

**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 16, 2024**

**PL(P) 24-28: Zoning, Planning and Development Text Amendment: Amending Section 30-7-8.8 (Neighborhood Conservation Overlay Districts) of the Land Development Ordinance to add a West Friendly Avenue Neighborhood Conservation Overlay District and West Friendly Avenue Design Manual. (RECOMMENDED APPROVAL)**

Mr. Clegg introduced himself as the Division Manager, Long Range Planning. He highlighted the action to be taken by the commission: 1) Hold a public hearing; and 2) Make a recommendation including changes to the City Council. He noted subsequent action would be for the City Council to hold a public hearing and consider adoption of the plan which was tentatively scheduled for the October 15<sup>th</sup> City Council meeting. He stated the plan was initiated by residents petitioning for the Overlay District.

Mr. Clegg outlined the project area which included properties fronting West Friendly Avenue from North Holden Road to Westridge Road. He said notification was mailed to residents within the 750 feet buffer. He gave a brief presentation defining the Neighborhood Conservation Overlay (NCO) and the process. He stressed that the NCO would apply to new developments and would not affect the existing or those development currently under review along the corridor. Mr. Clegg reviewed the existing land uses, standards and regulations within the study boundaries. He talked about the proposed standards including front setbacks, side setback, height, building orientation and tree conservation.

Chair O'Connor asked for any questions from the Commissioners, and said she would have comments after the public hearing.

**Ms. Skenes** asked for clarification on the tree preservation and wanted to know about the 50 feet tree conservation setbacks mentioned in the plan. She stated that on the southern section of Friendly Avenue 50 feet would consist of the entire front yard. She cross referenced the definition of tree conservation in the LDO. She pointed out that Mr. Clegg's presentation said it would apply for new development but was not indicated in the plan. She wanted to know how the NCO would impact property owners landscaping front yard and removing trees.

**Mr. Clegg** explained the plan stated, "in the case of new construction", so the NCO would be applied to new construction.

**Ms. Skenes** emphasized that the plan should say the tree conservation would not be applied to "existing" development.

**Mr. Clegg** said the language could be revised.

**Mr. Engle** further clarified and said that 50 feet would be the conservation area. He continued and said in cases of new construction or redevelopment 75% of the vegetation in the front yard with trunks of 4 inches or larger diameter breast size would be considered under the tree conservation.

**Ms. Skenes** felt that the standard was not clear. She said since the tree conservation would be applied to new construction it should be clearly stated in the plan.

**Ms. Skenes** had another question about the nonconformities. She mentioned that the plan stated that dwellings destroyed or damaged by fire could rebuild in the same footprint. She pointed out the plan did not address “tear down”.

**Mr. Clegg** explained the intent of the NCO and said it would allow for exceptions in the event of occurrence such as fire.

**Ms. Skenes** mentioned staff previously explained that a variance would be required if rebuilding did not meet the NCO standards. She felt seeking variances would be additional work for the applicant.

**Mr. Clegg** continued to address Ms. Skenes questions explaining when variances would be required.

**Mr. Kirkman** also explained that what was proposed in the NCO is consistent with the nonconforming standards in the LDO. He stated that rebuilding could occur in the existing footprint but once expanded or additions outside a variance would be required.

**Ms. Skenes** expressed the language was not clear, specific to “tear down” given the age of residence in the subject area. She also mentioned that the rebuilding would also need to adhere to the tree conservation standards.

**Ms. Skenes** stated at 3701 Friendly Avenue at the corner of North Holden Avenue the dwelling was close to the street due to widening of the road. She wanted to know if the NCO would restrict future development as an illegal taking. She noted the taking was a concern raised by an attorney outside of the city. She expressed concerns for the redevelopment of this particular property. She felt that the neighborhood would have control over development of the area.

**Mr. Clegg** advised that the NCO was not to stop new development but to allow in context of the plan and the surrounding area.

**Vice Chair Magid** asked about the Planning Director deciding on the tree conservation process.

**Mr. Kirkman** explained the Planning Director is general term referring to staff. He advised there is an arborist on staff who would review any such plans and work with the developers.

Chair O'Connor asked for any questions from the Commissioners. Hearing none, she asked for the speakers for the NCO to come to the podium indicating they had 3 minutes per speaker.

**Nikki Kohut, 3921 West Friendly Avenue**, stated she supported the West Friendly Avenue NCO. She mentioned the NCO would preserve, revitalize, protect and enhance older neighborhoods beyond the LDO. She said the request was to protect the uniqueness of the West Friendly Avenue neighborhood. She stated the subject area is one of the historical focal points and established residential neighborhood of Greensboro attracting visitors and families. Ms. Kohut said the neighborhood slightly changed since the 1950's, and the architectural designs are mostly ranch style, classic colonial and cape cod. She mentioned that there were significant support from the residents within the subject area and outside for the NCO and to preserve the area. She noted the process started more than a year and several community meetings held.

**Stephen Freyaldenhoven, 4003 West Friendly Avenue**, emphasized the importance of the residents' recognition and participation to preserve the unique character of the area. He stated

the residents would have liked to present the NCO earlier, but the process took longer time because they wanted a broad consensus of the proposal. He noted that care was taken not to hold public meetings during holidays, or during the summer months when some residents were away. He commended the staff for working with the residents in preparing the NCO. He asked the commissioners to support the NCO.

**John Drinkard, 4020 W Friendly Avenue**, said he lived at this address for 30 years, and really enjoyed living in the area. He said he was present to support the NCO and mentioned that a previous rezoning request in the neighborhood initiated the Plan. He stated the rezoning request ignored the uniqueness of the area and likened the process as a battle to protect the neighborhood. He said the NCO would prevent such proposals from happening again. He told the Commissioners the community needed their help and said that the NCO would provide guidance for future proposal in fitting into the neighborhood. He noted the neighborhood was not against development. Mr. Drinkard said being an architect he could visualize the impact development designs would have on a community. He stated the NCO would provide the context in which development should follow to fit in the neighborhood. He mentioned the NCO provides the overlay to promote the unique characteristics of the neighborhood. He asked the Commissioners to support the NCO.

Chair O'Connor asked if there was anyone else wished to speak on the NCO.

**Arthur Close, 715 Kemp Road West**, clarified the diameter measurements for the tree conservation.

**Mr. Engle** noted that he reviewed the NCO and specifically wanted to understand the tree conservation. He said he empathized with the residents and wanted to know what the impact of the tree conservation on the residents would be. He stated that working with staff he understood that the tree conservation would apply to new development and not existing ones. He mentioned that maintaining yard sometimes involve removing unsafe trees. He felt that with the tree conservation there would be an extra step of contacting the city's arborist before removing the unsafe trees, however, it would not apply to existing dwellings.

**Arthur Close**, commended staff and said that there were extensive discussions amongst the residents and staff in formulating the policies for the NCO. He stated the residents were reasonable with the proposed standards. He mentioned they wanted to protect the neighborhood, and at the same time cognizant of property rights.

**John White, 4601 West Friendly Avenue**, said he appreciated Ms. Skenes questions and concerns and noted he had the same questions. He said including himself some of the residents did not receive notification of the hearing. He noted that the County records was incorrect hence he did not receive the notice. Mr. White mentioned community outreach is crucial and noted that when he bought his property in 2021 it did not include the proposed standards. He pointed out that the residents should make more effort in communicating with the neighborhood. He said he did not oppose the NCO but required additional community outreach. He noted some of the residents who worked on the NCO are not directly impacted by the plan.

**Jenny Kaiser, 201 Erskine Drive West**, said the process started 18 months ago and bonded with the neighbors. She stated some residents may not have received notification of the hearing but wanted to note the methods used for community outreach. She noted there were public meetings which were publicized through email list of residents in the neighborhood; interactive updated public website; Facebook page; and text messaging service. She felt the communication

was sufficient to reach as many residents as possible. She said all these methods were regularly updated with meeting dates and time, even for the hearing. She asked the Commissioners to support the NCO.

**Candida Yoshikai, 5306 West Friendly Avenue**, noted she once received a variance from the city for portion of building outside of the required setbacks. She said Friendly Avenue is the “prettiest” street and the NCO is designed to preserve it.

Chair O’Connor asked if there was anyone else wished to speak on the NCO. Hearing none, she closed the public hearing.

Chair O’Connor asked for comments from the Commissioners.

**Ms. Skenes** asked for clarification and said, should an owner of an existing dwelling wanted to remove all the trees in the front of the property, it could be done without any permission.

**Mr. Clegg** consented with Ms. Skenes.

**Ms. Skenes** restated that the 50 feet tree conservation area referred to new construction but not clear in the NCO.

**Mr. Clegg** said staff would revise the language to address her concerns.

**Mr. Kirkman** suggested that one of the recommendations could be to modify the language to address the new construction.

**Ms. Skenes** noted that the tree conservation and modifying the language was part of her concerns. She mentioned an email they received from a resident who compared the NCO to a neighborhood association. She felt the restrictions are extreme.

**Ms. Turner** expressed concerns and stated they are beyond the details of the NCO. She felt the provisions of the NCO are restrictive. She stated the NCO was inconsistent with the 2040 Comprehensive Plan, specific to “filling in our framework goal”. She noted, in general, it would not support responsible growth which the Plan promoted. Mr. Turner said the NCO would not be an example for embracing growth but rather stifling it. She felt that “piecemeal” changes to the Plan would not cure the deficiencies if changes were inconsistent with the 2040 Comprehensive Plan.

**Vice Chair Magid** pointed to an existing NCO, Westridge Road, which she thought to be similar to the West Friendly Avenue NCO. She asked staff when the Westridge Road NCO was adopted.

**Mr. Clegg** replied around 2008 or 2009.

**Vice Chair Magid** further asked staff about the community outreach for the Westridge Road NCO and what percentage of the residents supported the plan.

**Mr. Clegg** explained that 25% of property owners in the area were required to initiate the petition process. He stated that support of least 50% of the property owners was needed for the second stage. He said about 80% of the property owners supported the Westridge Road NCO.

**Mr. Engle** sought clarification and said that the NCO would typically be a matter for the Planning Board and not directly zoning matter.

**Mr. Kirkman** advised that the NCO would have an associated map zoning amendment, and that portion would be presented to the prior Zoning Commission to establish the boundary of the overlay district.

**Mr. Engle** stated he was considering what is asked of the commission and wanted to know if there were provisions in the LDO to create NCO.

**Mr. Kirkman** responded there were such provisions.

**Mr. Engle** wanted to know if the overlay district would require the commission to examine the development standards; and the history as it related to the standards to maintain the neighborhood. He felt that the changes in the setbacks and building heights were insignificant and stated that properties could be rezoned. He noted that if properties are not redeveloped the owners could make changes and not be impacted by the NCO. He pointed out that the West Friendly neighborhood was able to achieve 90% support for the overlay district. He supported the NCO and added that he felt the staff provided a plan that met the required standards. He thanked Jenny Kaiser and the staff for addressing his question and concerns about the West Friendly NCO.

**Mr. Peterson** asked staff whether the NCO was the best manner to preserve the unique characteristics of the West Friendly Avenue neighborhood.

**Mr. Clegg** stated the NCO addressed the residents' concerns in terms of the façade of the street, while allowing for rezoning.

**Mr. Kirkman** concurred with Mr. Clegg and said the NCO would preserve the character of the neighborhood without getting into the details of use of properties and such issues. He mentioned that the NCO is a planning tool which allowed for the base to remain as is while being developed in the context of the surrounding. He stated that for the effectiveness of the tool the staff supported the NCO.

Chair O'Connor asked for additional comments from the Commissioners. Hearing none, she concurred with Ms. Turner and Ms. Skenes. She stated that some of the requirements are overwhelming restrictive, and did not address potential questions. She did not see the need for the NCO and stated that the Planning and Zoning Commission would address requests as they relates to the vision for growth as outlined in the 2040 Comprehensive Plan. She noted that the City was growing, and the commission needed to find ways for infilling empty spaces rather than promoting sprawl. She said finding the way would be a challenge, however, the 2040 Plan provide the guidance. She mentioned that residents would want to preserve neighborhood and that single family neighborhoods would not be inclined to have multi-family development. She felt that the 2040 Comprehensive Plan allowed for thoughtful growth. She stated that the proposed West Friendly NCO conflicted with the 2040 Comprehensive Plan. She said her vote would be with the 2040 Plan and not in favor with the West Friendly NCO as proposed.

**Ms. Skenes** concurred with Chair O'Connor and Ms. Turner and said the West Friendly NCO restricted the ability to "Infill" encouraged by the 2040 Comprehensive Plan. She noted few properties that would be affected by NCO and again stated the NCO was beyond the scope of

the 2040 Plan. She mentioned that she understood the need to preserve the neighborhood, but it should be done in a manner that encourage growth.

Mr. Engle made a motion to recommend the West Friendly NCO, seconded by Mr. Peterson. The Commission voted 5-4, (Ayes: Vice Chair Catherine Magid, Downing, Peterson, Engle and Glass). Nays: (Chair Sandra O'Connor, Skenes, Turner and Gilmer Sr).

Chair O'Connor advised the votes constituted a favorable recommendation and were subject to a public hearing at the Tuesday, October 15, 2024 City Council Meeting.