

**PARTIAL MINUTES OF THE
PLANNING AND 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 Williard 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 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 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 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 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.