

**PARTIAL MINUTES OF THE
PLANNING AND ZONING COMMISSION
July 18, 2022**

PL(P) 22-23 & Z-22-07-003: An annexation and original zoning request from County AG (Agricultural) to City CD-R-7 (Conditional District – Residential Single-family – 7) for the properties identified as 231 Ritters Lake Road, 151 Wolfetrail Road, 155-ZZ Wolfetrail Road, Cranford Road and McCall Place rights of way and a portion of Ritters Lake Road right of way, generally described as north of Ritters Lake Road and south of Wolfetrail Road (33.94 acres). (RECOMMENDED APPROVAL)

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

Chair O'Connor inquired if there were questions from the Commissioners. Hearing none, Chair O'Connor inquired if the applicant was present to speak.

Nathan Duggins, 400 Bellemeade Street Suite 800, was present on behalf of Bridge Tower Properties. He stated they conducted a neighborhood meeting with three participants. He noted that there had been recent zoning activity nearby, and that this project was intended to create single-family rental housing community which is in high demand in the area. Mr. Duggins asked the Commission to consider the number of housing units this area will need as the City continues to grow.

Justin Saverin, 5430 LBJ Parkway Suite 1050 Dallas Texas, stated that they anticipated building a 76-unit community and had been working with Planning staff on what the best use of the land would be. He stated that the property had wetlands which precluded industrial development. After discussion with neighbors about the agricultural history of this area, he stated that they intend to potentially offer community farming as an amenity to go with the planned low-impact style of development.

Mr. Duggins stated that this is a new type of residential development which has a high level of interest. He stated that the developer has constructed multiple similar projects around the southeastern US and that they believe this is an important part of providing additional housing in a variety of styles for Greensboro.

Chair O'Connor asked if there was anyone else to speak in favor of the request. Hearing none, she requested those speaking in opposition to identify themselves and provide their address.

Cheryl McIvor, 404 West Montcastle Drive, stated that she could not access the Zoom meeting held by the applicant to have a discussion. She stated she had not received a call back from the applicant until the afternoon of the hearing. She thought multiple uses permitted inside the CD-R-7 district were not acceptable to her community and that since zoning is tied to the parcel and not current owner, there was no guarantee about the future. Ms. McIvor stated that she preferred for the applicant to have additional conditions outlining how the land would be used. Her belief was that there would be a mix of single family homes and townhomes, but that she now understands it to be exclusively townhomes. She stated that building materials are a significant concern for the neighborhood and she wished for conditions requiring specific materials, given recent development in the area which had included substandard work.

Mr. Kirkman stated that because this was also an annexation it would require action by the City Council. Ms. McIvor asked if the zoning goes with the annexation, and Mr. Kirkman replied that both would need to be voted on by Council.

Chair O'Connor inquired if there were any other speakers in opposition. Hearing none, Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Mr. Duggins stated that he did contact neighborhood groups and had offered more conversations with them about the property, but he did not think more conditions were needed. He stated that the applicant intends to setup a homeowners association to ensure that some of the concerns addressed tonight would be addressed satisfactorily. Mr. Peterson asked why they were opposed to additional conditions. Mr. Duggins stated that he did not know what the conditions would be, and that as prices are increasing, exterior materials can decide whether development of affordable housing is economical or not. He offered to continue having dialogue with community members on this or other points.

Ms. Magid asked Mr. Kirkman to confirm that the hearing book listed this as having single family detached housing, and asked about other possible uses in this zoning district. Mr. Kirkman stated that there were some other uses such as schools and churches allowed but that the primary use in the R-7 district was single family residential. Ms. Magid asked to clarify if these units were attached townhomes, and Mr. Kirkman stated that the development as presented qualified as single family detached, and that the term "townhouse" was specifically defined in the land development ordinance and is only permitted in multi-family districts. Mr. Duggins confirmed this development would be individual lots.

Mr. Engle asked if the frontage requirement in the R-7 district was involved in the process, whereas under RM-5 it would be permissible to have Twinhomes in a similar footprint. Mr. Kirkman confirmed this. Mr. Bryson asked if each lot is deeded by itself. Mr. Duggins stated that initially it would be a single purchase but that the individual lots would be created for potential fee simple ownership in future. Mr. Bryson asked if someone in the future could buy one of the lots. Adam Green, 5430 LBJ Parkway Suite 1050 Dallas Texas, stated that the lots are fee simple and that the HOA is established to avoid the concerns stated. He stated that with this style of development, the final property can be sold as a whole or individual renters can buy them, but only a single lot so as to avoid multiple landlords owning units. He stated that their staff will be working with Ms. McIvor to hear her concerns and move forward for the City Council meeting.

Ms. Skenes asked to clarify that R-7 meant single family, and that the HOA will restrict ownership to "one unit, one owner". Mr. Green replied yes, and stated again that it was "one unit, one owner", and all the units are single family fee simple. Mr. Engle asked Mr. Kirkman for confirmation that the Commission is not permitted to ask if a property is for rental or for sale. Mr. Kirkman stated that this is correct.

Ms. McIvor stated that her concern was not so much the type of community being built or the long-term ownership, but it was the number of units and building materials. She stated that there was nice construction in the area and wanted to make sure the zoning conditions required the development to fit the character of the area.

Chair O'Connor noted that this item will automatically advance to the City Council meeting in August and there will be time for further discussion between the applicant and neighbors.

Ms. Skenes asked staff whether individuals requesting conditions could be considered contract zoning. Mr. Kirkman replied that any new or modified conditions must be proposed by the applicant. Ms. Skenes stated that the opposition has recently been requesting conditions to get the process completed and she was concerned this may be considered contract zoning. Alan Buansi stated that the concern with contract zoning is Commissioners trying to extract conditions, but that citizens are free to express their opinions and request more conditions. The Commission cannot prevent citizens from asking for conditions. Chair O'Connor asked if this meant the public can make any request for conditions. Mr. Buansi stated the public is free to express their concerns and wishes but that he would not advise Commission members to express their desires for certain conditions.

Chair O'Connor then closed the public hearing by consent. Mr. Bryson then made a motion to annex the property. Seconded by Ms. Magid. The Commission voted 8-1. (Ayes: Engle, Glass, Peterson, Egbert, Magid, Skenes, Bryson, O'Connor; Nays, Alford). Mr. Egbert then stated regarding agenda item Z-22-07-003, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the original zoning request for the properties identified as 231 Ritters Lake Road, 151 Wolfetrail Road, 155-ZZ Wolfetrail Road, Cranford Road and McCall Place rights of way and a portion of Ritters Lake Road right of way from County AG (Agricultural) to City CD-R-7 (Conditional District – Residential Single Family – 7) 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-R-7 zoning district, as conditioned, limits negative impacts on the adjacent properties and permits uses which fit the context of the surrounding area; (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. Approval is in the public interest. Seconded by Ms. Skenes. The Commission voted 6-3. (Ayes: Engle, Egbert, Magid, Skenes, Bryson, O'Connor; Nays: Glass, Peterson, Alford). Chair O'Connor advised the approvals constituted a favorable recommendation and were subject to a public hearing at the Tuesday, August 16, 2022, City Council meeting.