

**PARTIAL MINUTES OF THE
ZONING COMMISSION
January 22, 2020**

Z-20-01-003: An original rezoning request from County RS-30 (Residential Single-family) to City R-5 (Residential Single-Family-5) for the property of 389 Fairystone Drive, generally described as west of Fairystone Drive and south of Bethany Trace (18.69 acres). (Recommended Approval)

Mr. Carter provided the zoning map for Z-20-01-003 and other summary information for the subject property and surrounding properties and advised there are no proposed conditions.

Chair Marshall inquired if there were any questions for staff. Hearing none, Chair Marshall requested the applicant to come forward and state their name and address.

Demetrios D. Dascalakis, 28 Kemp Road, East, stated this property adjoins the City of Greensboro corporate limits and is zoned County RS-30 for detached single-family homes. The long range future land use plan designated this property to become industrial. Currently adjacent property uses are industrial, multi-family, and single-family. They are requesting a zoning classification of R-5 allowing only detached single-family structures built to the City's standard to include curbs, gutters, street standards, water and sewer, lighting, sidewalks, etc. County standards are much less stringent. He noted that currently real estate agents have to disclose the future land use plan for industrial zoning if the land remains undeveloped and annexed and that would keep property values depressed. R-5 zoning would ensure those purchasing an existing home in the Bethany Woods subdivision would be protected from whomever developed the property in the future. An R-5 zoning would increase property values and significant property taxes would be generated by the development of single-family homes with the revenue benefiting all of the citizens of Greensboro. If the property is rezoned and not developed, the property would be reappraised and begin paying City of Greensboro taxes instead of only paying county taxes.

Mr. Dascalakis stated they requested a multi-family rezoning and received a favorable vote of 7-2 from the zoning Commission previously. City Council decided to delay the decision of a multi-family rezoning from the Zoning Commission. Residents of the Bethany Woods Neighborhood expressed their opposition to the multi-family zoning. The concerns were heard and resulted in him not pursuing multi-family zoning. The R-5 zoning is equitable to what is there currently. Mr. Dascalakis stated presently the property can be accessed via Bethany Trace and Humble Road. Bethany Trace road traffic would be able to exit Vandalia Road and Mount Olive Road exiting to Riverdale Road. The neighborhood does not want access due to traffic concerns. The extension of any one of these roads will occur regardless of any decision as these two roads are the only access to the property. They listened to the neighborhood and proposed only to extend Bethany Trace as it would limit traffic to the lowest amount possible. Mr. Dascalakis stated every effort has been made to appease the Bethany Trace neighborhood. They have received vitriol, mistrust and threats from the neighborhood which was unfortunate and not acceptable. Many have stated they wanted this property to remain undeveloped forever. The property will be developed either to City or County standards. Mr. Dascalakis stated it may be decided to donate the property to a non-profit if they cannot obtain a reasonable rezoning who may develop it for housing. The city needs housing. As the only land available in the city becomes Infill, the Commission will be continuously challenged to approve zoning changes. Their goal is to sell the property to a residential developer and believe this to be a reasonable, benign request to create a development benefitting the citizens of Greensboro, increase property values, protect the Bethany Trace neighborhood from unforeseen future development and provide much needed housing.

Mr. Engle noted there are no conditions associated with the request and is a challenge. Mr. Engle asked if there was something that would prevent them or a future developer from accessing through Humble Road.

Mr. Dascalakis responded no, but it would be very expensive to access through Humble Road and economically did not make sense. There is a creek on Humble Road which could make it not accessible. The easiest access is Bethany Trace Road and any reasonable developer making a business decision would not access Humble Road. Mr. Dascalakis stated he could only see Humble Road being used as an entrance if the property went Industrial, which is what the Future Land Use Map has. There would be easy access to 85. For residential development, it would not make sense. Mr. Dascalakis stated in terms of what can go there, the standards in the R-5 zoning are very strict and would be close to what is allowed now and next to it.

Mr. Holston asked if the applicant was saying the ingress/egress through Humble Road did not make sense. Mr. Dascalakis responded he did not condition it because they do not know. He did not want to and did not want to be forced to have a condition. If the property is not rezoned, eventually when it is annexed it will become Industrial and make the land more valuable to access the highway. As a residential development it would not and did not want to handcuff the property with that restriction.

Mr. Holston asked if with this request from County RS-30 to City R-5, did he speak with the Association. Mr. Dascalakis responded they did with the other rezoning request. Mr. Holston inquired how did that go. Mr. Dascalakis responded terrible. Representatives talk to them and the take away was the Association did not want anything there. A buyer wanted apartments there, some duplex and triplex units. The association vehemently opposed and he backed out. Mr. Dascalakis stated he has addressed almost everything he could address with regards to the neighborhood. He cannot change how the property is entered. There are two ways to go in, easy or difficult. The property will be developed. It will be either city standards or county standards. If the city benefits from taxes or not. Mr. Dascalakis reiterated the benefits of city standards. The homes placed there will be more valuable and increase the property values. If left as is, it will not and may depress the value as everyone will know no one knows what is going to go there. This request ensures what will go there.

Mr. Holston asked if there were any conversations or concerns regarding density with R-5 versus R-3. Mr. Dascalakis stated they attempted to use a density that was roughly equivalent to what is there. It appears it would be a phase 2 of what the existing neighborhood is.

Mr. Holston inquired if there were illustrative drawings for the neighbors to review and have an opportunity to buy into the plan. Mr. Dascalakis responded no; they have not gotten that far. No engineering or topography work was done and he did not want to spend money if he cannot do the project.

Chair Marshall inquired if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition and to come to the podium to state their name and address for the record.

Aisa Turman, 20 Palm Street Court, stated ultimately Mr. Dascalakis was correct in that they prefer nothing be developed on the property and were requesting the Commission to reject the R-5 zoning and accept an R-3. Bethany Woods is R-3 and the R-3 designation would be more consistent with the neighborhood currently there. The R-5 designation would allow up to 100 homes or more on the land. Within the topography land is broken up and choppy with water and power lines. Development on that property would not make sense and be inconsistent with what is there.

Lisa Cary, 306 Triumphant Road, stated this community knows the neighbors, walk in the neighborhood and they know the people. Ms. Cary stated Mr. Dascalakis was correct in that they did not want the other situation as it would have been apartments and would not have known who was there. Bethany Trace Road goes straight through the neighborhood and is the only way in. There is only one other way out of the neighborhood and is the reason they are complaining about having so many houses on the property as it would restrict the neighborhood ability to move around. They do want their neighborhood to grow and have houses and development but to be consistent with what is there. They are asking the Commission to be considerate of the fact this has been a great Greensboro neighborhood and want it to stay that way.

Denise Washington, 3507 Bethany Trace Road, stated they are against the R-5 zoning for this property because of the number of potential homes for the development. The community currently has 190 homes in this area and is compacted. R-5 zoning will allow for this developer to put more homes on the property which would significantly increase traffic. The entrance to the new division of that area is only accessible through Bethany Trace and already overcrowded. Currently the neighborhood is zoned R-3 and they desire a comparable zoning for new development which would limit the number of houses that can be constructed on the land based on the topography of the land.

Sharon Hightower, 6 Belle Court, stated she is supporting the neighborhood. Ms. Hightower stated this item was continued previously to allow conversations with the applicant which never worked out because the neighborhood concerns were not addressed. There has been no conversation with the new application regarding R-5 or R-3. There have been no talks since approximately October. Ms. Hightower understands development but it should be done with respect and consideration to the neighborhood. Bethany Trace currently has one street going down with tentacles to cul-de-sacs. Traffic would only be one way. Ms. Hightower stated she did not see a good faith effort on behalf of the applicant and asked the Commission to be respectful of what the community is saying and for the applicant to work with the neighborhood

Chair Marshal inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

Demetrios D. Dascalakis, 28 Kemp Road, East, stated approximately 40% of the 18.69 acres are not useable due to water, power lines, and easement issues resulting in the area becoming less dense than what is next door. Bethany Trace Road is the road that leads into the development and can exit through Mount Olive to Riverdale Road. All of the traffic would not be on Bethany Trace Road as there are two ways to exit.

Chair Marshall inquired if there was anyone else in favor of the application. Seeing none, Chair Marshall inquired if there was anyone wishing to speak in opposition in rebuttal and to come forward.

Aisa Turman, 20 Palm Tree Court, noted that this portion of the request was not known to the neighborhood. There has been a lack of communication throughout the process. This is a developer who has not reached out or tried to be a good neighbor and has not been considerate to the neighborhood.

Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public portion of the hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Generalized Future Land Use Map currently designates this property as Industrial/Corporate Park and Moderate Residential, with the

Industrial/Corporate Park covering almost all of the site. The applicant has requested a Map Amendment (CP 19-05) to Low Residential. The Low Residential designation includes the City's predominantly single-family neighborhood as well as other compatible housing types that can be accommodated within the density range of 3-5 dwelling units per acre. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to support development at the fringe that follows a sound, sustainable pattern of land use and provides for efficient provision of public services and facilities as the City expands 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 neighborhoods that offers the necessary array of services and facilities. Staff recommended approval of the request.

Chair Marshall inquired if the R-5 request is most similar to the current use of County RS-30. Mr. Kirkman responded RS-30 would be a minimum 30,000 square foot lot and R-5 would be a minimum of 7,000 square foot lot. Mr. Engle stated what was talked about previously was the Residential-Medium-5. Previously the applicant had conditioned the number of units to be built there. There were no conditions with this application restricting the number of dwellings and egress and ingress. Mr. Kirkman stated because this is a proposed single-family zoning district, the individual single-family lots would have direct frontage and would change the configuration of how much could be done as part of the development.

Chair Marshall addressed the neighborhood and advised it was not their last stop. Depending on the recommendation, it would move on to City Council. The Commission only looks at what was applied for is appropriate. City Council will make a decision regarding annexation and if that designation would fit.

Mr. Engle stated this is an extremely difficult piece of land to develop and was comfortable with the designation of R-5. Mr. Engle was in support and advised the applicant of 30 days before City Council and strongly suggested to work with the neighborhood and the concerns. Mr. Engle noted the differences between County and City land.

Mr. Holston stated he would not be in support and preferred a more compatible configuration as he was concerned with higher density in the neighborhood. If it was R-3, he would be in support.

Chair Marshall inquired if there was any discussion from the Commission. Chair Marshall inquired if there was a motion.

Chair Marshall stated in regard to agenda item Z-20-01-003, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning amendment for the property located at 389 Fairystone Drive from County RS-30 (Residential Single-family) to City R-5 (Residential Single-family-5) 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 Growth at the Fringe goal to support development at the fringe that follows a sound, sustainable pattern of land use, and provides for efficient provision of public services and facilities as the City expands. The request is also consistent with 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 R-5 rezoning will allow residential uses at a density compatible with adjacent residential developments.

Motion to recommend approval by Chair Marshall, seconded by Ms. O'Connor. The Commission voted 4-2. (Ayes: Chair Marshall, Alford, Engle, and O'Connor. Nays: Holston and Rosa). Chair Marshall stated this passed 4-2 and constituted a favorable recommendation and subject to a public hearing at the February 18, 2020 City Council meeting.