

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
FEBRUARY 17, 2025**

Z-25-02-003: A rezoning request from R-3 (Residential Single-family – 3) to CD-RM-12 (Conditional District - Residential Multi-family – 12) for the property identified 1201 Pisgah Church Road, generally described as south of Pisgah Church Road and west of Willoughby Boulevard (0.86 acres). (APPROVED)

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

Mr. Carter advised the applicant made several changes to the conditions; change to condition 1 (proposed 8 dwelling units instead of 10 dwelling units), and added three conditions. He read the proposed conditions with changes underlined as follows:

- 1) Uses limited to a maximum of 8 dwelling units.
- 2) Building façade materials shall consist of no less than 75 percent wood, stone, glass, brick, and/or cementitious material. Neither vinyl siding nor Exterior Insulation Finishing Systems (EIFS) shall be used in building façades. Vinyl materials may be used as part of windows, doors, and trim.
- 3) The development shall be limited to no more than two (2) access points to Willoughby Boulevard and shall have no access points on Pisgah Church Road.
- 4) Each townhouse dwelling shall have a rear entry garage and take driveway access from a private street or drive.

Ms. O'Connor made a motion to accept the changes proposed by the applicant, seconded by Ms. Turner. The Commission voted 9 - 0 (Ayes: Chair Magid, Vice Chair Skenes, Ms. O'Connor, Mr. Gilmer Sr., Ms. Glass, Ms. Turner, Mr. Downing, Mr. Peterson and Mr. Nichols). Nays: (None).

Mr. Carter stated that the GSO2040 Comprehensive Plan's Future Built Form Map designates the subject property as Urban General and as Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports the Comprehensive Plan's Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro and the 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. The proposed CD-RM-12 zoning district, as conditioned, would allow uses that are compatible with the surrounding area. The proposed density is appropriate as the subject property is located at the intersection of a minor and a major thoroughfare. Care should be taken with respect to building orientation, building materials, building height, and visual buffers to ensure an appropriate transition to the lower density residential uses on adjacent properties. Staff recommended approval of the request.

Chair Magid asked for any questions or comments from the Commissioners. Hearing none, Chair Magid asked the applicant to come forward to the podium. She reminded speakers in support of the request had a total of ten minutes to speak on the request.

B.J. Johnson, 2406 North Elms Street, stated he owned the subject property. The lot is currently vacant, and he would like to rezone the subject property from R-3 to RM-12. He said he was aware

of the residents' concerns from the neighborhood meeting held. As such reduced the density from 10 to 8 units. Mr. Johnson stated the request was an infill development therefore was consistent with the GSO 2040 Comprehensive Plan. He noted the request would take advantage of the existing infrastructure the city has already invested in.

Mr. Johnson mentioned Greensboro had one of the lowest density rates in North Carolina based on the Comprehensive Plan. He said the request was in keeping with the density rates and maintaining the character of the surrounding neighborhood. He noted the big idea of the request as the "missing middle housing", moving from single-family dwellings to multi-family apartments. He said the request would provide more housing options in the area. Mr. Johnson stated the development was upscale with high-end building materials and the apartment price would be comparable to the existing housing price in the area. He emphasized the development would add value to the neighborhood.

Mr. Johnson said he not having access along Pisgah Church Road to due to the residents' concern that the intersection was busy. He mentioned the proposal went through the "sketch plan", technical review process. He stated the technical staff recommended eliminating the individual driveways leading directly onto Willoughby Boulevard. Instead, each apartment would have a garage to the rear of the unit. He said the development would have two accesses along Willoughby Boulevard. Mr. Johnson noted the site would be developed with limited disturbance to the natural vegetation to address concerns of preserving wooded areas. Some vegetation would be introduced to beautify the site. Mr. Johnson displayed and talked about sketches of the proposal indicating he continue working with the technical staff and were not final drawings. However, he wanted to show that the development would add to the aesthetics of the neighborhood.

Mr. Johnson stated sixteen persons attended the neighborhood meeting (10 in person and 6 online). He said those in attendance raised concerns that most residents did not receive notice of the meeting. He stated notices were sent to residents as per the city's 750ft notification radius. He emphasized that he heard and appreciated the residents' concerns.

Chair Magid asked for any questions or comments from the Commissioners. Hearing none, she thanked Mr. Johnson for his presentation. Chair Magid asked for person wishing to speak in favor of the request to come to the podium.

Elizabeth Blake, 612 Willoughby Boulevard, said her family moved to the area in 1983 and she witnessed growth of the area. She did not agree with the residents that the proposal would have negative impact on property values in the area. She stated the proposal would not negatively impact traffic flow in the area. Ms. Blake mentioned the subject property was adjacent to undeveloped lands and would not have direct impact on any of the neighbors. She noted the residents had issue with the higher density. She mentioned the neighbors were accustom to Irving Park being a low-density neighborhood. She said the proposal would add to the housing supply and provide opportunity for the younger population to live in Irving Park.

Chair Magid inquired if anyone else wished to speak in favor of the request. Hearing none, she asked for persons speaking in opposition to the request to come to the podium. She noted that the group had a total of ten minutes to speak.

Timothy Souhan, 624 Willoughby Boulevard, said he has been a resident of Greensboro for 25 years, and his home located about 1000 ft south of the request. He stated he represented residents of New Irving Park. He noted they strongly opposed the development. Mr. Souhan said the proposal was not well thought out. He displayed a petition signed by 120 residents who opposed the proposal. He stated the neighborhood was “pro-growth” for good growth. He said the request would have negative impact on the surrounding land use. He mentioned the proposal would eliminate virgin green space and tree canopies. And disturb the watershed and nearby creek through water runoff. He noted the nearby creek discharged into the Buffalo Lake.

Mr. Souhan said the site steeply slopes towards the south of the property and might need retaining wall. He mentioned the state of a retaining wall on property with similar grade. He said the retaining wall at the corner of North Elm Street and West Cone Boulevard was almost collapsing. He stated the site was too small for eight apartment units. He mentioned allowing the proposal would encourage future developments to further infringing on the wetland.

Mr. Souhan stated the proposal would harm the character of the neighborhood. He pointed out that New Irving Park consisted of over 1600 single-family homes with significant setbacks. He noted there were no development like the request within the neighborhood south of Pisgah Church Road. He said the request did not fit in the area. He highlighted that the gateway to the neighborhood was at Pisgah Church Road and Willoughby Boulevard. The area was maintained, has green space with brick entrance signs. He asked the commission not to allow the request to hurt the character of the neighborhood.

John Nosek, 4012 Hazel Lane, said he has been a resident of New Irving Park for over 30 years. He mentioned he was attracted to the area because of the individual homes on large, wooded lots averaging half to one acre. He highlighted the area has small parks, playgrounds, wooded buffers and habitats for wildlife. He noted the request would be an infill that was inconsistent with the sixteen hundred single-family homes in area. He said the proposal was appealing to the city because of the property tax revenue. He pointed out that eight apartment units on 0.86 acre did not fit the culture of the community single-family development. He said there was no other townhome development in the area.

Mr. Nosek stated that about 2000 to 5000 vehicles and 20,000 to 30,000 vehicles traveling daily in the vicinity of Willoughby Boulevard and Pisgah Church Road respectively. He pointed out that the proposal would have driveways directly entering the vehicle path along Willoughby Boulevard. He said the building setbacks would not allow sufficient parking space for guest, service vehicles and delivery trucks. He urged the commissioners to reject the request. He stated it would radically change New Irving Park and disregard the original concept envisioned by the developer 50 years ago.

Donald Lahey, 1804 Tiffany Place, said his home was adjacent to the creek on Willoughby Boulevard. He has been living in his for 24 years. He said the area was developed consistent to the current zoning. The development in the area were located away from the creek. He stated the site was unsuitable for development and would be a threat to aquatic life of the nearby creek. Also it would cause flooding to the areas downstream. He said given the fragile environment, even with careful construction, developing the site would have grave consequences for homeowners in the area.

Mr. Lahey mentioned the accesses along Willoughby Boulevard would create serious hazard for vehicles turning right and left. He said large vehicles leaving Pisgah Church Road would shortly encounter the driveways. He mentioned that Willoughby Boulevard formed part of the emergency route for fire and rescue into the neighborhood, and the quickest route to the Moses Cone trauma center. Mr. Lahey stated that the intersection of Willoughby Boulevard and Pisgah Church Road was dangerous. He said he recently witnessed an accident and had to give police report. He noted the development would seriously obstruct traffic paths thus increasing the likelihood of accidents in the area.

Gabriel Neeriemer, 701 Willoughby Boulevard, said his property would be most impacted by the request. He stated it would not be safe to have the proposed access along Willoughby Boulevard with the high speed traffic in the area. He noted Willoughby Boulevard is through traffic and vehicles would drive at speed up to 65 miles per hour. He felt the development would increase the chance of accidents in the area.

Mr. Neeriemer said whenever it rained the stream would come close to his property before entering culverts. He pointed out that the developer would not know negative impacts to neighbors by altering water flow. He highlighted that the wooded areas had vibrant wildlife with deer, beavers, skunks, coyotes and foxes living in the area. He said disturbing the wildlife habitat would push the animals into his yard.

Chair Magid inquired whether the applicant would like to respond to the residents' concerns. She noted the applicant had five minutes of rebuttal time.

B.J. Johnson said the property located at the corner of North Elm Street and West Cone Boulevard was not part of the subject property. Nonetheless, he noted there were several vehicular accidents in the area which was the reason behind the condition of the retaining wall. He agreed there were 1600 single-family homes in the New Irving Park neighborhood. However, there were similar multi-family development, naming Canaan at the Noles as an example. He said he continued to work with the technical review staff, and with the residents, to revise the site plan. Mr. Johnson stated he was taking into consideration all the residents' concerns and revising the proposal to have minimal negative impact on the neighborhood. He noted the city owned and maintained most of the wooded area, which would remain in its natural state.

Cheryl McIvor, 404 W Montcastle Drive, reminded the commissioners that they needed to determine the highest and best use of the subject property. She mentioned a previously approved rezoning request on wooded land; surrounded by R3 (Residential Single-family 3) homes; blue line streams and creek; and limited traffic sight distance. She said these items would be considered later in the process by the technical review committee. She pointed out that unlike the previous approval the applicant was already engaged in the technical review process. Ms. McIvor said the subject property was not designated flood prone area. She stated the request was proposing low density and should increase, from RM-12 to RM-18, to allow 14 apartment units.

Chair Magid called on persons speaking in opposition to the request for rebuttal. She noted they had five minutes in total for rebuttal.

Burkett Edwards, 807 Blanton Place, said he was speaking on behalf of most of the residents. He lived in the area for the past five years. He noted that the residents' main concerns were having town homes within the confines of the single-family residential neighborhood. And the request was not consistent with the GSO 2040 Comprehensive Plan. He mentioned the GSO 2040 Plan showed the subject property "green", as an area to be preserved. He pointed out the site contained numerous mature trees such as maple; crape myrtles; the great white oak, emblematic to Greensboro; shrubs and native vegetation all blended in to join the adjacent property owned and maintained by the City of Greensboro.

Mr. Burkett said the neighborhood was concerned that if the request was allowed it would set a precedent for future multi-family residential development in the neighborhood and along Willoughby Boulevard. He stated such development would be inconsistent with the area. The proposed 8 apartment units on the site would negatively impact the wetlands of Pisgah Church Road all the way to Buffalo Lake. As well as expedite the deterioration of the natural areas in the city. He said if the commissioners were unfamiliar with the neighborhood, they should take a drive to the area. He noted the commissioners would agree that the rezoning request was inconsistent with the vision of the GSO 2040 Plan.

Edward Lipsky, 1816 Tiffany Place, said he was a civil engineer, builder, developer and architect. He agreed with the residents and stated his main concern was the watershed. He said his home was close to the creek and whenever it rained water would back up into his yard before flowing into the nearby storm drain. He mentioned that on the wetlands map dated 2018 the subject property was not part of the wetlands; however, it was the headwaters leading into the wetlands. He said in his professional judgement the site could not be developed as proposed without increasing water runoff in the area. Mr. Lipsky noted the site has high grade therefore using retention pond would not be feasible for storm water runoff. He also said underground retention would be a better means of storm water control, however, this process would mean significant removal of the trees.

Mr. Lipsky explained the usefulness of keeping the trees on the property. He said the deciduous trees on the subject property slow down the runoff as well as soaking up water from the ground. He stated the site would need to be completely cleared to accommodate the development. He mentioned that with the grade of the property it would need a retaining wall which would be very expensive to construct. He noted engineers are more likely not to approve the development, given that the site was part of the headwaters leading to the watershed.

Chair Magid asked for comments from staff regarding the concerns and discussions made by the applicant and the residents.

Mr. Kirkman noted the watershed concerns would be addressed by the technical review committee. He said he was happy to answer any questions the commission may have on the request.

Mr. Ducharme pointed out the plans shown by the applicant were preliminary drawings. He emphasized that the plans presented by the applicant were illustrative and were not final approval.

Chair Magid hearing no further comments closed the public hearing. She asked for questions or comments from the commissioners.

Vice Chair Skenes mentioned she was a former resident of a nearby neighborhood, Round Hill Court. Therefore, she was very familiar with the neighborhood. She stated the site could easily accommodate two dwellings hence the two driveway entrances would not be increasing curb cut. She then asked whether the residents were fully aware of the additional conditions for the request before signing the petition.

Timothy Souhan stated the residents were fully aware of everything that the developer presented. He said they stand in strict opposition to the request with 144 signatures on the petition.

Chair Magid said for point of clarity the conditions were just added. She asked when the residents became aware of the additional conditions.

Mr. Souhan said the residents were working on the information presented at the neighborhood meeting. He emphasized that the residents' position did not change regarding the request. He asked for the petition to be entered into the record.

Chair Magid thanked Mr. Souhan and agreed to have the petition added to the record.

Ms. O'Connor then stated regarding item **Z-25-02-003**, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the property at 1201 Pisgah Church Road from R-3 (Residential Single-family – 3) 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 consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2.) The proposed CD-RM-12 zoning district, as conditioned, permits uses that fit the context of the 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 seconded the motion.

The Commission voted 8-1, (Ayes: Chair Magid, Vice Chair Skenes, Ms. O'Connor, Mr. Gilmer Sr., Ms. Glass, Mr. Downing, Mr. Nichols and Mr. Peterson). Nays: (Ms. Turner).

Chair Magid 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 Tuesday, March 18, 2025 City Council Meeting. All adjoining property owners will be notified of any such appeal.