

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

PL(P) 23-24 & Z-23-11-008: An annexation and original zoning request from County RS-40 (Residential Single-family) to City R-3 (Residential Single-family – 3) for the property identified as 4012 Hickory Tree Lane, generally described as south of Hickory Tree Lane and west of Youngs Mill Road (0.61 acres). (RECOMMENDED DENIAL)

Mr. Carter reviewed the summary information for the subject property and surrounding properties. Mr. Carter stated the GSO2040 Comprehensive Plan designates this property as Urban General. The Comprehensive Plan currently also designates this property as Residential on the Future Land Use Map. Staff determined the proposed original zoning request supports the GSO2040 Comprehensive Plan's Creating Great Places goal to create interesting and attractive places and vibrant public spaces in neighborhoods, across Greensboro and the Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro. The proposed CD-R-5 zoning district limits permitted uses to residential uses only. The request is compatible with uses present in the surrounding area and would increase the range of choice and supply of housing in this area. Staff recommended approval of the request.

Mr. Engle asked how many houses could be built on the subject property based on its frontage. Mr. Carter stated he was unsure, adding that it looked capable of fitting just one house.

Mr. Engle asked if the request was a simple annexation for city water and sewer service and Mr. Carter confirmed that access to city water and sewer services in that area would require annexation.

Mr. Kirkman advised that the subject property had 115 feet of frontage, adding that this was insufficient to construct more than one single-family lot under the requested R-3 district. Chair O'Connor asked if the applicant or anyone else wished to speak in favor of the request. Hearing none, she asked if the Commission would like to continue the case, citing the applicant's absence amid present opposition speakers.

Mr. Ducharme advised that it was within the Commission's discretion to continue the case, adding that if there was substantive opposition to the continuance, it would also be appropriate for the Commission to hear the opposition if they choose.

Chair O'Connor requested a motion to continue the case. Hearing none, she asked anyone wished to speak in opposition to the request.

John Patterson, 141 West Lakefield Drive, introduced himself as a resident of the Young Acres community and expressed opposition to the request citing the applicant's track record in property development, particularly his actions at the adjoining property at 4010 Hickory Tree Lane, as well as his involvement in the Candace Ridge and Pleasant Hill communities.

Mr. Ducharme interjected, reminding Mr. Patterson that the Commission's decision concerned questions of land use rather than individual character.

Mr. Patterson acknowledged this comment and then stated that the applicant's proposed development on the subject property would likely be a group home, similar to his other properties in the Candace Ridge communities. He stated that such a development would harm the residential character and historic significance of Young Acres.

Mr. Engle asked if Mr. Patterson had received any communication from the applicant prior to the hearing and Mr. Patterson stated that he had not.

Ernest Allen, 3913 Hickory Tree Lane, expressed his opposition to the request if it would allow development of anything except a single-family residence.

Joyce Tollison, 4014 Hickory Tree Lane, introduced herself as the next-door neighbor to the subject property, she reiterated that the applicant had not reached out to surrounding neighbors. She asked for information on how land in the area would be impacted by the connection of city water and sewer services to the subject property. She added that she did not receive any site plans for the proposed development and expressed opposition to the development of a group home on the subject property.

Chair O'Connor inquired if there was anyone else wishing to speak in opposition of the request. Hearing none, she closed the public hearing, noting that the applicant was not present for rebuttal. Mr. Downing asked if it was known that the proposed development would be a group home.

Mr. Kirkman stated that the requested R-3 zone allowed a family care home for up to six persons by right. He added that the care home would have licensed by the state and separated by half a mile from any other family care home. He noted that the applicant's properties in other communities mentioned by the opposition are in the County's jurisdiction, so the city could not provide any information on them nor regulate their activity.

Mr. Engle stated that he did not feel comfortable approving the request, noting the lack of outreach by the applicant to neighboring residents or the Commission.

Ms. Skenes asked if a group home would require a special use permit. Mr. Kirkman advised that a "group home" or group care facility is a different, larger use than a "family care home". He noted that group homes were not allowed in the R-3 district but family care homes were.

Chair O'Connor clarified that, in the applicant's absence, the specific use of the property would be surmised by the Commission based on all permitted uses in the R-3 district. Mr. Kirman confirmed, reiterating that the Commission's consideration in this case should be based on the allowed uses in the R-3 district.

Ms. Magid asked if a motion to continue the case could be made this far into the hearing.

Chair O'Connor noted that, during the Commission's previous meeting, a continuance was granted on account of the applicant's absence.

Mr. Engle, noting that a representative of the applicant had requested the continuance in the previous case, stated that he was opposed to a continuance in this case. He cited the presence of opposition speakers and stated that he was prepared to vote on the request based on presented evidence. He added that the applicant had the opportunity to appeal an unfavorable ruling to the City Council if necessary.

Mr. Peterson then made a motion to deny annexation of the property, seconded by Mr. Engle. The Commission voted 9-0, (Ayes: O'Connor, Magid, Skenes, Downing, Engle, Peterson, Gilmer, Egbert, Glass; Nays: none). Chair O'Connor advised the motion to annex the property was denied.

Staff reminded the Commission that their votes concerning annexations constituted recommendations and that a subsequent motion to deny the original zoning would also be required.

Mr. Downing then stated regarding agenda item Z-23-11-008, the Greensboro Planning and Zoning Commission believes that its action to recommend denial of the original zoning request for

the property identified as 4012 Hickory Tree Lane from County RS-40 (Residential Single-family) to City R-3 (Residential Single-family – 3) to be inconsistent 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 City R-3 zoning district even as conditioned, 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. Ms. Magid seconded the motion. The Commission voted 9-0, (Ayes: O’Connor, Magid, Skenes, Downing, Engle, Peterson, Gilmer, Egbert, Glass; Nays: none). Chair O’Connor advised the denial constituted an unfavorable recommendation and was subject to a public hearing at the December 19th, 2023 City Council Meeting.