

**PARTIAL MINUTES OF THE
ZONING COMMISSION
June 17, 2019**

Z-19-06-003: A rezoning request from R-5 (Residential Single-Family R-5) to CD-RM-18 (Conditional District – Residential Multi-family-18) for the property located at 3305 Yanceyville Street, generally described as west of Yanceyville Street and north of Guest Street. 5.88 acres. (Favorable Recommendation)

Mr. Carter provided the zoning map and other summary information for the subject property and surrounding properties and noted the conditions associated with this request.

SPEAKERS FROM THE FLOOR:

Judy Stalder, 115 South Westgate Drive. Ms. Stalder stated this request is for Chuck Overby, the owner. Mr. Overby is available to answer questions, along with his associate Eric Dickenson. Ms. Stalder stated they intend the development to be work force rental housing, specifically tailored to service workers such as teachers, police, fire professionals, and others. The conditions restrict it to multi-family residential and will only be the proposed apartments. There will not be a daycare or other associated uses. The buildings will not exceed 50 feet in height which is the height restriction for properties on either side. Mr. Overby has owned the property for approximately 6 years. The house was rented while waiting for lumber prices to come down in order to develop this property. Mr. Overby will be the builder for the property under Carson Construction and will be the owner of the development and the property will be managed. There was a neighborhood meeting with the primary concern regarding renewal and revitalization of their neighborhood.

The concerns of the neighborhood centered on traffic and preservation of trees and wetlands. Ms. Stalder presented an illustrative site plan of the property and stated the development did not trigger the threshold for a traffic impact study but Mr. Overby met with the City's Department of Transportation and their engineer had then been in touch with NCDOT. There will be one point of access to Yanceyville Street southeast of the property where the current driveway is. Turn lanes will be determined by NCDOT when the driveway permit is applied for. Wetlands have been identified on the property and indicated on the site plan which have been staked and will be protected by the TRC review and local and state regulations. Due to a stream that requires protected buffers, the development will be on the eastern border of the wetlands. The trees will be preserved in the rear and will be a buffer between the railroad right of way and the development. Zoning regulations require 2 canopy trees, 3 under storage trees, and 17 shrubs planted every 100 feet. Yanceyville Street will have 2 canopy trees and 17 shrubs per 100 feet. Ms. Stalder provided illustrative photographs of buildings displaying brick and a variety of siding types that not only look nice but also are a quality investment. The owner is retaining possession and wants to be able to rent these units easily. The intent is to provide rental housing to service workers and asked for a vote of approval.

Chair Lester asked if there was anyone else to speak in favor of the request. No one came forward. Chair Lester asked if there were questions. Ms. Mazzurco advised when stating this will be for service workers, it is not something the Zoning Commission addresses on who is going to live there and asked if there would be a marketing plan for that type of tenant. Ms. Stalder responded there is not a marketing plan. Ms. Mazzurco asked if it would be open to anyone that qualifies. Ms. Stalder responded it is open to anyone but felt the rent level will draw in the middle class.

Chair Lester asked if there were further questions for the applicant. No further questions. Chair Lester inquired for anyone speaking in opposition to the request.

Ruth Closs, 3301 Yanceyville Street. Ms. Closs stated she is opposed as the property and house has not been taken care of and is in deplorable condition. Calls are made to the owner to cut the grass. She feels if it is not been taken care of now, and she does not feel the applicant will take care of anything else. She has fenced in her property to help keep animals out. The driveway should have been paved a long time ago. She feels nothing should be there until the land is cleaned. Ms. Closs stated there are mostly older people living in the neighborhood who take care of their home and property. She is concerned with people not taking pride in their neighborhood. Stated she it should not be approved until something is done on the property showing they care about it.

Herita Jones, 908 Tipperary Drive. Ms. Jones is Ms. Closs' daughter. She stated this is the first time seeing a drawing. The driveway is within 30 feet of the house and she is concerned traffic noise will be

right at her mother's head, as the building appears to be right beside the house. They would prefer the road be placed elsewhere as her mother cannot sleep with all the traffic noise that will occur. It has been fenced and is peaceful and tranquil. She would like for her mother at 81 years of age to have a quiet and peaceful place.

Chair Lester inquired if there was anyone who wished to speak in opposition to the request. No one came forward.

Ms. Stalder advised the tenant previously at the house was responsible for the mowing and when the owner was called, he responded and took care of any issue. She noted there had not been additional maintenance lately on the property in anticipation of turning over the property to another use.

Mr. Holston asked what type of buffers will be on either side of the property. Mr. Kirkman responded it would be a type C buffer and it is an average of a 15-foot-wide buffer with two canopy trees, 3 under storage trees, and 17 shrubs per 100 linear feet along the property line. There would also be a 10-foot-wide landscape yard along Yanceyville Street that is required. Mr. Holston asked if any consideration was given to moving the proposed driveway to the opposite end. Ms. Stalder responded topographically the driveway needs be where it is. They would like to offer a fence as a condition coming from the front right of way, past the rear building line of the neighbor's house. Mr. Holston asked how many feet. Ms. Stalder responded it appears to be approximately 100 feet along the southern boundary of the property. Chair Lester stated a condition had been introduced and asked staff for any comments. Mr. Kirkman advised a minimum height would also need to be stated along the southern property boundary for a distance of at least 100 feet. Ms. Stalder stated it would be an opaque fence of 6 feet in height. A question was asked what the maximum height of the fence could be. Mr. Kirkman responded they could go up to 7 feet in height, but limited to 4-feet in height within 15 feet of the right of way. The ordinance allows up to a 7 foot in height fence but there is no requirement for a fence. The condition to add fencing would be more restrictive than the ordinance requires.

Mr. Kirkman felt what was being stated is a 6-foot-high, opaque fence shall be installed along the southern property boundary for a distance of 100 feet where allowed or could be said as a 6-foot-high where allowed, opaque fence. Chair Lester made a motion that the Commission accept the condition as stated by Mr. Kirkman and asked for a second. No second was made. Chair Lester stated the condition fails. Mr. Engle requested a five-minute break to allow the parties to confer. Chair Lester advised they can discuss the motion if there is a second. If not, the motion fails. Ms. Mazzurco seconded the motion for a discussion. Ms. Jones advised the Commission they only vote on the condition as presented by the applicant. The Zoning Commission cannot change the terms of it and the condition should be clarified on what exactly the condition is being offered. Mr. Kirkman suggested taking a break for a few minutes to allow for the opportunity to present clean wording to the Commission.

Following the brief break Ms. Stalder advised the Commission the fence the applicants would like to offer is not acceptable to the neighbor as she wants the entire property fenced to prevent any apartment residents from walking onto her property. Chair Lester then stated it was his understanding the applicant does not wish to make any additional conditions. Chair Lester asked if there was anything else to be said about the project. Ms. Stalder stated there was nothing else she could offer as a condition. They are committed at possibly flipping the site plan and will determine if that will work with NCDOT regarding the driveway location. Ms. Dansby-Byrd requested to hear what Ms. Closs had to say. Chair Lester asked if there was anyone else wishing to speak for the applicant. No one came forward. Chair Lester asked if there was anyone who wished to speak in opposition to the request and they would have 5 minutes.

Ms. Closs stated she was before the Commission before she moved into her house and it was for the same reason regarding housing issues. At the time it was retired people looking for a place to live in peace and still have a decent home to live in and not worry about calling the police all the time. She would like to be able to keep and maintain her home and for someone on the other side to do the same. Taxes are the same for both of them and if it is not done, they should not be there. She is asking when considering redoing the property to look at the things there that need to be done. She spoke to things falling down and to the lake that is in disarray. Mr. Holston asked if the applicant does proceed with the project and builds these structures and the shed and house are gone because they have new buildings, driveways and cars parked there, is Ms. Closs okay with the request then. Ms. Closs responded she is fine with the new housing if it is taken care of and the people from the apartments won't be out there early in the morning all the time. She has been disturbed by other people being by her fence. She wants it to be

decent and have someone to keep up the property and make the neighborhood decent. Mr. Holston asked if she did not need a fence then. Ms. Closs responded no.

Chair Lester asked if there was anyone else to speak in opposition to the request. No one came forward. Chair Lester closed the public portion of the meeting and asked the City for its recommendation. Mr. Kirkman stated this site is designated as Mixed Use Commercial on the Generalized Future Lane Use Map of the Comprehensive Plan. The Mixed Use Commercial designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are considered complementary. The proposed request does support the Comprehensive Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods. The proposed CD-RM-18 rezoning request does include conditions to limit potential negative impacts on the surrounding properties. Staff is recommending approval of the request.

ZONING COMMISSION ACTION:

Chair Lester inquired if there were questions of staff or discussion. Ms. Mazzurco thanked the applicants for the email sent to the Commission which provided more information. Ms. Mazzurco asked Mr. Tipton if there was one entrance and exit for 105 apartment units. Mr. Tipton advised the number of access points is based on the frontage on the street. Based on this property's frontage they can have a maximum of one. Ms. Mazzurco asked with 105 equating to over 200 vehicles would that have triggered a traffic study. Mr. Tipton responded it would not. Multi-family is 146 units before there is a traffic impact study. She asked if GDOT was comfortable with that and there would be no issues with egress/ingress onto Yanceyville with the one entrance for that many vehicles. Mr. Tipton responded from a capacity standpoint, there would be no problems. Ms. Mazzurco asked from a traffic standpoint. Mr. Tipton responded he could not respond to how people drive. Ms. Mazzurco asked him if the development goes through the TRC process and GDOT will look at that along with NCDOT and if a turning lane needs to be there, one would be. Mr. Tipton responded that was correct. It would be handled at TRC in the absence of a traffic study. Mr. Engle stated Mr. Tipton could not fully speak to traffic as this did not trigger a traffic study. Mr. Tipton stated he said he couldn't speak to traffic because it is a very broad question.

Chair Lester stated his thoughts were the opposition and the neighborhood felt the property wasn't being maintained properly in its current use as a single-family dwelling which may or may not change if it were multi-family. The issue is whether the zoning application change is appropriate given the characteristics and nature of the neighborhood. Chair Lester asked if there was other discussion or a motion. Mr. Holston stated in looking at this case and in moving from R-5 to Multi-family, his thoughts regarding the illustrative drawings provided the building structures will be constructed almost to the pond in the rear and will be some 50 feet in height. The parking area show will abut the adjacent properties. The buffer will be there but will not be adequate as there is no fencing. He will not support this as presented.

Mr. Holston stated in the case of agenda item Z-19-06-003, the Greensboro Zoning Commission believes that its action to deny the zoning amendment for the property located at 3305 Yanceyville Street from R-5 (Residential Single Family-5) to CD-RM-18 (Conditional District-Residential Multi-Family-18) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is inconsistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request, as conditioned, does not limit negative impacts to the surrounding neighborhood. Motion by Mr. Holston, seconded by Mr. Alford. The Commission voted 4-3. (Chair Eugene Lester, Ms. Mazzurco, Mr. Engle, and Mr. Marshall. Nays: Mr. Holston, Mr. Alford, and Ms. Dansby-Byrd.) Chair Lester advised the motion failed 4-3. Mr. Kirkman stated he was consulting with the attorney and they do need an affirmative motion in this case, with a denial not receiving enough votes for action.

Chair Lester stated with respect to agenda item Z-19-06-003, the Greensboro Zoning Commission believes that this action to approve the zoning amendment for the property located at 3305 Yanceyville Street from R-5 (Residential Single Family-5) to CD-RM-18 (Conditional District-Residential Multi-Family-18) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban

areas. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request, as conditioned, limits negative impacts to the surrounding neighborhood. Motion by Chair Lester, second by Ms. Mazzurco. The Commission voted 3-4. (Ayes: Mr. Holston, Mr. Alford, and Ms. Dansby-Byrd. Nays: Chair Eugene Lester, Ms. Mazzurco, Mr. Engle, and Mr. Marshall.) and the motion was denied.

Chair Lester then made a motion to approve the request as consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request, as conditioned, limits negative impacts to the surrounding neighborhood. The Commission voted 4-3. (Ayes: Chair Eugene Lester, Ms. Mazzurco, Mr. Engle, and Mr. Marshall. Nays: Mr. Holston, Mr. Alford, and Ms. Dansby-Byrd.) Chair Lester stated this constitutes a favorable recommendation since there was less than 6 votes in favor of the request and so it would be subject to a public hearing at the July 16, 2019 City Council meeting. Chair Lester stated he sincerely hopes the developer and the neighborhood will work together to fashion any other conditions or additional actions between now and City Council and wished them good luck.