

**PARTIAL MINUTES OF THE
ZONING COMMISSION
February 19, 2018**

Z-18-02-001 2820-2822 Roland Road (northwest of Roland Road and southeast of High Point Road) - A original zoning request from County RS-20 (County Residential Single-family) to City R-3 (Residential Single-family) - For the property located at 2820-2822 Roland Road, generally described as northwest of Roland Road and southeast of High Point Road. (0.67 acres) - Donna Norman **(FAVORABLE RECOMMENDATION)**

Lucas Carter explained pertinent information related to this request and showed map(s) of the subject area. The subject property contains approximately 0.67 acres and is located northwest of Roland Road and southeast of High Point Road. The request is to establish original zoning from County RS-20 to City R-3. North and south of the request is zoned County RS-20. East of the request is zoned County RS-20 and County CU-PDR-SP. West of the request is zoned County CU-GO-M. The subject property is currently undeveloped. North, south, and east of the request are single-family dwellings. West of the request are office uses. Photos of the site and surrounding area were also shown for reference.

In response to questions, Mr. Carter stated that the reason for the request is for the applicant to be able to tap into City water and sewer. Some of the currently existing properties already have access to City water and sewer because they were developed before the current City water and sewer policy was adopted. Any property that wishes to connect to City water and sewer now must be annexed. The City would provide all City services to the property, either directly or contracting with other local providers. In response to additional questions, Mike Kirkman stated that there is water/sewer infrastructure in the middle of Roland Road but the subject property is not currently connected to that water/sewer line. In order to connect to that water/sewer line the property must be annexed and original zoning assigned by the City.

In response to follow up questions specifically about the annexation, Terri Jones stated that the decision on annexation is made by City Council based on their determination that an annexation is appropriate and the City can provide all City services to this particular parcel. She then noted that the question on whether or not to annex this property is not the Commission's decision and their task is consider what the zoning should be if the property is annexed.

Chair Bachmann asked if there was anyone wishing to speak in favor of the request.

Frank Ford, 2918-A Martinsville Road, stated that he is representing the owner of the property, Andy McKinney. He presented handouts for the Commission members, which showed pertinent information related to the case. The applicant intends to construct two homes on the property. He responded to Commissioners' questions by saying that the first handout is simply a survey map that shows the original 6 subdivided lots that make up the current two tax lots. The two tax lots come out to about 15,000 and 14,000 square feet and fall within the R-3 zoning requirements, which is the most stringent zoning district in the City. They will utilize City water and sewer, which is already installed on Roland Road. All the homes on Roland Road are currently serviced by City water and sewer. They would be paying City taxes as opposed to the current owners that do not pay City taxes. The lot sizes will be about .35 - .36 acres and the average lot size on Roland Road is .4 acres. He also noted that there is a shopping center in close proximity to the subject site that is currently within the City limits. He asked for a favorable recommendation of this request.

Chair Bachmann asked if there was anyone wishing to speak in opposition to the request.

Judy Ritter, 2824 Roland Road, stated that her property is adjacent to the subject property. She noted a petition from the Woodland Acres Neighborhood stating their opposition to the

request. They feel that the zoning to R-3 is not consistent with the properties in the neighborhood. The petition was submitted for evidence. She also presented pictures of all the homes and the square footage of each lot. She explained that these lots are large county settings and ranch style homes. They met with Andy McKinney on February 9th, Sara Clark, the realtor and Jason Richardson, who is also adjacent to the lot on the other side of the subject property. They shared their concerns about there being two houses on this lot for rental properties. Their concern is that the two houses would overcrowd the lots and decrease the values of homes on the street and would not be consistent with the surrounding properties and the country setting. There is one rental house in the neighborhood. They have put a lot of love, time, sweat and tears in building their homes. She asked that the Commission consider their concerns.

Debra Richardson, 2816 Roland Road, said that they found about this proposed development for two homes on this road about a month ago. They feel that they bought their properties based on County zoning and to put City zoned property on this street is not going to add any value to their properties. The road is not designed for high usage and there are a lot of dips and holes so any rental properties would just add to the traffic and use of the road and would be detrimental to what they wanted when they moved there 10 years ago.

Warren Ritter, 2824 Roland Road, stated that he did the calculations on the square footage of the properties. He feels that putting two houses on that property would be consistent with the rest of the zoning of this community. In response to questions, Mr. Ritter stated that there is not a homeowners association in this area.

Virginia Lloyd, 2823 Roland Road, stated that she loves this neighborhood and searched for a house for 4 years before she found this area. She does feel that these two houses would not be consistent with the way that the rest of the neighborhood was built.

Bill Moser, 2813 Roland Road, stated that he helped his father build that house in 1959. There is no homeowner's association but all the neighbors know each other and communicate on a regular basis. He feels that this is spot zoning and is not in the best interest of the community. He asked that this request be declined for spot zoning.

Alton Sha, 2819 Roland Road, stated that he lives directly across from the subject property. He bought his house 40 years ago just because of the zoning and he wanted to live in the County. He is opposed to the zoning change for this property and it will have a detrimental impact on the other houses on this road.

Chair Bachmann asked if the applicant would like to speak in rebuttal.

Frank Ford stated that they never indicated that these were going to be rental houses. They are not going to be rental houses. He then noted that when the other neighbors accepted City water and sewer many years ago they also had accepted to be annexed when the City could offer all other City services but the rules changed. Under current rules, this property must be annexed in order to avail themselves of the same services that the other neighbors have.

In rebuttal for the opposition, Warren Ritter stated that on the water and sewer petition completed back in the late 1980s, they do not recall any agreement that they would agree to be annexed into the City. They requested water and sewer at that time because of the conditions of the wells in that area and the septic tanks also. There are about 4 or 5 properties that have no structures on them in this area.

Judy Ritter stated that their concern is not about the new homes, it is the small homes they would build there. The other homes in the area are large ranch style homes and these could be really small compared to the existing homes. It would take away and decrease the value of their homes. There are no restrictive covenants on these properties.

Debra Richardson stated that the gentleman stated that they are trying to assume things about people and they are not trying to do that. All they know is that everybody else on that street get along together and bought their properties in this area and they feel that putting two homes on that one lot is not going to be conducive to what they want in their neighborhood. At this time the children can play on the street without being in danger and these two houses would add more traffic.

In response to additional questions, Terri Jones stated that anyone can petition City Council to change the current policy requiring annexing into the City to obtain City water/sewer. She then noted that under previous Council policies property owners were required to sign a Utility Agreement and Petition for Annexation and that gets recorded at the Register of Deeds. A search would have to be done to see whether some of these properties had those agreements on file or not.

Mr. Ritter stated that what he paid to connect to City water/sewer was based on road frontage and he had to pay an acreage fee and a connection fee. He asked if this developer could ask for a variance to this law that requires them to be annexed into the City to tap on to City water? Terri Jones stated that a variance would not be appropriate because the requirement for annexation is something specific to adopted Council policy and the Land Development Ordinance. She also noted that there is not generally an option to retain County zoning on property that has been annexed into the City. The City is not in a position to implement two different sets of zoning ordinances, which is what would be required if that zoning remained with a County zoning classification. In addition, the Generalized Future Land Use designation that is associated with the zoning request is tied to the City's Comprehensive Plan and Land Development Ordinance and not to either the County's Master Plan or their Land Development Ordinance.

There being no other speakers, the public hearing was closed.

Mike Kirkman stated that for case Z-18-02-001 the site is designated as Low Residential on the Generalized Future Land Use Map. The Low Residential designation is predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of generally 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe, and the 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. The City R-3 district is primarily intended to accommodate low density single-family detached residential development and is the least intense zoning district in the City. Staff recommends approval of the request.

Discussion:

Mr. Duggins stated that he was very happy to see the neighbors come out to voice their objections and their caring about their neighborhood. However, there is not a path forward for this property owner to do anything without annexing the property into the City. Given that dynamic he would support the zoning request. Mr. Pinto stated that he also appreciates the neighbors coming to voice their opinions on this request. He feels that the Zoning Commission's job on this particular zoning is to recommend a zoning to the City Council and that recommendation needs to be what City zoning would be closest equivalent to the County zoning. He would support the request. Mr. Holston stated that he is struggling with this one as it still appears to be spot zoning and drawn in the middle of a donut hole. He wonders if this is the highest and best use of the property for the City and County. He does not feel that he can support the request. Mr. Lester stated that this is a beautiful neighborhood and without access to City water and sewer the owner cannot develop the property to its highest and best use. Ms. Mazzurco stated that she is also struggling with this one. She appreciates the opposition that came out to speak and understands the mechanisms that have to be considered. She noted

that the request feels like spot zoning to her and is not compatible with the balance of the neighborhood and she cannot support the request.

Mr. Duggins stated that in regard to case Z-18-02-001, the Zoning Commission believes that its action to recommend approval of the original zoning request for this property from County RS-20 to City R-3 is consistent with the adoption of the 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because the request is compatible with adjacent residential development and supports the Comprehensive Plans Housing and Neighborhoods goal to meet the needs of present and future citizens for a choice of decent and affordable housing and a stable livable neighborhoods that offer security, quality of life and a necessary array of services and facilities. The request is also consistent with the Growth at the Fringe goal to provide sound and sustainable patterns of land use; and this request is consistent with the intent and purpose of the Zoning Code, the Comprehensive Plan, Connections 2025 and is generally compatible with the existing development in the surrounding areas, seconded by Mr. Pinto. The Commission voted 5-3 in favor of the request. (Ayes: Bachmann, Marshall, Lester, Pinto, Duggins. Nays: Blackstock, Holston and Mazzurco.)