

**PARTIAL MINUTES OF THE
PLANNING AND ZONING COMMISSION
August 15, 2022**

PL(P) 22-31 & Z-22-08-011: An annexation and original zoning from County AG (Agricultural) and County RS-30 (Residential Single-family) to City PUD (Planned Unit Development) for the properties identified 3911, 4007, 4007-ZZ, 4009, 4011, and 4013 South Elm-Eugene Street, 4209 and 4300, 4315, 4318, 4324 Cahill Drive, generally described as east South Elm-Eugene Street and south and east of Lambert Drive (29.54 acres). (RECOMMENDED APPROVAL)

Mr. Kirkman reviewed the summary information for the subject properties and surrounding properties, and advised of the conditions associated with the request. He then advised there were changes to the conditions after the item was advertised. The Unified Development Plan references three tracts, and new conditions were added to each tract relating to phasing and access, and the new conditions would read as follows:

Tract 1

4. Tract 1 shall not be developed until all required access is established per the final, approved Traffic Impact Analysis, as amended.

Tract 2

1. Tract 2 shall not be developed until required access to a public street is established per the final, approved Traffic Impact Analysis as amended.

Tract 3

4. Tract 3 shall not be developed until required access to a public street is established per the final, approved Traffic Impact Analysis as amended.

Mr. Engle moved to accept the amended and new conditions, seconded by Ms. Magid. The Commission voted 8-1, (Ayes: Magid, Engle, Alford, Skenes, Egbert, Glass, Bryson, O'Connor, Nays: Peterson).

Mr. Kirkman then stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential and Industrial on the Future Land Use Map. Staff determined the proposed original zoning request supports both the Comprehensive Plan's Creating Great Places Big Idea 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 Big Idea to maintain stable, attractive, and healthy places to live and raise families. The proposal also supports the Filling in Our Framework Big Idea through the strategy of ensuring mixed use projects both strengthen and add value to the Community. The proposed PUD zoning designation, as conditioned, would allow a mixture of residential, commercial and service uses similar to those uses found in the surrounding area and expanding housing choices in close proximity to a major thoroughfare. With the planned improvements discussed in the Traffic Impact Study, the proposed development is compatible with the scale and design of the adjacent road and nearby uses. Staff recommended approval of these requests

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

Marc Isaacson, 804 Green Valley Road on behalf of Kyle DiPretoro, displayed aerial photography of the subject property and immediate area and stated that this property is the last remaining undeveloped corner at the interchange of I-85 and South Elm Eugene Street and is well suited for the mixed use developed proposed. He then displayed the UDP as submitted, and stated that the second tract may be used for either commercial or residential use depending on market needs or the conditions of the property. Mr. Isaacson stated that they will need to submit further zoning requests with regards to this project for additional properties as this process requires a two-phase development schedule. The new conditions mean that no development can occur on the subject property until access is secured with the second phase. He then displayed illustrative photographs of the type of projects the applicant has been involved with. He stated that they sent a letter to immediate neighbors and offered to hold a meeting, which received no responses. Mr. Isaacson then stated they initiated contact with local neighborhood groups and offered to continue communicating with them as the process moves forward to address any concerns they may have.

O'Connor asked for any questions or comments from Commissioners. Hearing none, Chair O'Connor requested those speaking in opposition to identify themselves and provide their address.

Cheryl McIvor, 404 West Montcastle Drive, stated she felt her neighborhood organization's conversations with the applicant did not sufficiently explain what the development will be. She stated that she believes this PUD district request does not limit impact on adjacent communities given the increase in development of condominiums and townhomes in this area. She stated that she is concerned about the possibility of undesirable five-story apartment buildings being permitted, and displayed photographs depicting a newly developed multi-family development in another part of Greensboro with construction deficiencies.

Crystal Black, 1120 Highstone Drive, stated she met with Mr. Isaacson and felt the possible tenants in the commercial tract could be detrimental to the community, that the pictures displayed in the applicant's presentation were not provided at their meeting, and that she did not receive information she had requested from the applicant before the hearing tonight. She stated her neighborhood cannot say if they are for or against the request because they have not been given enough information on what the development could be. She stated that this proposal would let almost anything be built, and that makes them uncomfortable given the lack of communication.

Ms. McIvor stated that multiple potentially objectionable uses are permitted in the PUD district and she feels approval is inappropriate at this stage. Mr. Engle asked Mr. Kirkman to confirm that sexually oriented businesses are not permitted in close proximity to residential zoning. Mr. Kirkman stated that was correct, and that while the C-M district permits some sexually oriented businesses, they have separation requirements which would not permit any such uses to be within 1,000 feet of the property line and depending on the site configuration in this case it may or may not be permissible at all. Ms. McIvor asked what the tract configuration would mean in this situation. Mr. Kirkman stated that there is residential zoning across the street of the property which would preclude that use.

Ms. Black stated that there are already sexually oriented businesses in the proximity of Randleman Road they find objectionable. She stated that their neighborhood has significant traffic and crime concerns which are not addressed in this proposal. Mr. Engle asked if she was referring about a lack of activity by zoning compliance officers. Ms. Black stated that she was referring to not having the appropriate public safety considerations in staff recommendations

about service quality levels, and asked what the process was for making determinations about what an area needs. Mr. Engle stated he wanted to make sure she was not speaking to any issues with zoning compliance enforcement. Ms. Black reiterated that she has concerns about how recommendations are made, and asked for Commissioners to help ascertain if the data provided by various departments to planning staff accurately reflect situations across the City.

Ms. Magid asked Mr. Isaacson how many neighbors in the notification area attended the neighborhood meeting. Mr. Isaacson stated that their meeting was advertised and sent to the property owners' list used by the City for official notice of the hearing, and they received no responses. Ms. Magid asked to confirm that no one responded, and Mr. Isaacson stated that was correct. He stated that he has been in contact with Ms. McIvor and Ms. Black and intends to continue this conversation, specifically on conditions the neighborhood may want considered, but this had so far been unsuccessful. He stated they will continue to communicate on this project.

Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Kyle DiPretoro, 1314 Mockingbird Lane, Charlotte, stated that he has no issue eliminating any specific uses the neighborhood finds objectionable when they are communicated to him. He stated that they were explicit that tract 1 and 2 could be any uses in commercial or office districts, but their focus is on the multi-family aspect of this mixed use development and they intend to be a good steward of this area for their own long-term management of the community. He stated that the option of a fifth story on the residential tracts is only if it becomes necessary based on site conditions to maintain financial viability. Mr. DiPretoro stated that they intend to pay for GDOT connectivity and provide road improvements to the area. He stated that they are conducting negotiations with owners of neighboring parcels and are in the process of completing their plan as part of their commitment to the development. Some details were not immediately available because they have been doing a lot of work in preparation for this hearing and specifics were not available until they were distributed. He stated that they are willing to offer exterior materials conditions and multiple commercial uses have been in discussion, but they have not come to an agreement with any potential tenants.

Chair O'Connor then advised that anyone speaking in opposition had 5 minutes for rebuttal.

Ms. Black stated that the improvements Mr. DiPretoro is talking about are not benefits for their community. She stated that when they asked about convenience stores, they were not given specifics about it, and that they could not ask for conditions without more information about what the applicant intends to develop. Ms. Black stated that the timing of the applicant's communications were inconvenient and they were unable to respond effectively.

Ms. McIvor stated that the neighborhood does not have enough information to decide how they feel about it, and seeks more transparency from the applicant. She stated that the applicant should delay this request until all the properties are in place to handle zoning at one time, and asked if she could appeal a rezoning decision. Mr. Kirkman stated that final actions of the Commission can be appealed.

Mr. Bryson asked Mr. Kirkman if the appeal fee is \$155, and Mr. Kirkman stated it was.

Mr. Peterson asked Mr. DiPretoro why a continuance couldn't be sought given what the neighborhood has expressed and his property acquisition process. Mr. DiPretoro stated his development contract would be in peril if he continued this request. He stated he gave as much

information as was available to the neighbors when it was requested, and that they sought the PUD district to be flexible to market conditions. It is a challenging parcel which makes development extremely complicated, and they have no ownership or relationship to the properties east of those that are part of this request. Mr. Peterson stated that the Commission has to represent the citizens of Greensboro, and Mr. DiPretoro stated he understood that.

Mr. Egbert asked if this automatically went to City Council, and Mr. Kirkman stated that was correct. Mr. Egbert stated that there was a built-in continuance because they lack final approval authority. Mr. Kirkman stated that this is a conditional application so additional conditions could be added between a recommendation by the Commission and the City Council meeting. Ms. Magid asked how long it would be until the next City Council meeting, and Mr. Kirkman stated the next council meeting was approximately 30 days away. Ms. Magid stated she assumed the applicant would not want a tenant in the commercial tracts that detracts from its overall value, and Mr. DiPretoro agreed. Ms. Skenes stated the request was conditioned to a maximum of 360 units and that the Commission makes site visits to understand the conditions. She stated that multiple apartment complexes in the area are already full, and that there is an obvious need for this kind of residential development.

Ms. Black asked about the differences in heights anticipated in different rezoning requests. Ms. Skenes stated that her comments in a previous hearing were to note that the multi-family district requested was limiting height available to the developer versus what would be available in a single-family district. Ms. Black stated that she perceived a difference in concerns about building heights. Mr. Engle stated that he was also asking about height restrictions as it relates to density in multi-family districts versus single family detached districts. Ms. Black stated that her neighborhood is concerned that zoning conditions and development standards are not suiting the needs of their neighborhood.

With opposition rebuttal time expired, Chair O'Connor closed the public hearing.

Mr. Alford then made a motion to annex the property, seconded by Mr. Peterson. The Commission voted 8-1, (Ayes: Magid, Engle, Alford, Skenes, Egbert, Peterson, Bryson, O'Connor; Nays: Glass). Ms. Skenes then stated regarding agenda item Z-22-08-011, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the original zoning request for the properties described as 3911, 4007, 4007-ZZ, 4009, 4011, and 4013 South Elm-Eugene Street; and 4209, 4300, 4315, 4318, 4324 Cahill Drive from County AG (Agricultural) and County RS-30 (Residential Single-Family) to City PUD (Planned Unit Development) with the required Unified Development Plan 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 PUD zoning district, as conditioned, 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. Seconded by Mr. Alford. The Commission voted 7-2, (Ayes: Magid, Engle, Alford, Skenes, Egbert, Bryson, O'Connor; Nays: Peterson, Glass). Mr. Engle then made a motion to approve the associated UDP, seconded by Ms. Skenes. The Commission voted 7-2, (Ayes: Magid, Engle, Alford, Skenes, Egbert, Bryson, O'Connor; Nays: Peterson, Glass). Chair O'Connor advised the approvals constituted a favorable recommendation and were subject to a public hearing at the Tuesday, September 20, 2022 City Council meeting.