

**PARTIAL MINUTES OF THE
ZONING COMMISSION
September 16, 2019**

Z-19-09-002: An original zoning from County RS-30 (Residential Single-Family) to City CD-RM-5 (Conditional District – Residential Multi-family-5) for the property located at 389 Fairystone Drive, generally described as west of Fairystone Drive and south of Bethany Trace, (18.69 acres). (Approved)

Mr. Carter noted that on the tax records, this property is also known as 401 Rear Fairystone Drive. Mr. Carter provided the zoning map for Z-19-09-002 and other summary information on the subject property and surrounding properties and noted the conditions.

Chair Marshall requested the applicant to come forward.

Mr. Demetrios Dascalakis, 28 Kemp Road East, stated he owns 389 Fairystone Drive which consists of 18.69 acres in Guilford County and shares a common boundary with the City of Greensboro. They are in the process of asking the City of Greensboro to annex the property and noted the process contains three steps. First was appearing before the Greensboro Planning Board who voted unanimously to move forward to the next step. The second step in the process is appearing before the Zoning Commission and the final step is to appear before City Council. Mr. Dascalakis stated the property is currently zoned County RS-30 and is asking the Zoning Commission to place an original zoning of Conditional District RM-5. Mr. Dascalakis stated the Comprehensive Future Land Use Map currently has the property designated as Industrial. The adjoining properties have varied land uses, only some of which are industrial uses. Mr. Dascalakis stated they are requesting an original zoning of Conditional District RM-5 which allows for single family and attached residential units. That zoning is the least dense allowed that may include attached residential units. They have placed two conditions on future developments. One is a maximum building height of 35 feet which would ensure any potential buildings would not be out of scale with adjoining building heights. They have increased the amount of required open space to 456 square feet per dwelling and believes this condition will be in balance with the present open space currently. Mr. Dascalakis was advised of 110 property owners who may be affected by this annexation. He stated they mailed 86 letters detailing their request for annexation and did not receive any questions or comments from those contacted. Mr. Dascalakis stated an annexation of this property would be of benefit to all the citizens of Greensboro since upon annexation, the property will pay city taxes. The annexation would not require the citizens of Greensboro to incur any additional expenses but would increase the tax base.

Mr. Holston asked about the egress and ingress. Mr. Dascalakis stated they will connect to city streets and they will not be connecting through Fairystone Drive as there is not a legal way to enter that way. Bethany Trace and Humble Road can be connected for the city, but he intended to use Bethany Trace. Mr. Holston inquired how many units were planned. Mr. Dascalakis responded there is not a set amount but he did a conceptual plan with 45, and that is as dense as the single-family neighborhood to the north. Mr. Kirkman reminded the Commission there is no requirement to provide any type of illustrative plan or other plans as part of the zoning process. He stated the applicant did have a sketch review with the Technical Review Committee.

Chair Marshall inquired if there was anyone else to speak in favor of the application. No one came forward. Chair Marshall inquired if there was anyone present to speak in opposition of the application.

Ms. Tammy Coldsnow, representing Clyde Steele of 4020 Riverdale Road and a property owner along Fairystone Drive. Ms. Coldsnow stated Fairystone is not a public road. It is only a 15-foot right of way given to one house at the end of Fairystone. Ms. Coldsnow stated there are two major power lines going through the subject property that cannot be seen on the maps depicted. She also noted there is a lake on this property and Fairystone does not touch the subject property at all. The right of way is only 15 feet going down from Riverdale down the side of Olympic Products and goes to Mr. Moser's home, Mr. Steele's home, and a shop owned by Mr. Steele. Fairystone does not touch the property in any way, shape, or form. Ms. Coldsnow would like to know what is going to be put on this property.

Mr. Engle advised nobody will move the power lines. Secondly, any sort of drainage would require going through TRC, which is a plan review process. The site drainage and things like that are not zoning. The Zoning Commission only decides on land use. What the person is asking for is to put single-family houses there with a density of not more than 5 units per acre. And per the conditions that were displayed, for every unit there will be 456 feet of open space. The legal aspect of the parcel is based on whatever is on

the deed or however it looks at it. Anytime there is a notice in the mail there is a concern. What was said on the Future Land Use Map is this property would be industrial. This person is saying now I want to build single family homes on the land. Ms. Coldsnow stated her main concern is over Fairystone Drive.

Mr. Holston stated it sounds from the comments of Mr. Dascalakis that he plans to go in the opposite direction as far as traffic. Ms. Coldsnow stated they would like to know what Mr. Dascalakis plans to put there. Mr. Holston stated it was said single family homes, possibly up to 45 with 456 square feet of open space and using either Bethany Trace or Humble Road for access.

Mr. Kirkman stated he thought everyone was confused about the address assigned to the parcel in connection to the existing roadway. Mr. Kirkman stated what happens in many cases is this parcel was most likely part of a much larger parcel at one point in time. As other pieces were subdivided off, they were given individual addresses and the subject property remained as it was previously or was assigned something differently. The address Mr. Carter had mentioned about the rear, that is what happens in some cases that the front part of the property will be developed and then a different address is assigned to the rear portion. At some point the subject site was part of a larger tract that probably did touch Fairystone Drive and that is why it still has that address. The address is assigned to the parcel and is typically part of whatever it is closest to in terms of what it touches but doesn't guarantee that it touches the road that it is addressed off of.

Ms. Coldsnow stated South Elm Street is difficult to exit now and having 45 homes there will make it worse.

Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Ms. Delana Cooper, 3900 Bethany Trace, requested clarification if they are planning on cutting through the street where she is located as there is already a lot of traffic. Chair Marshall advised the Zoning Commission cannot answer the question of where the road may or may not come through. That is something that would be worked out beyond the scope of this Commission. Mr. Engle stated there is a second process that takes place. A plan review process where the layout of the site will be done. The Zoning Commission is deciding if they agree with the fact that they should come into the city and because of that, what should be the use of the land. In this instance they are requesting single family homes for the use of the land. She can talk about how the use does it fit or it is not the character of the area. From here, the request will go directly to City Council. Mr. Kirkman clarified this zoning request would allow some multi-family uses as well. Mr. Holston stated potentially if it is approved and goes forward, it could be using her roadway.

Chair Marshall inquired of anyone else wishing to speak in opposition.

Mr. Michael Moser, 401 Fairystone Drive, stated his property as indicated on the map is the 2.48 acres left to him by his parents. The original proposed survey for the 18.69 acres was drawn up in the Guilford County subdivision codes in 2006 or 2007. He stated Mr. Dascalakis' interest to the property was Bethany Trace and according to the survey, he was to extend Bethany Trace 50 feet for a turnaround for buses, garbage trucks, and things of that nature. That turnaround was never done. Mr. Moser said Mr. Dascalakis attempted to come down Fairystone Drive and he had a land clearing crew come down to cut trees, cutting a right of way across his property to get to his property. Mr. Moser stated 401 Rear Fairystone Drive was designated when the 2.48 acres was cut off of the 22 acres that his parents owned to separate it from the acres he had. When it was sold, according to the survey Mr. Dascalakis' address would be off of Bethany Trace. Mr. Moser stated he has two rights-of-way and there were two more. There is a power line right of way coming from Pleasant Garden going to Greensboro and comes in on the south side of the property and makes a left turn going to High Point. A right-of-way was brought from his father to join that one on the south with the power line on the north if it was ever needed which is a 64-foot right of way there. Mr. Moser stating coming from Humble Road on the west side is a 20-foot right of way with water that comes down, crosses the creek and comes up the creek along with the City of Greensboro's right of way that uses the same 20 feet bringing water up to the Olympic Plant. He would like to see this property used as the Bethany Trace zoning for single family since this is what the neighborhood is. Mr. Moser added there was at one point a community of Native Americans who lived above the area around power line on the north side at the top of the hill because he has found many Native American artifacts in the farmland and suggested it may be an important site in Guilford County and someone should explore that opportunity.

Chair Marshall inquired if there was anyone else to speak in opposition.

Ms. Michelle Mowery, 3918 Riverdale Road, inquired if there would be a stipulation that the 45 homes will not be modular or trailer homes. Mr. Kirkman responded that would be considered a manufactured home which has different standards in the ordinance than a typical residence. There are certain stipulations in the ordinance that speaks separately to those types of units versus residential dwelling units on permanent foundations. Ms. Mowery asked if the site could be apartments and trailers. Mr. Kirkman stated yes to the first question and no to the second. It could not be referred to as a manufactured home park. The type of construction allowed with this permission would be on permanent foundations which range from single-family detached homes to multi-family dwellings and could be townhomes, apartments, or duplexes. Anything that falls within the 5 units per acre density.

Chair Marshall inquired if there was anyone to speak in opposition. Seeing none, Chair Marshall inquired if the applicant wanted 5 minutes for rebuttal.

Mr. Demetrios Dascalakis stated everything Mr. Moser and the two ladies said was correct. This property is not suited at all for an entrance on Fairystone Drive. Attorneys have looked at it and legally they do not have access. Mr. Dascalakis stated on one side of the property there was a mobile home park and on the other side of the property was an industrial manufacturing facility. There are some country houses and a subdivision. This request is the least dense residential multi-family they can put in the city and was why they are asking to make the transition. From all the varied uses, they felt this was the best fit and they do not want to go industrial, but if that was their opposition that is what they will do.

Chair Marshall inquired if there were any other questions for the applicant. No further questions. Chair Marshall stated the opposition has five minutes to respond.

Ms. Coldsnow requested everyone in the room who was opposed to this application to stand. Ms. Coldsnow stated they were all property owners who did not want this.

Chair Marshall inquired if there was anyone else wishing to speak in opposition to the request. Seeing none, Chair Marshall closed the public portion of the hearing and requested staff's recommendation. Mr. Kirkman stated the site in question is designated on the Comprehensive Plan's Future Land Use Map currently as Industrial/Corporate Park and Moderate Residential, with the Industrial/Corporate Park covering the majority of the site. The applicant has requested a Generalized Future Land Map (GFLUM) amendment (CP-19-05) to Low Residential (3-5 dwelling units per acre) in association with this original zoning request. The proposal supports the Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's 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 that offer security, quality of life, and the necessary array of services and facilities. The proposed CD-jRM-5 rezoning will allow residential uses at a density compatible with adjacent residential developments and is consistent with development in the surrounding area.

Chair Marshall inquired if there was any discussion from the Commissioners. Mr. Trapp stated this was tough because one can definitely hear the neighbors and their concerns. The concerns were there for him and does not feel there is enough of a plan that he felt comfortable supporting. Mr. Trapp acknowledged their role as Zoning Commissioners is strictly land use. Transition is needed from light industrial to residential which this somewhat provides. He is on the fence in supporting. Mr. Engle stated when taking the whole area into context, there was RM-12 on one side and R-3 on the other. There has to be a transition. This would be difficult to build on because of the power lines and the lake. Mr. Engle felt limiting this to 5 units per acre makes sense. There was not a way this property would stay undeveloped and would like to see something that is in character with the area. He will support the application. Mr. Holston stated he is piggy backing off what has been said and added he is uncomfortable but in looking at the alternative and being zoned Light Industrial would hate RM- 5 not to be there and then have Light-Industrial showing up next to the residential. Chair Marshall inquired if there was a motion.

Mr. Engle stated in regards to agenda item Z-19-09-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning for the property located at 389 Fairystone Drive from RS-30 (Residential Single-Family-30) to City CD-RM-5 (Conditional District – Residential-Multi-Family-5) 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 Growth at the Fringe goal to promote sound and sustainable

patterns of land use at the City's fringe. The request is consistent with the Comprehensive Plan's Housing and Neighborhood goal to meet the needs of present and future Greensboro's citizens for a choice of decent and affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-5 rezoning will allow the residential uses of the density, compatible with adjacent residential developments and is consistent with the development in the surrounding area.

Motion by Mr. Engle, seconded by Mr. Alford. The Commission voted 5-2. (Marshall, Holston, Dansby-Byrd, Alford, and Engle. Nays: Trapp and Rosa). Chair Marshall stated this approval constitutes a favorable recommendation and is subject to a public hearing at the October 15, 2019 City Council meeting.