

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
NOVEMBER 18, 2024**

PL(P) 24-36 & Z-24-11-001: An annexation and original zoning request from County CZ-PD-R-SP (Conditional Zoning - Planned Development – Residential with a Special Use Permit for the Master Sign Plan) to City R-5 (Residential Single-family – 5) for the property identified as 4409 North Danby Castle Road, generally described as west of North Danby Castle Road and north of I-73 (3.176 acres). (RECOMMENDED APPROVAL)

Mr. Nelson reviewed the summary information for the subject property and surrounding properties.

Mr. Nelson stated that the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. Staff determined the proposed original zoning 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 Filling in Our Framework Big Idea to arrange our land uses for where we live, work, attend school, shop and enjoy our free time to create a more vibrant and livable Greensboro. The proposed R-5 zoning district is primarily intended to accommodate low-density single-family detached residential development of up to 5 dwelling units per acre. The proposed original zoning request allows uses that are similar to existing uses in the surrounding area. Staff recommended approval of the request.

Chair Magid asked the applicant to come to the podium to speak on the request.

Frank Forde, 2918 Martinsville Road, said he was present on behalf of McKinney and Sons Construction. Mr. Forde stated that because the request needed to access city water and sewer the property had to be annexed. He pointed out the similarities between the request and surrounding uses and noted that they are single-family residential uses. He said that most of the homes in the area are between 2000 to 3000 square feet. Similar to the size of the homes in the adjacent neighborhood. He mentioned that they purchased the subject property from the NCDOT (North Carolina Department of Transportation) after the completion of the I-73 improvements. Mr. Ford noted that the neighbors were concerned with the proposed density. He stated the proposed density would be consistent with the surrounding neighborhoods. He said while they were requesting R-5 the actual density would be approximately 3.1 or 3.3 per acre. He also noted that traffic concerns were raised by the neighbors and stated that the new lots would be accessed via public streets. He felt that the proposed eleven or twelve homes would not have significant impact on the neighborhood. He stated the request was consistent with the GSO2040 plan and would be an infill project.

Chair Magid asked for any questions or comments from the Commissioners.

Vice Chair Skenes inquired if there were any neighborhood meetings held by the applicant to explain the request to the community.

Mr. Forde responded that there was no community meeting held. He said the neighbors contacted the applicant and their questions were answered. He said he was unaware that there should be neighborhood meetings.

Chair Magid asked for persons speaking in opposition to the request to come to the podium. She reminded that as a group they had total of 10 minutes to speak.

Stephen Blundell, 4400 N Danby Castle Road, said he received a call from the applicant the day of the meeting after he contacted staff. He stated that the neighborhood is a HOA community having 105 homes. He expressed traffic concerns and mentioned the request would have one access via North Danby Castle Road and onto Kings Mill Road. He noted that the traffic generated by the request would be significant. He mentioned there are currently six houses on North Danby Castle Road therefore adding traffic would make a difference. He told the Commissioners that the community needed more time to talk with the applicant about the request. He stated emails went to the residents the day of the meeting. He again noted the request would cause dramatic change in the area. He mentioned there is stormwater runoff agreement between three neighborhoods in the area and wanted to know how the applicant would address stormwater runoff. He pointed out that all three communities sharing the stormwater agreement are HOA. He said he did not know whether the request would have a HOA. Mr. Blundell felt uncomfortable that the request would be R-5 allowing 5 units per acre while the applicant said they were proposing less density. He said he wanted to be certain of the precise density for the request.

Spencer Lewis, 2835 Pickering Road, reiterated the neighborhood comprised of 105 homes and they did not receive any communication from the applicant about the request. He said the community would be affected by potential traffic, and felt the neighbors should be given the opportunity to address questions and concerns. He concurred with Mr. Blundell that they needed more time for community meetings. He thankfully noted the proposed number of homes would be eleven or twelve and not fifteen. Mr. Lewis talked about a soil runoff incident. He said the runoff entered the community retention pond which created issues amongst HOAs and incurred cost to residents for dredging. He mentioned there are six homes on North Danby Road and adding traffic from eleven or twelve homes also taking into account service vehicles would impact the residents. He emphasized the need for additional time to have discussions with the applicant as well as to address the residents' concerns and questions.

Chair Magid asked for any questions or comments from the Commissioners.

Vice Chair Skenes asked Mr. Lewis about the agreement for the stormwater retention pond.

Mr. Lewis explained that the retention pond was built at the time the Kings Pond and Kings Mill subdivision created. He said there were two retention ponds managed by three HOAs. He noted that the residents were concerned about the stormwater runoff from the request.

Vice Chair Skenes restated that there is joint agreement between the three HOAs. She stated the two subdivisions shared the maintenance, assessments and cleanouts of the retention ponds.

Mr. Lewis concurred with Vice Chair Skenes.

Vice Chair Skenes clarified that the residents are concerned how the request would fit in with the existing retention ponds. She noted that there has been no discussions with the applicant regarding using the existing retention ponds.

Mr. Lewis agreed with Vice Chair Skenes.

Ms. O'Connor asked staff to confirm whether notification was given by the applicant. However, she asked Mr. Lewis if he received notification from the city.

Mr. Lewis said he did not as he lived outside of the city's 750ft notification buffer. He stated he became aware of the request during a HOA meeting.

Stephen Blundell, added that all of Kings Mill subdivision would not be included in the 750ft notification buffer. He said, however, all the Kings Mill subdivision would be directly impacted by the request.

Ms. O'Connor wanted to know whether the residents within the 750 ft radius received notice from the city. She then asked Mr. Blundell if he received such notice.

Mr. Blundell confirmed he received the notice from the city as he lived within the 750ft radius. He said however, most of the neighborhood was excluded from the city's radius.

Chair Magid again asked Mr. Blundell if he received the notice from the city.

Mr. Blundell confirmed he did.

Chair Magid asked for the person online wishing to speak in opposition to the request.

Kimberley Gaines, 4405 North Danby Castle Road, said the neighbors were concerned with the traffic that would be generated by the proposed development. She pointed out there would be one way in and out of the site. She mentioned impacts such as crime rate, traffic and the impacts on property values in the area. She noted she received notification from the city about one week from the meeting date. She felt they had short notice of the request.

Chair Magid asked for questions or comments from the Commissioners. Hearing none, she inquired if the applicant would like to respond to the residents' concerns. She noted that the applicant had five minutes of rebuttal time.

Frank Forde, stated he understood and appreciated the residents' concerns. However, in respect to notification, he pointed out the residents residing within the 750ft notification buffer were notified by the city of the request. He said about thirteen to fourteen houses were replaced by the NCDOT for the I-73 upgrade along Kings Mill Road. He noted these houses were part of the subdivision and were intended to be built. He highlighted that the proposed development would fit perfectly with the community. He pointed to his handout and stated that the plan showed eleven lots and stated this would be the density. He said there were two proposals for stormwater runoff, one of which they could join the existing Kings Mill HOA and use the existing retentions pond. He acknowledged the owners would need to agree to the joint agreement. He stated that should

the HOA agree for a joint agreement the neighborhood would benefit as it would need to be upgraded to city standards. He said the other option would be to have onsite underground stormwater management facilities.

Chair Magid asked staff if the application was for conditional zoning district.

Mr. Kirkman stated the application was for straight zoning request.

Chair Magid asked Mr. Forde if he would be inclined to continuing the request to allow for community outreach.

Mr. Forde responded that he was willing to add conditions to the request to allow for twelve units on the subject property.

Chair Magid clarified and asked Mr. Forde again if he would be inclined to a continuance of the request. She explained that community outreach would be beneficial to address residents' concerns.

Mr. Kirkman advised the application was for straight zoning district. He stated that should the applicant wanted to add conditions the current application would need to be withdrawn, and a new application submitted.

Mr. Forde sought clarification from staff on the requirements for annexation regarding holding neighborhood meetings.

Mr. Kirkman advised that for conditional zoning district request the applicant would need to demonstrate efforts taken to communicate with residents within the city's 750ft notification radius. He said for straight zoning request there would be no ordinance requirement. Mr. Kirkman said there were expectations that the applicant would have communications with the neighbors. He stated that as such, the Commission was asking to continue the request to allow for community outreach.

Chair Magid agreed with Mr. Kirkman.

Mr. Forde noted he would be favorable for a continuance to allow for discussions with the neighbors. However, he pointed out that it was not required for the applicant to have neighborhood meetings.

Ms. O'Connor asked for clarification on the process for new development associated with an existing HOA.

Mr. Kirkman explained that in such an instance; to join an existing HOA, the applicant could petition to become part of the association. The other option would be to create a separate HOA. Mr. Kirkman stated these were options and not requirements. He noted that provisions had to be in place for the maintenance of the subdivision common elements.

Mr. Forde stated he reached out to his engineer regarding stormwater runoff. He noted that should he decide to use the existing retention pond, it had to be surveyed to ensure it could accommodate the stormwater runoff.

Chair Magid interjected and stated that stormwater runoff design was outside the purview of the commission. She noted that the concern was allowing for neighborhood outreach.

Mr. Kirkman advised that since the application was for annexation and original zoning request, the item would automatically go before the City Council. He mentioned that an option could be the applicant having neighborhood outreach prior to the City Council meeting. The other option would be continuing the request and have the community outreach, then returning to the Planning and Zoning Commission for a recommendation.

Ms. Glass interjected and stated that under the current application the applicant was not required to do community outreach.

Mr. Kirkman agreed with Ms. Glass and confirmed that under the ordinance the applicant was not required to do community outreach. He noted that there was a desire for the applicant to have such communications.

Ms. Glass asked for clarification on notifications to residents within the 750ft radius and asked if such notice was given.

Mr. Kirkman confirmed the notices were mailed to the residents within the 750ft radius. He added that notice sign was also posted on the subject property.

Mr. Nichols asked staff if persons outside of the 750ft notification buffer could speak on the request. He noted one of the speakers residing outside the notification radius and part of the HOA spoke earlier on the request.

Mr. Kirkman explained that the ordinance required that property owners be notified by mail within 750ft radius of the subject property. He stated that the city used the county tax information to obtain the addresses of the property owners. He noted that there are instances when HOA common elements are within the notification buffer and sometimes not the case. He pointed out there was no requirement to communicate with associations, such as HOA. He said the notification requirement focused on the individual property owners.

Vice Chair Skenes pointed out that there was a clause on the rezoning application that “applicant were strongly encouraged to discuss this proposed zoning”. She also read similar wording from staff analysis and recommendation. She highlighted that it was expected and encouraged to have neighborhood outreach. She said through the neighborhood outreach the commission would know that the residents participated in the request. She mentioned that for the request it appeared the residents did not have all the facts they needed.

Mr. Gilmer, Sr asked staff whether the applicant did what was required.

Mr. Ducharme reiterated that the ordinance did not have requirement for the community outreach.

Mr. Kirkman noted that it was practiced by staff to encourage neighborhood outreach. However, it was not a requirement of the ordinance.

Chair Magid inquired if anyone wishing to speak in opposition to the request and noted they had five minutes for rebuttal.

Spencer Lewis noted that it was said earlier that Danby Castle subdivision was designed to have one way in and out and stated that was not the case. He said there was a loop connecting from Kings Mill Road to Pickering Road. He said the design changed to one way in and out when I-73 was constructed. He stated the residents are very sensitive to the use of the retention pond as the residents incurred high cost from a previous lawsuit. Mr. Lewis said that his neighborhood would not have had that many concerns if access to the subject property was via Roland Road.

Chair Magid inquired if anyone else wished to speak in opposition to the request.

Stephen Blundell noted he was the president of the HOA. He mentioned that Mr. Lewis would be affected by the request even though he lived outside of the city's 750ft notification radius. He stated the board of the HOA would need to meet with Kings Mills residents to discuss the request to use the existing retention pond. Mr. Blundell said that even though neighborhood outreach was not required, it would be worthwhile to have neighborhood outreach.

Chair Magid reiterated that the Commission's decision would be a recommendation to the City Council therefore allowing an additional month for the applicant to communicate with the residents.

Mr. Blundell said he appreciated the recommendation to have the request postponed to next month Planning and Zoning Commission meeting, allowing the applicant to meet with the HOA.

Chair Magid advised that the applicant needed to agree to continuing the request.

Mr. Gilmer, Sr. said that asking the applicant to continue the request to meet with the resident could be misleading.

Chair Magid then withdrew the statement for the continuance of the request. She explained that because the request was for annexation and original rezoning the Commission would make recommendations, and the request presented to the City Council. She stated that the applicant would have one month to meet with the residents.

Ms. O'Connor agreed with Ms. Skenes and expressed disappointment for the lack of community outreach. She noted the city did what was required to do by sending notification to property owners within the 750ft radius. She said typically the Commission usually rely on communications between the applicant and the public. However, she mentioned the request was well situated and consistent with the surroundings. She also noted staff clarified that there was no requirement for community outreach. She said beyond the request the Commission needed to decide and determine with legal advice whether decisions could be made based on the strong recommendations that there be community outreach when it was not required. She said should the applicant decide to continue

the request to allow for community outreach it would satisfy the residents. She emphasized that it could not be required because the applicant met the ordinance requirements.

Mr. Nichols said there was no requirement for the applicant to give notice, and Mr. Forde did what was required of him. He stated that the request was the perfect example of an infill development that Greensboro desperately needed. He felt that the discussions regarding the retention pond were not within the purview of the Commission. He noted that effectively the request would be going before the City Council and that was considered a continuance. He stated the applicant had another month to work with the neighbors. He said the neighbors also had the opportunity to voice their concerns at the City Council meeting. He supported the request.

Mr. Kirkman pointed out there were additional time for rebuttal for the persons speaking in opposition.

Chair Magid inquired if there was anyone wishing to speak further in opposition to request and noted they had a little over one minute for rebuttal.

Chair Magid asked the speaker online to open the camera, however the speaker could not. Chair Magid asked the speaker to continue without the camera.

Crystal Pressley, 4406 North Danby Castle Road, said she lived adjacent to the subject property. She expressed concerns about increase traffic especially on North Danby Road and Kings Mill Road. She noted she was within the 750ft notification radius. She said at one point she was told there would be another access to the site but during the presentation she realized there would be one access.

Hearing no further comments and without further opposition Chair Magid closed the public hearing.

Mr. Gilmer, Sr. then made a motion to annex the property, seconded by Ms. O'Connor. The Commission voted 7-0 (Ayes: Chair Magid, Vice Chair Skenes, Ms. O'Connor, Mr. Gilmer Sr., Ms. Glass, Ms. Turner and Mr. Nichols). Nays: (None).

Mr. Nichols then stated regarding agenda item Z-24-11-001, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the original zoning request for the property at 4409 North Danby Castle Road from County CZ-PD-R-SP (Conditional Zoning - Planned Development – Residential with a Special Use Permit for the Master Sign Plan) to City R-5 (Residential Single-family – 5) 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 City R-5 zoning district permits uses that 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. Nichols also stated that the Commission noted disappointment in the community outreach, however, this was not a requirement for the request in action. Mr. Gilmer, Sr. seconded the motion.

The Commission voted 7-0 (Ayes: Chair Magid, Vice Chair Skenes, Ms. O'Connor, Mr. Gilmer Sr., Ms. Glass, Ms. Turner and Mr. Nichols). Nays: (None)

Chair Magid advised the votes constituted a favorable recommendation and was subject to a public hearing at the Tuesday, December 17, 2024 City Council Meeting.