

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
MARCH 20, 2023**

Z-23-03-007: A rezoning request from O (Office) and CD-RM-8 (Conditional District - Residential Multi-family - 8) to CD-RM-12 (Conditional District - Residential Multi-family - 12) for the property identified as 4209-R1 Summit Avenue, generally described as northwest of Summit Avenue and west of Southern Webbing Mill Road (25.15 acres). (DENIED)

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 the Comprehensive Plan's Creating Great Places strategy to protect and enhance the unique character of every neighborhood and the Building Community goal to maintain stable, attractive, and healthy places to live and raise families. The proposed CD-RM-12 zoning district includes limitations on maximum number of units and height and allows uses that are compatible with existing uses in the surrounding area. Staff recommended approval of the request.

Chair O'Connor asked for any questions or comments from the Commissioners. Hearing none, she then asked if the applicant or anyone else wished to speak in favor of the request.

Council Glenn, 411 Parkway Suite G, on behalf of Frazier Glenn Investments, stated that this request was to build 300 units qualifying for a North Carolina Housing Finance Agency Low-Income Housing Tax Credit (LIHTC). He displayed a sketch plan of the site and stated that a minimum 10-foot, maximum 20-foot landscape buffer will surround the entire property. A market study indicated that the area could support this development, and the TIA notes no recommended improvements on the infrastructure in the area. Mr. Glenn stated that they held a neighborhood meeting online this past Friday. The original intention was to hold the meeting at a local church, and he stated that neighbors asked for a second neighborhood meeting at a local daycare. He stated that they have attempted to address the main issues he heard from neighbors at both meetings.

Mr. Engle stated that some neighbors may not have been able to contact the applicant, and asked when he mailed notices. Mr. Glenn stated he mailed them Monday, March 13. Mr. Engle asked if he thought that was an adequate amount of time. Mr. Glenn stated that there could have been more time allotted, but many neighbors attended both meetings. Mr. Engle asked if Mr. Glenn was willing to continue the case to the meeting next month to talk more to neighbors. Mr. Glenn stated that he had considered that, but his time discussing with neighbors indicates they are completely opposed to multi-family residential development, and he does not think more time will help.

Mr. Peterson asked if any recommendations came from the TIA, and Mr. Glenn stated that it did not indicate any. Mr. Tipton stated the applicant filed a valid TIA and it did not show any deficiencies in Southern Webbing Mill Road or Summit Avenue, as both are low in traffic volume in this area.

Mr. Peterson asked about how the TIA assesses traffic. Mr. Tipton stated that TIAs focus on AM and PM peak hours, and project from traffic counts in the area.

Chair O'Connor inquired if there was anyone wishing to speak in opposition of the request.

Julia Blizin, 4505 Summit Avenue, Vice President of the Brightwood Neighborhood Association, stated that her group's opposition comes from this proposal's 13 3-story buildings. The requested density in an existing low-density residential neighborhood is unacceptable, and her community does not have the necessities to support decent quality of life for this many new residents. She stated that the area is a food desert and the area lacks sidewalks. The area is heavily automobile-dependent and GTA service needs additional resources. The subject property is isolated and stranded from employment and services. Ms. Blizin stated that the applicant made a poor effort of neighborhood outreach, and she found out about the online meeting 17 minutes before it started. This is a rural area with older residents, and an online meeting was not appropriate. She stated that neighbors did not have an opportunity to express their views and concerns.

Nancy Cavanaugh, 4505 Summit Avenue, President of the Brightwood Neighborhood Association, stated that the requested density is unreasonable for the area and its deficient pedestrian infrastructure. The applicant has not been willing to address neighborhood concerns, and approving this request would set a negative precedent in their neighborhood. She stated that the neighbors welcome single-family or attached residential dwellings for residents of all incomes, but they are worried about an uninviting multi-family complex of this density. Ms. Cavanaugh stated that the applicant was not transparent even after recommendations for it.

Judy Mittman, 4805 Summit Avenue, stated that her neighborhood has been waiting for infrastructure improvements for many years. There have been pedestrians killed in the area on the very dangerous, narrow, winding road. The area cannot support this kind of high-density multi-family residential development. She stated that she did not receive any outreach from the applicant until very late in the process, and that her neighborhood is worried that the subject property will not be maintained and will degrade its character over time. Ms. Mittman stated she received a letter from the applicant about the online meeting 3 hours before it started.

Mr. Ducharme stated that the Commission could not consider a distinction between rental and homeowners, or income levels of tenants as an element of land use.

Chair O'Connor asked if applicants were required to hold neighborhood meetings. Mr. Kirkman stated that applicants are required to file a Summary of Neighborhood Communications to inform the Commission and staff of the outreach efforts taken in requests for conditional district zoning within 750 feet of residential uses. While neighborhood meetings are strongly encouraged, it is not a requirement.

Chair O'Connor asked if there was anyone else to speak in opposition to the request. Hearing none, Chair O'Connor advised the applicant had 5 minutes for rebuttal.

Mr. Glenn stated that some of the neighbors confirmed that had received notice of the online neighborhood meeting, and stated that he was concerned about an in-person meeting given Covid-19 concerns. He stated that he feels he did a decent job of reaching out and accommodating the neighbors. The new construction proposed in this request is not at all like older, poorly maintained multi-family residential properties in other areas of the City. Mr. Glenn stated that the market research required by the State supports this request, and that includes proximity to amenities and services. There is a GTA bus stop directly across the street, and there are multiple full-service grocers within 4 miles of the subject property.

Mr. Peterson asked how far the northwest property line was from the railroad tracks. Mr. Glenn stated that he would need to confirm with his engineer, but it would have a 20-foot buffer yard

away from the parking lot, apart from an area around Summit Avenue where it would be 10 feet. He stated that the site plan calls for a 250-foot buffer from the railroad to any building.

Chair O'Connor asked if there was anyone else in favor of the request wishing to speak in rebuttal. Hearing none, Chair O'Connor then advised anyone speaking in opposition had 5 minutes for rebuttal.

Michael Mittman, 4808 Summit Avenue, stated that he is concerned with the density of the request. Summit Avenue is a very dangerous thoroughfare, and the design proposed by the applicant is not thoughtfully accounting for it. The GTA service in the area is only once per hour, and is not reliable transportation for low-income residents. He stated that pedestrians have already died on this narrow road, and he does not believe it is wide enough to accommodate a 300-unit apartment development.

Dr. Goldie Wells, 4203 Belfield Drive, City Council Representative of District 2, stated she is concerned about the density of the request and the outreach done by the applicant as neighbors were not aware of this request. She stated this is a very narrow road, and this area needs more amenities for the proposed density to be reasonable. The poor communication between the applicant and the neighborhood and the lack of conditions and continuance to work with neighbors makes her unable to support the request.

Ms. Blizin stated that she hoped the Commission would consider the unreasonable density and lack of outreach by the applicant. She stated that this is not right for the community, and they have been willing to work with the applicant but have not been able to.

Rodney Mittman, 4801 Summit Avenue, stated that this is a rural area with a winding road and ditches. There is a lot of deer activity leading to accidents. He does not think this request is sustainable.

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

Vice Chair Bryson stated that he does not live far from this area. He supports increasing housing in the City, but he cannot support this request. He stated that he believes the request is not compatible with the area, and will not benefit the surrounding area. The late and perfunctory outreach by the applicant makes him unsettled, and South Webbing Mill Road cannot support 300 units, particularly with both entrances on it. Vice Chair Bryson stated that he can support a request that is beneficial to the community, but the requested density is unreasonable, and the treatment of the neighbors did not show proper respect.

Mr. Engle stated that he is concerned about the density, even with the TIA. The road is not pedestrian friendly, even with the applicant adding sidewalks on the property frontage. Outreach with neighbors to condition the request to better suit the neighborhood might have allowed him to support it, but he cannot support this request.

Ms. Skenes stated that she also has a problem with the density. The subject property's current zoning has conditions limiting density to an equivalent of the RM-5 zoning district with a maximum of 125 units. This request would more than double its density, and this area cannot support that. Ms. Skenes stated that four miles to a grocery store is a significant distance, and she cannot support the request.

Ms. Magid stated that there is an RM-12 district in the area, and she has difficulty with her decision on this request. There are many properties in the City with ingress/egress at narrow roads, and she disagrees with the notion that this level of density is unreasonable for the area.

Mr. Alford stated he also has problems with the density, specifically due to the current condition limiting the subject property, and he cannot support the request.

Chair O'Connor stated that she shares concerns with the density, but the TIA indicates that the traffic could be handled. She stated that the Commission hopes for better outreach measures than what happened here, even if the applicant met the minimum standards in this situation. Chair O'Connor stated that she believes 300 units in this location is too much, and that while it is a difficult decision, she cannot support the request.

Vice Chair Bryson then stated regarding agenda item Z-23-03-007, the Greensboro Planning and Zoning Commission believes that its action to recommend denial of the rezoning request for the property identified as 4209-R1 Summit Avenue from O (Office) and CD-RM-8 (Conditional District - Residential Multi-family - 8) to CD-RM-12 (Conditional District - Residential Multi-family - 12) 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 inconsistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2.) The proposed CD-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; (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. The Commission voted 6-3, (Ayes: Alford, Engle, Skenes, Peterson, Vice Chair Bryson, Chair O'Connor; Nays: Glass, Magid, Egbert). Chair O'Connor advised the vote constituted a final action, unless appealed in writing and the appeal fee paid within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the Monday, April 17, 2023 City Council Meeting. All adjoining property owners will be notified of any such appeal.