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. Skenes seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that this constituted favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Mr. Engle then made a motion to recommend approval of the original zoning request for the properties described as a portion of 1511 Pleasant Ridge Road and portions of right-of-way for NC 68, I-73 and Pleasant Ridge Road from County RS-40 (Residential Single-family), County AG-SP (Agricultural with a Special Use Permit), County LI (Light Industrial), and County AG (Agricultural) to City LI (Light Industrial) to be consistent with the adopted GSO 2040 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 City LI zoning district permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; and (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. Skenes seconded the motion. The Commission voted 9-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Glass; Bryson, and Chair O'Connor; Nays, 0). Chair O'Connor said that this also constituted favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Z-22-05-004: A rezoning request from CD-C-H (Conditional District - Commercial - High) to CD-C-M (Conditional District - Commercial - Medium) for the property identified as 2400 Kings Mill Road, generally described as south of West Gate City Boulevard, east of High Point Road, and north of Kings Mill Road (0.43 acres) (DENIED).

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

Mr. Kirkman provided an overview of the request and noted the zoning condition submitted by the applicant. He offered to answer any questions from Commissioners. Chair O'Connor asked if there were any questions. Hearing none, she invited the applicant to speak on their application.

Ali Maanaki, 1510 Bridgetown Court, said that the current zoning conditions made the lot unbuildable with 40-foot required setbacks on all sides of the property. Mr. Maanaki said that the existing zoning made more sense before the highway intersection was put-in that divided the property, but as of now, the property was unusable. He said that one of the main reasons for rezoning would be to secure better setbacks for a potential tire shop. He said that he sought to provide more business to the area, a taxable enhancement to the land, and something that should be beneficial to surrounding areas. He asked if the Commissioners had any questions.

Mr. Bryson greeted the applicant and asked him if he had an illustrative drawing of the building he would be proposing for the site. Mr. Maanaki answered that he had a drawing but that it was currently be redesigned based on feedback and concerns from the Greensboro Department of Transportation. Mr. Maanaki conveyed that the proposal had been through Sketch Plan review and that they had been in touch with the Technical Review Committee (TRC) and thought that he could do all that the TRC had requested for the site and he did not foresee any problems. Mr. Engle asked Mr. Maanaki to discuss his outreach efforts. Mr. Maanaki said that he had not reached out to the community because he did not get a mailing list from Planning Staff. He indicated that asked for a list but had never received a list. Mr. Engle asked if he had reached out to any neighboring businesses. Mr. Maanaki said that he had not because he was waiting to receive the mailing list from Staff in order to send letters, so he had been unable to reach out. He noted that the properties within 600 feet of the subject property were store shops and similar, and he was under the impression that he had to reach out to residential areas. He conveyed that he did not have an accurate representation of what the 600-foot radius would include.

Chair O'Connor asked if there were any other questions. Ms. Magid asked Mr. Maanaki if he was planning to build a tire shop and he asked that they were trying to create something like a Firestone design layout with 3-bay garage for alignments, regular garages, and a waiting area. Ms. Magid thanked him for the information. Mr. Peterson discussed the importance of reaching out to residents in the community especially in consideration of a tire shop to such a magnitude and its potential impact on existing residents. Mr. Peterson said that the Commissioners were impressing the importance of outreach in light of the proposed use. Mr. Maanaki responded that he understood and was under the impression that the City would send out letters to surrounding property owners whether or not he reached out directly. Ms. Magid asked Mr. Carter and Mr. Kirkman to speak to matter of sharing a notification list with Mr. Maanaki. Mr. Kirkman said that it was a general practice to share the outreach list with the applicant. Mr. Carter verified that Mr. Maanaki had requested a notification list but had not been sent that and for that Mr. Carter apologized. Mr. Kirkman said that the City conducted its required notification to nearby property owners but that Staff had missed sending the notification list to the applicant, unfortunately. Chair O'Connor asked Mr. Kirkman to confirm that the City sent notices to property owners within the 600-foot radius. Mr. Kirkman confirmed that Staff sent out notices and placed a rezoning sign on the subject property as well. Chair O'Connor asked for any other questions or comments from Commissioners.

Ms. Skenes commented that the Commissioners had received many letters in opposition to the proposal which she thought was based on the City's notification letter regarding the request to the neighboring property owners. Mr. Egbert asked that in reference to the letters in opposition that the

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

Commissioners received, would the applicant be notified of the opposition as well, especially since many of the neighbors were against the request. Mr. Kirkman replied that Staff had not missed sending the letters of opposition to Mr. Maanaki. Mr. Egbert said that he thought the situation put the applicant at disadvantage where Planning did not provide the applicant with the information that he needed and that it was unfair to the applicant. Ms. Magid noted the one condition tied to the rezoning request that did not mention anything about a drive-through repair shop. She asked how the neighbors knew about the concept. Mr. Kirkman noted that people had called the City to ask about the general intent of the proposal and Staff had responded with the information available and noted uses in the C-M zoning district. Mr. Engle said that he looked at rezoning as a collaborative process with applicants and the community around them. Mr. Engle said that he would look at the case as presented but also offered the applicant the option of requesting a continuance of a month. In that time, Mr. Engle suggested that Mr. Maanaki could take the time to have discussion and conversations with the neighbors and that he put this option to Mr. Maanaki to consider. Mr. Maanaki said that he thought it was best to proceed with the case with the purchase of the property being contingent on the Planning and Zoning Commission's decision, which would determine if he proceeded with his plans or if he needed to abandon the project. Mr. Engle said that he understood the applicant's wishes.

Chair O'Connor asked if the case was a down-zoning since it was going from Commercial-High to Commercial-Medium. Mr. Kirkman said that in terms of numbers of uses, Commercial Medium offered more uses than Commercial-High, which was more of a shopping center model with outparcels, for example. He said that auto service were more expansive in Commercial-Medium than they were in Commercial High. Chair O'Connor asked that if the Commission voted in favor of the request, they would be voting in favor of any uses allowed in Commercial-Medium, not just a tire store. Mr. Kirkman confirmed this understanding, minus the uses excluded in the conditions. Ms. Skenes said that the downzoning permitted more noxious uses wherein more major auto repairs could occur on properties zoned C-M and listed some examples, where only minor repairs could be performed on properties zoned C-H. She expressed that the downzoning was a bit of a contradiction, the proposed rezoning would open-up more uses that may or may not be conducive to the neighbors. Mr. Bryson said that he had listened to the presentation but that without an illustration of the proposal, it was too hard for him to imagine and visualize what it would be used for on only 0.3 acres of land. He said that for those reasons, he would not be able to support the request.

Chair O'Connor said that the public hearing was still open and asked if the applicant if he had any additional comments to make to which he declined respectfully. She welcomed any other speakers to share comments in favor of the application. Hearing none, she opened the floor to anyone in opposition to the case.

Joel Howard, 4915 High Point Road, spoke in opposition to the rezoning request. He described his office south of the subject property where he had run his engineering business since 2014 within a community building where all the tenants knew each other. He said that he also did property management for the building and that the building was owned by his father, Dennis Howard, also present at the meeting. He continued by saying that the building was part of a small, family-owned business in Greensboro and that his family was proud of the building. The building provided retail services including a barber shop, a tailor, a cell phone shop, a cleaning agency, a nail salon, a health spa, a nutrition and supplements store, and his engineering business. When he saw the rezoning sign, he was worried because he did not have background information on the proposal. When they reached out to the City, the City noted the proposed use of a tire store. Mr. Joel Howard said that he was

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

displeased with the proposed use and that the property could be used to store junk cars in a similar way as the corner of Groometown Road and West Gate City Boulevard. He said that he and his family would prefer the corner to look like Koury's development closer to the intersection with the Publix Distribution Center off Burlington Road and Guilford Technical Community College to enhance real estate value because it was developed the proper way. Mr. Howard said that he realized that everyone had cars and everyone needed their cars worked on but that there were better places for this type of business that already exist. He suggested retail and apartments for the area to beautify the area not detract from the area. He noted that the Kings Mill highway exit came out to the intersection for East Gate City was a main exit for the neighborhood. Next, Mr. Howard described his outreach efforts to the community wherein he distributed a letter and photographs to the surrounding property owners and business owners by personally going door to door and requesting signatures in opposition to the rezoning request. He said that the response among the small business owners regarding the development of the property was mostly of concern and they signed his letter.

Dennis Howard, 3305 Gaston Road, introduced himself as the owner of the large green-roof building at 4915 High Point Road, the building his son had referenced. He described the view of the intersection showing his building and the Hunt Shopping Center which have contributed to the City's efforts to beautify Gate City Boulevard. He thought that a repair garage in the area with engines and tires could be an environmental issue. He said that there had not been outreach to local business owners and the only information they had on the proposal was from Planning Staff, so they assumed the proposed rezoning would allow a high-impact tire business in contrast to the existing businesses which he considered to be low-impact service-type businesses. He said that he was proud of the beautiful building he created and he had spent extra money to make it so. He said that the subject piece of property was not big enough for any business, especially not for a Firestone-style tire shop. He said that they were concerned about the appearance of a tire shop in contrast to his existing building.

Chair O'Connor invited anyone else to speak in opposition to the request. Seeing none, she opened the rebuttal period.

Mohammad Maanaki, 1510 Bridgetown Court, spoke in regard to the application and offered an apology to those who he and his brother did not speak to about their proposal. He and his brother wanted to use the City's list to reach out and were informed that the City would provide notification to surrounding properties along with posting a zoning sign. He said he and his brother, Ali, were planning to put a lot of money into their proposed building to match the design of the surrounding buildings. He explained that he and his brother were raised in Greensboro, NC, and that they loved the City, and that they saw a trend upwards for business and traffic in the area and would want it to continue to look beautiful. However, in hearing so much opposition to the proposal, they would not want to do business on their end by upsetting the community. He said that they had their answer and did not believe that they would move forward with the proposal. He thanked everyone for their input and time. Chair O'Connor thanked Mr. Mohammad Maanaki.

Ali Maanaki, 1510 Bridgetown Court, explained that his proposal was to use the existing entrance to access the property. He responded to the opposition's comments regarding how a building would be able to fit on the property by saying that he had hired an architect to design the building to fit the property. They had submitted a Sketch Plan to the TRC already, he conveyed, and noted that even though he was young-looking, he had funds to put into a nice-looking building with at least half a million

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

dollars going into the project. Mr. Maanaki said that it sounded like the only entities in opposition to the proposal were existing business who may not like the competition in the area and that no resident in 600 feet had provided opposition; he had not heard anything from residents who would not want a new business, just from business owners. Mr. Engle responded that every land owner within 600 feet of the property were notified.

Mr. Kirkman stated that the Zoning Ordinance stipulated that if there were residential uses located within 600 feet of the subject property and there was a conditional zoning application, the applicant was supposed to contact City Staff to inform them of what efforts they took to talk to the community. Mr. Engle asked Mr. Kirkman who would receive the letters. Mr. Kirkman answered that every property owner within 600 feet received the notification letter. Mr. Engle responded that when the Commission considered the letter, they would look at the entire 600 feet radius from a land use perspective. Mr. Maanaki thanked the Commission for the discussion and said that he appreciated their concerns.

Joel Howard, 4915 High Point Road, Greensboro, engaged in the rebuttal period. He said that he was a structural engineer and that his father was a general contractor and that they liked buildings a lot. However, the proposal was not right for the area, there was no outreach from the applicant. He that he himself was the one who had done the grassroots outreach efforts. Without knowing what the building would look like, and with all of the what-ifs, he said that the project already started out as a poor development project and that it started bad and would finish bad. Even if that was not to be the outcome, there should have been more information provided to the community like other applicants had presented earlier in the meeting. He urged the Commission not to support the rezoning.

Chair O'Connor invited any other speakers in opposition to the case to use the remaining time. Seeing none, she closed the public hearing.

Mr. Kirkman spoke on the factor's supporting Staff's recommendation of the request. He said that the GSO 2040 Comprehensive Plan's Future Built Form Map currently designates this property as Urban General. The Comprehensive Plan's Future Land Use Map designates the property as Commercial. He stated that 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 Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro. The proposed CD-C-M zoning district would permit a variety of commercial, retail, office and service uses along a major thoroughfare that are consistent with the commercial and industrial zoning and uses existing or allowed on adjacent and nearby properties. He said that Staff was recommending approval of the request.

Chair O'Connor asked if Commissioners had any comments or questions. Mr. Engle said that he felt that as an organization, we did not do right by the applicant by not getting them the notification list and sharing the opposition communications with them. He said that he appreciated when members of the community came together and had conversations about intentions and impacts regarding the case prior to coming into the hearing. With this in mind, he explained why he had encouraged the applicant to continue the case in order to support those types of conversations. Mr. Engle relayed that despite the zoning conditions, the concept did not seem to be cohesive at this point in time. He shared an experience that he was also a young entrepreneur in his 20s who started his own business and that Greensboro has a wonderful ecosystem, and that even though he would be voting against the

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

application, he was not voting against what Ali Maanaki was trying to do and hoped that he would continue to work on his business. From a land use perspective, Mr. Engle would not be voting for the proposal. Mr. Peterson spoke to the applicant and said that he and Mr. Engle had hoped Mr. Maanaki would have considered a continuance so he could be more prepared. He acknowledged that Mr. Maanaki may be discouraged because of the nature of the business or business competition. However, it was the practice of the Commission to help new applicants fulfill their dreams but there is a great preparedness that the Commissioners have to go through in making their decisions as well, but that they did not want him to be discouraged. Mr. Bryson said that he was a visual person and that an illustrative drawing would have helped him understand how the building would fit on the property, and without that, it was hard for him to envision the proposal. He encouraged Mr. Maanaki to keep working on his dream to build a business. Ms. Magid commented that there was a learning curve for the Planning Department as well and that she hoped that in the future, Staff would explain better the process to new applicants in more specifics and what would need to be done all along the way for them to be successful in their presentation and outreach efforts for their proposal. Ms. Glass asked Mr. Kirkman and Mr. Carter in regard to the public notification required by General Statute 30-4-1.4 to send notification to appropriate land owners, would Staff confirm that requirement was met. Mr. Kirkman said that yes, the requirement was met and that the Greensboro notification requirement goes further to the 600 feet; Staff sent out notices to property owners of record within 600 feet of the subject property and posted the zoning sign. Ms. Glass asked a follow-up question as to if there was a requirement, Statute or local ordinance that requires the land owner to send additional notifications. Mr. Kirkman replied that there was no such requirement but that the Ordinance said that if there were residential uses within the 600-foot area, the applicant would need to inform City of efforts taken or not taken to communicate with those persons. Staff strongly recommends outreach by applicants to adjacent property owners. Ms. Skenes made the comment that the case was not conditioned to meet her comfort level because it is not conditioned to a tire store, so without additional conditions in the C-M district, she was concerned about other noxious uses. She said also that Gate Way City Boulevard was an entrance to the City and without having a better idea of the appearance and the use, she could not support the request as presented.

Chair O'Connor requested a motion. Ms. Skenes made a motion to recommend denial of the rezoning request for the property described as 2400 Kings Mill Road from CD-C-H (Conditional District - Commercial - High) to CD-C-M (Conditional District - Commercial - Medium) as conditioned to be inconsistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1) The request is inconsistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2) The proposed CD-C-M zoning district, as conditioned, does not limit negative impacts on the adjacent properties nor does it permit uses which fit the context of surrounding area; (3) The request is not reasonable due to the size, physical conditions, and other attributes of the area, it will be a detriment to the neighbors and surrounding community, and denial is in the public interest. Mr. Engle seconded the motion to deny the request. The Commission voted 8-1. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Egbert; Bryson, and Chair O'Connor; Nays: Glass). Chair O'Connor announced that the Commission's vote constituted a denial and final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals would be subject to a public hearing at the June 21, 2022 City Council meeting.

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

Z-22-05-005: A rezoning request from R-5 (Residential Single-family - 5) to RM-12 (Residential Multi-family - 12) for the property identified as 1007 Willard Street, generally described as north of East Wendover Avenue and west of Willard (4.5 acres) (DENIED).

Mr. Kirkman provided an overview of the request and noted the adjacent zoning designations and discussed the existing land uses, specifically that the subject property was undeveloped and that all surrounding properties were zoned single-family. He offered to answer any questions from Commissioners. Hearing no questions, Chair O'Connor invited the applicant to speak.

Dwight Tatum of 3 Pillars Homes representing Feedgate Investment Company, 3912 Battleground Avenue, Suite 112, said that he had designed the proposal for multi-family townhomes. He explained that the proposal had been reviewed via Sketch Plan with the Technical Review Committee (TRC) for 21 townhomes for the site. The 3-bedroom townhomes were going to be designed with brick-and-vinyl siding with a half-bath and one-car garage. Mr. Tatum showed the layout of the 21 townhomes on a plat he provided to Staff and further explained that he and his company had been building scale luxury and affordable housing for the past 2 years. He further described the details in the units as high-end with granite counter tops and hardwood floors, brick elevations with vinyl accents, board-and-batten as well as stone, ceramic tile, 9-foot ceilings, and other features. He said that he did not have the final townhomes drawing available but it had been designed in consideration of the subdivision of the property and stream delineation for both areas of water on the property. Chair O'Connor thanked Mr. Tatum for his comments. She asked if there were any other speakers in favor of the application. Mr. Engle asked Mr. Tatum to explain his outreach efforts. Mr. Tatum replied that they had done very little outreach upon receiving the property owner notification list from Planning Staff the past Wednesday. He conveyed that he had received a phone call from a neighbor asking what they were planning to build on the site and she did not have an issue with the building but that she was concerned about the traffic impact with the 21 townhomes and 42 cars. He said that they drafted a letter that went out to neighbors on Saturday to neighbors on the street and behind the subject property that included the elevations of the townhomes and copy of the plat that showed the project proposal.

Hearing no other speakers, Chair O'Connor invited speakers in opposition to the request to the floor.

Karen Leak, 1015 Willard Street, Greensboro, said that she lived two doors down from the proposed townhome development. She described a naturally-flowing creek in front of the subject property. She asked how the development would impact the environment and where would the water go. She said that the creek can be seen on either side of the street because the street is only 19-feet wide. She expressed concerns about the traffic and additional foot-traffic combined from the proposed townhomes and the impact it would have on the narrow street. She described the development layout as going directly behind existing single-family residential that faced Willard Street and Holt Avenue; the development would be in the backyard of existing homes. Cars already have to slow down or stop when passing each other on Willard Street. 1007 Willard Street is a low-income neighborhood with a median income of \$39,000 per household. She also expressed concerns about crime in the City at large, and in her neighborhood, 71 records had already been reported in the area within the last 130 days. She asked if there would be only one exit out on to Willard Street and asked how the traffic and residents be accommodated and if the street would be widened or speed bumps put-in. She noted her elderly neighbors who could not attend the meeting but they are highly concerned and expressed her concern that the applicant had not done any community outreach. She said that she had never spoken in public about something so dear to her

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

heart. She explained that she had cut grass and paid a mortgage at her home for the past 30 years, and planned on retiring there and spending the rest of her life there, and it was for these reasons that she came to speak to the Commission. She thanked the Commissioners.

Chair O'Connor thanked her and asked if there were others to speak in opposition to the request.

Ron Williams, 908 Willard Street, spoke in opposition to the request. He described the width of the street as two driveway aprons without curb and gutter. He also described the condition of the streets saying that kids that play in the street, cars that speed down the road, and he had a truck and trailer parked in his driveway that were hit that were a total loss. He does not see much police presence in the neighborhood. There is only one way in and one way out of the neighborhood at this point in time, so a new development would create a tightening of the neighborhood. During the proposed construction phase, he discussed how the street would be tied-up for several months. His main concern is about safety of the kids, protection of property on either side of the street from additional impacts of the development, and that he did not think that the proposal was a good idea. He acknowledges that everyone should have a place to stay but that the apartment proposal would be a thorn in the middle of a rose bush.

Chair O'Connor opened the floor to rebuttal and welcomed the applicant to respond. Mr. Tatum said that he understood the concerns of the residents and that it was his perspective was the development would bring value to the neighborhood with townhomes, not apartments that had 1,555 square-feet in area. He said that the proposed design considered the existing stream and that the units would be out of the buffer area of the streams. The first iteration of the drawing included 71 units but the proposal changed to 21 units based on feedback from the TRC and the development team. He said that the area needed new homes and that there was room for it. He said that the trees would act as a buffer around the existing homes with a secluded driveway into the community from the road and that the only trees disturbed would be in the road area and building footprint area. He said that many communities have a one way in, one way out road network and that 21-unit impact would not be burdensome. He said that with more time, he would have reached out to the neighbors and speculated that the new neighbors would have the same opportunity to retire in a great community because of its peacefulness of the area. He said that first-time homebuyers wanted to live in the area where they have been building affordable housing. He said that they are looking forward to bringing beautiful townhomes to the community. Mr. Engle said that he appreciated Mr. Tatum's good and honorable intentions but that in the evaluation of application, there were no conditions offered to limit the units to 21 townhomes. He said that there was nothing in the application that limited the buffers or held the development to a unit count. Mr. Engle said that the limitations described by Mr. Tatum were not offered in the application as zoning conditions and asked why that was the case. Mr. Tatum responded that he had only sought rezoning once before, he was still learning the process. He said that the RM-8, RM-12, or RM-18 zoning designations were somewhat the same; the main issue was the streams on the property, and the advice from his site engineer was not to build in the stream areas. With this in mind, Mr. Tatum did not want to max the property out but also wanted to offer products that allowed for homeownership. Mr. Peterson asked Mr. Tatum if he wanted to seek a continuance so that he could send the Commissioners the sketch plan, the outreach letters he sent out, and work on continued collaboration with the community regarding issues of traffic and other issues the community had with the request. Mr. Tatum replied that he had provided the sketch plan and preliminary floor plans to Staff already. He said that he did not see a need to continue the case because they had their proposal together and that when

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

they met with the City, they did not have concerns. He said that he understood community opposition but since he had already sent out letters to them, he would not want to seek a continuance. Ms. Magid asked Staff if there was a sketch plan that could be shared with the Commission. Mr. Carter shared the sketch plan on the screen for the Commission. Mr. Tatum said that as the applicant who has paid a fee to go through this process, he thought it was important that the City start the information out about the process so that the applicant can get communications out to the community for dialogue sooner. He said that he was glad to sit down with residents to talk about his plans, but as a business, he weighed being faced with a continuance which could cause them to cease operations. He said that ultimately, he was open for discussion because they wanted to build the townhomes on the site. Mr. Peterson asked the applicant for the entrance and exit road – was it on Willard or Wendover Avenue? Mr. Tatum replied that it would be off Willard Street and noted yellow section identifying the road on the plan as presented and the stream with a 50-foot buffer on either side. He hired a surveyor and environmental team to identify all site features, inclusive of the land area being disturbed, with water and sewer already on-site. He said that he could get in touch with the community ahead of time and did not intend to ruffle feathers with the proposal. Mr. Peterson said that he understood Mr. Tatum's comments about how the site would come together, but that the Commissioners are not trying to make the process painful for the applicant. Mr. Tatum indicated that he could provide questions to site engineering questions but that he thought this meeting was for the developer.

Chair O'Connor invited speakers in opposition to provide comments in rebuttal.

Ron Williams, 908 Willard Street, said that the road that Mr. Tatum was describing was really a driveway off another driveway, which is Willard Street. Willard Street goes out to Wendover Avenue. He said that as far as land and streams go, how would the land percolate with the existing stream conditions which could be like quick sand, which would result in problems. Mr. Williams thanked the Commission for their consideration.

Karen Leak, 1015 Willard Street, asked the applicant why he would put fantastic townhomes in the backyards of existing residents when they will not be seen from the street, and why he would not have chosen a different location like the huge lot at 300 West Wendover where a church used to sit that had a bigger accessible entrance front and back. She shared again her concern regarding the one narrow access road with the development of new townhomes in the backyards. In conclusion, she stated that the development did not fit with the land.

Chair O'Connor thanked Ms. Leak for her comments.

Ron Williams, 908 Willard Street, commented again that the idea that the Mr. Tatum offered about seclusion of the proposed townhome site said there was no such thing. He said that there every tree would have to be cut down and the units would be in Willard Street backyards and everything would be tight in backyards without seclusion at all.

Chair O'Connor thanked Mr. Williams and Mr. Williams again thanked the Commission. Chair O'Connor closed the public hearing and asked Mr. Kirkman to provide Staff's recommendation.

Mr. Kirkman said that the GSO 2040 Comprehensive Plan designates this site as Urban Central on the Future Built Form Map. He noted that the GSO 2040 Comprehensive Plan also designates this site as

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Residential on the Future Land Use Map of the Comprehensive Plan. He said that the proposed rezoning request supports the Comprehensive Plan's Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro and the Creating Great Places goal to expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices. He also said that the proposed RM-12 zoning district allows a variety of medium intensity residential uses consistent with other multifamily zoning in the larger area that can also be compatible with adjacent low intensity residential uses directly adjacent to the subject property. 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 these adjacent properties. He concluded by saying that Staff recommended approval of the request.

Chair O'Connor asked if the Commissioners had any questions. Ms. Skenes commented that this case was much like the last – without proper conditions that establish the site elements regarding unit count, building materials, and other such site design components that were only described in Mr. Tatum's presentation. She said that she noticed the ribbon paving on Willard Street without curb and gutter when she drove to the site and that the site did not seem suitable, especially without assurance of any zoning conditions. It was for these reasons that she said she could not support the request. Mr. Engle said that he was a huge proponent of infill development and affordable housing to increase supply in the City. He said that he was also looking for conditional zoning. He acknowledged Commissioner Glass' earlier comment about no requirement for the notification of neighbors but that he thought the Commission should have a conversation with Staff about how they communicate with applicants in the future. Mr. Engle said that the property in the request was ringed by R-5 zoning and residential use and even though there were site limitations in the request, he wanted to see more details of the layout of the buildings and that a straight zoning from a land use perspective would not work for him. Mr. Alford said that when he visited the site, he was concerned about the proposal working for the site, and he wanted to be convinced tonight, but since he had not been, he would not be supporting the proposal.

Chair O'Connor said that she was confused about her fellow Commissioners' responses about needing to see conditions. She said that in other similar cases from recent meetings that the Commission rarely required proposals to be strictly conditioned where there is only allowance for one thing. She said that many Commissioners are challenged when they do not have an illustration because they wanted to envision what will go on-site, and even though they often have illustrations, she said that rarely are things so strictly conditioned that they are only put what they characterized in illustration. She said that she was having trouble reconciling this. She said that in her opinion, 21 units would fit on 4.5 acres of land and it fit based on the illustration that the applicant provided, so in that respect, she thought the rezoning would fit. She wished things were more specific and that the Commission and Staff could provide more and better guidance about communications. She noted that people are often more concerned about what went in their backyard, even if it was infill development, and she felt sympathetic to that, but the illustration looked appropriate to her and she would be supporting the request. Ms. Magid said that she agreed with Chair O'Connor and would be voting in favor of the proposal.

Chair O'Connor called for a motion. Mr. Alford made a motion to recommend denial of the rezoning request for the property described as 1007 Willard Street from R-5 (Residential Single-family-5) to RM-12 (Residential Multi-family-12) to be inconsistent with the adopted GSO 2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1) The request is inconsistent with the Comprehensive Plan's Future Built Form Map and Future Land Use

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

Map; (2) The proposed RM-12 zoning district does not limit negative impacts on the adjacent properties nor does it permit uses which fit the context of surrounding area; and (3) The request is not reasonable due to the size, physical conditions, and other attributes of the area, it will be a detrimental to the neighbors and surrounding community, and denial is in the public interest. Mr. Peterson seconded the motion to deny the request. The Commission voted 6-2. (Ayes: Alford, Engle, Skenes; Peterson; Glass, Bryson, Nays: Magid, O'Connor). Mr. Egbert was not present at this point in the meeting. Chair O'Connor announced that the Commission's vote constituted a denial and final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals would be subject to a public hearing at the June 21, 2022 City Council meeting.

PL(P) 22-19: Street Closure described as Marian Road from the northern right-of-way line for David Street northward a distance of approximately 310 feet to its terminus, David Street from the western right-of-way line for North Church Street westward a distance of approximately 510 feet to the western right-of-way line for Windsor Road, Windsor Road from its current terminus northwestward a distance of approximately 165 feet to the northwest corner of Lot 352 (+ 1.015 Acres); and 2) Edgemore Road from the western right-of-way line for Pax Road southeastward a distance of approximately 425 feet to its terminus (+ .491 Acres) (RECOMMENDED APPROVAL).

Mr. Carter said that the proposed rezoning associated this request was for a Planned Unit Development (PUD) and with that request, certain portions of rights-of-way were included in the request. Mr. Carter said that traffic was evaluated as part of the request. He said that these streets proposed for closing were created on a plat in 1927 and were never constructed. The street closing was being requested so that the land could be added to the abutting property to aid future development. Mr. Carter advised that the City must make two determinations in order to close a street: (1) closing the street to traffic would not be contrary to the public interest; and (2) no property owner in the vicinity is deprived reasonable means of access. Mr. Carter stated that in order to provide reasonable means of access, the applicant was advised that some existing lots will need to be recombined so that all lots have reasonable means of access. Mr. Carter further advised that the street closures would become active upon the recording of a plat with the Guilford County Register of Deeds that combines all lots with frontage on Marion Road, David Street, Windsor Road, Edgemore Road, with abutting properties so that the resulting lots have frontage and direct vehicular access to a public street. He offered to answer any questions from Commissioners.

Chair O'Connor asked if there was anyone to speak in favor of the application.

Patrick Lineberry, 400 Bellemeade Street, introduced himself and said that he was before the Commission on behalf of the applicant. The petition for paper road closures related to the recent rezoning to develop the site in following the Planned Unit Development zoning. Mr. Lineberry noted that all owners of abutting properties signed the petition and that the proposed road closure would be in the public interest because it would allow the applicant to continue developing the site, add to the tax base, and provide needed housing for the area. He noted that only 15-linear feet or so of property that the applicant did not own abuts the streets that the applicant is proposing to close, whereas there are hundreds of feet that the abutting owner still has to access their property, so there would not be interference with access.

Chair O'Connor asked if there were any questions for the applicant. Hearing none, she asked if there was anyone else present to speak in favor of the application. She then asked if there was anyone to

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MAY 16, 2022

speak in opposition to the application. Mr. Engle asked Mr. Carter if there was any speakers signed up to speak in opposition. He answered that no, there was not. Chair O'Connor closed the public hearing. She asked for any questions or comments.

Mr. Engle moved to close the streets as proposed. Mr. Bryson seconded the motion. The Commission voted 8-0. (Ayes: Alford, Engle, Magid, Skenes; Peterson; Glass; Bryson, and Chair O'Connor; Nays: 0). Mr. Egbert was not present for the vote. Chair O'Connor announced that the Commission's vote constituted a favorable recommendation and was subject to a public hearing at the June 21, 2022 City Council meeting.

Chair O'Connor noted that the public hearing portion of the meeting was complete and asked for any other items of discussion.

Mr. Kirkman noted the date of the next Planning and Zoning Commission meeting due to the City holiday honoring Juneteenth on Monday, June 20, 2022. The June Planning and Zoning Commission meeting will instead take place on Thursday, June 23, 2022. Mr. Engle and others recommended that Staff reference the Commission for Human Rights calendar for next year's schedule so that holidays and other important days and Commission meetings did not overlap. In the future, Mr. Kirkman said that Planning Staff would work more closely with applicants on communications and to provide other support in order to provide assistance as well as to get ahead of issues that may become problems at the meeting. Mr. Bryson expressed concerns about getting the applicants outreach lists ahead of time and why Mr. Tatum was not given a notification list sooner. Mr. Kirkman discussed his communications with Mr. Tatum and that he would follow-up with applicants that did not get outreach lists in a more timely manner to aid in their efforts for neighborhood communications. Mr. Engle expressed his concerns about the Kings Mill Road case, specifically that we should not give two levels of service, one to an attorney and another to a common applicant for rezonings. He emphasized that Commissioners and applicants should both receive all neighborhood communications about the case, both in favor or and against, which may help applicants work more collaboratively with the community and would uphold equity in our practices. Mr. Engle said that it was an established practice that the City Staff share all communications between applicants and the community. Mr. Kirkman echoed that this was Staff's typical practice and that they would strive to improve upon it in all cases moving forward. Mr. Bryson said that the Planning and Zoning Commission signs out in the field can be difficult to read, especially when it comes to reading the number to contact for people needing information on the applications in Spanish. He worried that the Hispanic Community was not getting the information because the City does not give them the right information for the signs. Mr. Kirkman said that the signs are meant to draw attention and spur further conversation and that Staff would look at that way of notification as well. Chair O'Connor said that there is a line in Spanish on the notifications and signs, but that in the absence of a requirement of notifications sent to tenants, just property owners, it is important to find a creative way to notify tenants as well. Often tenants are most effected, as in the case of the Hiatt Street property, and may call on Staff to look into law practices for notifying tenants. Ms. Magid noted that in 4 or 5 cases there were zoning conditions or pieces of information sent to the neighborhood like a map or drawing that were not sent to the Commission ahead of time and that she would like to have those materials ahead of time as well to help them with their decisions. Mr. Kirkman said that he heard the Commission and that he recognized that Staff had some things to work on and would work to provide the Commission with the information they needed to make decisions in the future. Chair O'Connor noted that ensuring that the applicant's case was not extended for a hearing and that it was a balancing act. Chair O'Connor thanked Staff and recognized that Staff

**MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION
MAY 16, 2022**

received materials late in many cases as well and that she appreciated Staff striking the middle ground. Mr. Bryson finally welcomed Ms. Glass to the Chamber. Chair O'Connor concluded the meeting.

Commissioners and adjourned the meeting around 9:30pm

Respectfully submitted;

Sue Schwartz, Planning Director
SS/ram