

**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 19, 2022**

**Z-22-09-003:** A rezoning request from R-5 (Residential Single-family – 5) to CD-RM-18 (Conditional District – Residential Multi-family – 18) for the properties identified as portions of 4402 4408, and 4410 North Church Street and all of 4412 North Church Street, generally described as east of North Church Street and north of the Greensboro Urban Loop (5.1 acres). (APPROVED)

**CONTINUANCE REQUEST:**

Mr. Kirkman stated that opponents of item Z-22-09-003 have requested a continuance.

Kathleen O'Connell, 222 Stamm Drive, stated she had spoken with neighbors about this application and that neither she nor her neighbors had received letters from the City or the applicant. She is seeking a continuance because the Henson Park neighborhood is new and had not had time to organize yet. Mr. Kirkman asked if a one-month continuance would be acceptable, and Ms. O'Connell confirmed that was correct. Ms. O'Connell stated that the notification boundary did not take into account the connected nature of the townhouse neighborhood where she lived.

Marc Isaacson, 804 Green Valley Road, stated that neighborhood outreach is always important in the zoning process, but the applicant is under contract to acquire the subject properties and is at risk of forfeit if established timelines are delayed. He stated that his client had used the notification radius established by the Land Development Ordinance (LDO) and mailed notices on August 26<sup>th</sup>, and that the zoning notice sign posted by the City also provided public notice. Mr. Isaacson stated that in weighing the equities involved, the applicant stands to endure significant hardship with a continuance and the public hearing procedure at tonight's meeting will allow input from all parties.

Chair O'Connor asked Mr. Kirkman to confirm that the City mailed official notices. Mr. Kirkman stated that was correct and confirmed that Planning staff posted the sign on the subject property as required, so the Commission's actions would meet the ordinance requirements for holding a public hearing tonight on this matter. He stated that this situation is the result of some of the Henson Park Townhouse addresses being just outside the notification boundary. Chair O'Connor asked what the time limits were for speakers during a continuance request. Mr. Kirkman stated that he is not aware of any set limits and that the Commission has discretion.

Mr. Engle asked what the State's requirements were for zoning notification. Mr. Kirkman stated that State law requires the advertisement of zoning hearings between 10 and 25 days prior to the hearing and that Planning policy is to send notice approximately 18 days prior to the hearing date. State law requires "immediately adjacent" property owners be notified, but the City's LDO goes beyond State minimums to set its larger boundary.

Ms. Glass asked if the City sent notices via First Class mail per North Carolina General Statutes. Mr. Kirkman replied this was correct, and confirmed that the City also follows the NCGS requirements including newspaper advertisements and the posting of signs on subject properties.

Chair O'Connor reminded attendants that residents could file an appeal within 10 days.

Ms. Magid asked for the addresses of the neighbors who did not receive notification. Ms. O'Connell restated her address and provided her neighbors' addresses, and asked about the placement of the zoning sign. Mr. Kirkman stated that Planning staff places the sign on the subject property itself. Ms. O'Connell stated that many neighbors would not see the sign in that location. Ms. Magid asked Ms. O'Connell if Henson Park residents regularly use the part of Church Street near the posted sign, and Ms. O'Connell stated they did.

Rajasekhar Lenka, 1036 Henson Park Drive, stated that some neighbors are confused about the notices and asked for time to understand what is happening. This newly formed community does not have established contacts to share information.

Mr. Alford asked if Mr. Lenka received an official notice from the City, and Mr. Lenka confirmed he had.

Chair O'Connor asked Mr. Buansi if the continuance process qualifies as a public hearing, and Mr. Buansi stated it did not, and that the Commission is only required to vote on a motion to approve or deny a continuance.

Mr. Egbert made a motion against continuing the matter, seconded by Ms. Magid. The Commission voted 9-0 (Ayes: Alford, Magid, Egbert, Peterson, Glass, Bryson, O'Connor, Engle, Skenes; Nays: 0).

### **PUBLIC HEARING:**

Mr. Kirkman reviewed the summary information for the subject property and surrounding properties, and advised of the conditions associated with the request. Mr. Kirkman stated the GSO2040 Comprehensive Plan designates the property as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports both 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 CD-RM-18 zoning district restricts uses to residential only and includes restrictions on building façade materials to allow compatibility with adjacent lower intensity residential uses. This rezoning request allows uses that are compatible with existing residential uses and densities in the surrounding area. Staff recommended approval of the request.

Chair O'Connor asked for any questions or comments 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 Kevin Estes, stated that the subject property was well suited for multi-family development given the proximity to the future Greensboro Urban Loop. He displayed a zoning map of the area and noted multiple other multi-family residential properties in this area of Northeast Greensboro. He then displayed an illustrative sketch plan of the layout for the project, and stated that they plan traffic to access off North Church Street. This property is difficult to develop due to the grading of the parcel, its shape, and the easement that was required for the Interstate. Mr. Isaacson displayed a photograph of the steep topography of the subject property and its relationship to the new Interstate. He displayed a series of photographs of other development work by the applicant and discussed the neighborhood outreach measures undertaken, noting they conducted a neighborhood meeting in which they heard feedback mainly about traffic in the area. The difficulties of development on the subject property mean that single-family detached and attached housing is not feasible, and that this development is consistent with the GSO2040 Comprehensive Plan's goals. Mr. Isaacson stated that he understands neighbors' concerns about traffic because the applicant is a part of that group of people concerned and is willing to work with the City on studying improvements for the area.

Ms. Skenes asked if Mr. Tipton was prepared to talk to the Commission about potential changes as result of this project now or during discussion. Mr. Kirkman advised it was likely better to hear this information after hearing from opposition.

Mr. Engle asked if Church Street was Greensboro Department of Transportation (GDOT) or State responsibility. Mr. Tipton stated it was under North Carolina Department of Transportation (NCDOT) custody.

Mr. Bryson asked to confirm which agency maintained Church Street, and Mr. Kirkman confirmed it was NCDOT.

Chair O'Connor asked if there was anyone else to speak in favor of the request. Hearing none, Chair O'Connor inquired if there was anyone wishing to speak in opposition of the request.

Jeanette Serens, 104 Brody Way, stated that she represents the Henson Farm neighborhood and that traffic is a major hazard in the area. She stated that all of North Church Street is single-family residences, and that the adjacent properties in the area are single-family and not multi-family. She walks along North Church Street regularly and that it takes 10 to 15 minutes to cross the street due to traffic congestion. She stated that drivers do not follow the posted speed limits in the area. Ms. Serens stated she does not consider Townhomes to be multi-family residences and believes the requested density is incompatible with the area, given that development in proximity is less than three stories. The destruction of the old-growth trees on the property would also cause an increase in air pollution and noise from the new Interstate. She stated that neighbors felt they did not have adequate communication with the applicant to discuss their concerns.

Emily Mango, 106 Elmwood Drive, on behalf of Canterbury School, stated that the requested density is incompatible with the area. Traffic in the area is already unacceptable, and this request needs to address added congestion. She stated that construction traffic is also a significant safety concern, and they cannot support the request without traffic improvements.

Chair O'Connor asked about traffic studies and land use. Mr. Tipton stated that GDOT is aware of the safety concerns at this intersection, and is working with NCDOT to address it but they do not have a timeline for any improvements. He stated that while a TIA was not required, the appropriate transportation agencies would be involved in determining approval at the Technical Review Committee (TRC) during the buildout process. Sidewalks are a requirement in any development such as this, unless the developer requests a modification.

Mr. Engle asked if the existing sidewalk will connect further down North Church Street along the subject property's frontage, and Mr. Tipton confirmed that was correct.

Ms. Magid stated the intersection in question is similar to the Ballinger and Fleming Road intersection near Guilford College, and asked Mr. Tipton to confirm they are committed to solving the existing traffic issues in the area, perhaps by adding a stop light. Mr. Tipton stated that signalization is an option along with other measures such as a roundabout, but it is under active study and he cannot be specific yet. Ms. Magid stated that there are significant issues for the Henson Park neighborhood regarding traffic. Mr. Tipton stated that concurrent to the approval of the Henson Park plans, there had already been discussion about traffic in the area.

With opposition speaking time expired, Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Mr. Isaacson stated that his understanding was that there will be improvements to this area to solve traffic issues, and that the applicant is eager to participate in the process to add any improvements needed. The applicant has an interest in improving the traffic flow in the area as the residents do. He stated that the density of this request is compatible with adjacent properties, and that the LDO imposes buffering requirements and development standards to produce the best public benefit for all parties involved. It is unrealistic and opposed to the goals of the City to expect the subject property to remain undeveloped.

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

Debi Miller, 1009 Henson Park Drive, stated that the safety of the residents using North Church Street is already a significant concern of the neighborhood and she is worried that additional development will exacerbate it. She stated he understood the need for more housing and more types of housing in Greensboro, but that the Commission needs to weigh the rights, needs, and wishes of the residents already in a community when it considers land use decisions. She stated that the environment in the area has significantly changed, but that there has not been an increase in the number of multi-family residences.

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

Mr. Engle stated that Commissioners could not consider traffic as the sole determinant for land use decisions. He stated that the City's LDO considers Townhomes and Twinhomes multi-family residences. He stated that he visited the subject property and that it appears difficult to develop. This proposal seems compatible with the area. While he shares concerns about the traffic situation that is outside of the purview of Planning and Zoning to decide, and the involvement of NCDOT complicates the situation. Mr. Engle stated that the neighborhood should work with City Council and request assistance from the State, as any changes require NCDOT approval. The statements by neighbors indicate the problems on North Church Street require addressing whether the proposed development takes place or not.

Ms. Skenes stated the issues in this area heavily rely on NCDOT. She stated that while not a factor she can weigh in her decision-making process on this request, additional residents in the area would help contribute to developing the impetus to ultimately solving the area's congestion problems. The land use principles at play in this area mean that the subject property is well suited for multi-family development.

Mr. Egbert then stated regarding agenda item Z-22-09-003, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties described as portions of 4402, 4408, and 4410 North Church Street and all of 4412 North Church Street from R-5 (Residential Single-family – 5) to CD-RM-18 (Conditional District – Residential Multi-family – 18) to be consistent with the adopted GSO2040 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 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. Mr. Peterson seconded the motion. The Commission voted 8-1, (Ayes: Ms. Magid, Mr. Egbert, Mr. Peterson, Ms. Glass, Mr. Bryson, Chair O'Connor, Mr. Engle, Ms. Skenes; Nays: Mr. Alford). Chair O'Connor advised the vote constituted a final action, unless appealed in writing. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the Tuesday, October 18, 2022 City Council meeting. All adjoining property owners will be notified of any such appeal.