

**PARTIAL MINUTES OF THE
ZONING COMMISSION
February 17, 2020**

Z-20-02-005: An original zoning request from County RS-40 (Residential Single-Family) to City CD-RM-18 (Conditional District Residential Multi-Family-18) and a rezoning request from City R-3 (Residential Single-Family-3) to CD-RM-18 (Conditional District-Residential Multi-Family-18) for 3701 and 3709ZZ Groometown Road, generally described as east of Groometown Road and south of Vandalia Road. (13.98 acres original zoning and 3.171 acres rezoning). (Recommended Approval)

Discussion on Request to Continue Matter:

Mr. Kirkman advised in case Z-20-02-005, 3701 and 3709ZZ Groometown Road, there was a request to continue.

Chair Marshall requested the party requesting the continuance to come forward. Chair Marshall advised that the Commission would not be hearing the merits of the case, it will only be to determine if the case will be heard this evening. Mr. Trapp requested to be recused from this discussion due to his role as a Board member for the organization requesting the zoning change. He then left the dais.

Raigen Stiefel, 3801 Rappahannock Court, stated the North Carolina Department of Cultural Resources made sure this property was reserved as potentially historic during the planning of the urban loop projects. Ms. Stiefel requested to have more time to study the traffic impact study and other transportation issues, meet with a land use specialist to addresses density issues, and review the updated Comprehensive Plan. Ms. Stiefel expressed concern regarding impacts on the schools as they are completely full and they had not had an opportunity to speak with school officials. Ms. Stiefel requested more time to investigate the Guilford County Master Plan as they did not know about the zoning meeting until approximately 10 days prior. There is concern regarding the decline of the community and change from low-density residential to higher density, multi-family.

Mr. Holston asked when did Ms. Stiefel first learn of the request. Ms. Stiefel responded it was the day before the Neighborhood Meeting approximately a week ago. It was Ms. Stiefel's understanding the notice went out 600 feet from the property with limited reach to adjacent housing. As it spread through the neighborhood, more people found out about it. Ms. Stiefel stated she never saw the original letter sent out. Mr. Holston asked if her home was within the 600 feet and Ms. Stiefel responded it was not.

David Levy, Executive Director of Affordable Housing Management, 330 N. South Green Street, Suite B11, respectfully requested the Zoning Commission to deny the request for a continuance. A letter was sent January 24, 2020 to all property owners within 600 feet of the property, as per the list provided by the City. The letter provided information regarding the rezoning request, property location, how many units were proposed and information regarding where and when the neighborhood meeting would be held. Mr. Levy stated the zoning sign was put out between February 4 and 6 and the meeting was held on February 6, 2020 with approximately 38 people present. The letter stated if there was anyone wishing to discuss the proposed development prior to the meeting, to mail, call, or email Mr. Levy and he did not receive any communication from anyone. Following the meeting, emails of the conceptual rendering and survey were sent to those who requested it at the meeting. Someone spoke to his assistant who advised they were not affiliated with the Greensboro Housing Authority or the City of Greensboro. Mr. Levy stated if this hearing is continued, it will compromise their ability to properly prepare and meet the various funding deadlines coming up, including City funding application requirements due March 9. All of the City requirements have been followed for notifications. No matter what the outcome, this case will automatically go before City Council on March 17.

Chair Marshall inquired if there were any questions for the applicant. Mr. Holston asked if the funding deadline was March 9 and what were the consequences if that deadline was missed. Mr. Levy responded that was correct and if the deadline is missed, they would not be eligible for City funding for 2020 and therefore it would not be feasible to submit their tax credit application to the North Carolina Housing Finance Agency. The end result would be a delay of another year.

Chair Marshall inquired of any other comments by the Commission. Mr. Engle stated in general he was not in favor of continuances, especially when it would be moving on to City Council. Mr. Engle was opposed to the continuance as the Commission was making a recommendation to ultimately be decided by City Council. Chair Marshall agreed with Mr. Engle. The applicants are present, ready to go, and have met the requirements for submitting their application and are on a deadline. Chair Marshall stated he was opposed to the continuance.

Mr. Engle moved to deny the continuance, seconded by Mr. Holston. The Commission voted 8-0 to deny the continuance request. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Blackstock, Engle, and Alford. Nays: 0). Chair Marshall stated the continuance is denied unanimously

Chair Marshall inquired if there were any other continuances or withdrawals. Mr. Kirkman responded there were none.

Discussion on Zoning Case:

Mr. Carter provided the zoning map for Z-20-01-005 and other summary information for the subject property and surrounding properties. Mr. Carter advised the applicant requested to amend conditions related to this request. 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.

David Levy, Executive Directive of Affordable Housing Management, 330 S. Green Street, presented the Commissioners materials related to the request. Mr. Levy requested to add two conditions to the request. First a minimum six foot tall (where permitted) opaque fence shall be installed along all interior (side and rear) property lines during construction of any principal structure. Second, maximum building height shall not exceed 50 feet. Mr. Engle clarified if the fence would be permanent. Mr. Levy responded it would be constructed when construction begins.

Chair Marshall moved to accept the conditions as read by the applicant. Seconded by Mr. Blackstock. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Blackstock, Engle, and Alford. Nays: 0).

Mr. Levy stated also in attendance was the AHM Board President, Chester Brown, Chase Smith of Ramey Kemp Transportation Engineers, and Matt Williamson, Borum Wade Civil Engineers to answer any questions the Commission may have. The rezoning request is to allow AHM to develop up to 220 apartments, requiring a change in the current city and county zoning to Conditional-District RM-18. As conditioned the use will be limited to a maximum of 220 dwelling units with a density of 12.83 units per acre. The property is in the Randleman Dam Watershed which restricts the built upon area to a maximum 50% of the lot. Development of the units will assist with housing prices and the severe shortage of quality and affordable rental housing. Mr. Levy referred to a list of properties AHM had previously acquired and provided background information on AHM development and management of those properties within Greensboro. Mr. Levy also noted a request has been submitted to amend the GFLUM designation from Low Residential to Mixed Use Commercial. There are two proposed entrances into the property off of West Vandalia which line up with the existing shopping center entrances. A traffic study was completed indicating the proposed 220 units would have minimal impact. Concerns were discussed at the neighborhood meeting and as a result, a minimum 6 foot opaque fence will be installed along the side and rear property lines looking south from West Vandalia Road.

Funding proposals have been and are in process of being submitted, including applying for an allocation of 2020 housing tax credits. If funding is unsuccessful this year, other phasing options may be explored to include developing all 220 units at one time. A conceptual rendering of the proposed apartments was shown and he advised there would be a community building with management offices, a maintenance room, fitness center, laundry center, and a community meeting room. A full time site manager and maintenance person would be on the property 24-7. Mr. Levy also stated the buildings will be built to Energy Star Version 3.1 and meet the National Association of Home Builders Green Building Program. Mr. Levy presented letters sent to property owners on January 24, 2020 and sign in sheets from the meeting. A full size conceptual rendering and survey was depicted at the meeting, along with the commitment of adding a 6 foot opaque fence. Emails of the survey and renderings were sent to those who requested them.

Mr. Levy stated this 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 quality affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The demand is critical for quality affordable housing. The proposed CD RM-18 as conditioned will allow uses complimentary to the existing uses of commercial, multi-family and single-family in the surrounding area. There will be retail, commercial and multi-family north and west of the property. The development will have a positive economic impact for the nearby retail and commercial business. AHM always attempts and intends to use a Greensboro general contractor for the development. The location will provide people with great housing choices in an area considered to be high opportunity and meets HUD's site and neighborhood standards of promoting a greater choice of housing opportunities. The proposed rezoning request is the highest and best use for this property and is consistent with the intent and purpose of the zoning code, the Comprehensive plan as amended, and generally compatible with the existing development trend in the surrounding area. AHD respectfully requested support and vote to approve the rezoning request.

Chair Marshall inquired if there were questions for the applicant. Mr. Holston asked if the mature trees on the eastern border will remain. Mr. Levy responded those trees are mostly on the adjoining properties. They will keep as many trees as possible on the proposed property.

Chair Marshall inquired if there were any further questions for Mr. Levy. Mr. Engle asked if some of the HUD requirements could be named. Mr. Engle knew it was a grocery store, pharmacy and more. Mr. Levy stated it is the North Carolina Housing Finance Agency requirements. They score all the tax credit application sites on a point system. This site will score the full 60 points which is the maximum and is for mainly for pharmacy, grocery store, general shopping, and other retail and services such as medical, and a park and recreation center. Chair Marshall inquired if there was anyone else to speak in favor of the application.

Clifford Hern, 514 East Montcastle Drive, a member of the Celia Phelps Memorial United Methodist Church. Mr. Hern stated his church, counsel, and Pastor all met and are 100% in agreement of the upcoming project. The church property line adjoins the property. Two church members are on the east side of the property who also approve the request. Everyone felt the apartment dwellers will be good neighbors and look forward to having them as neighbors.

Reverence Ellis Carson, Pastor, Celia Phelps Memorial United Methodist Church, 5608 Buckhaven Court, working address is 3709 Groometown Road adjacent to the property. Reverend Carson stated approximately 10-12 members of his church have lived next to the property for many years. He referenced a story regarding his ancestry that had resulted in Darlington, SC losing a huge tax revenue because they did not provide for their citizens. Rev. Carson Stated people are the most valuable resource a community can have and requested the Commission think about the tax base.

Chair Marshall inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Marshall asked if there was anyone wishing to speak in opposition to the request. Chair Marshall advised all those wishing to speak in opposition there will be 15 minutes total; however the group wished to use it.

James Patterson, 4252 Wayne Road, stated Vandalia changes the name into Wayne Road when it crosses Groometown. Wayne Road has become a thoroughfare as it became a cut through when construction was being done on Greensboro/High Point Road. The speed limit is 35 and every day people are coming at 55-60 miles an hour. It is exactly one mile from Groometown Road to Alamance Road. Cars run into flower arrangements and mail boxes. A brick fence at Wayne and Alamance has been knocked down numerous times with vehicles losing control as they are speeding down the street. It will only become worse if there are many more vehicles on the road. His neighborhood was more than 600 feet from the site but they are highly affected by the traffic and requested the Commission to take that into consideration.

Kelly Wyrick, 4006 Sedgemoor Road, stated Sedgemoor Stables was created with the original development of Sedgemoor and promoted along with the golf course for its country and supported living. Ms. Wyrick provided background and history information regarding the stables, barn, showroom, hunting, and winners of hunts. Sedgemoor was home to the Social Collegiate Cup and colleges such as UNCG, High Point, Elon, Wake Forest United and NCANT Equestrian units show currently. The next closest showgrounds are about 60 miles away. Sedgemoor Stable and Showgrounds have survived 92 years of every kind of weather that North Carolina has thrown at it. If as many nature disasters and dangerous weather incurred have not managed to destroy such a significant part of Sedgemoor's history, then the community should not either. It needs to be allowed to remain home to the many people that travel from near and far to take advantage of the showgrounds that has been in use for so many years and continues to this day.

Raigen Stiefel, 3801 Rappahannock Court, stated the community concerns were the influx of homes and the impact on school capacities. Ms. Stiefel produced images of the Guilford County Master plan indicating the student to teacher ratios currently. The community was concerned about the showgrounds and the areas surrounding the showgrounds. The neighborhood is not opposed to apartment housing, but not in this area with the historical significance and school districts that are already overloaded.

Julie Bullard, 3801 Gilmore Drive, stated as a single mother she understands the importance of affordable housing but education is also important. Her son will be entering the school district which is already overcrowded and there will be zoning requests for another development affecting the school district in Jamestown. The school district cannot take on more children.

Samantha Cherry, 4500 West Friendly, stated many of the arguments are people wanting to build something there for housing and that it will build the community. This is a community where people have been riding since they were children and grew up there. Sedgemoor has housed many horses. Her family is a part of this community and wants children to be able to experience the history. Building on the property would take away a big part of the community.

Carla Swink, 3906 Sedgemoor Road, stated she grew up in the neighborhood and spent time at the stables. The family in partnership with the show ground currently have done more for the community that can be expressed. The concerns regarding schools are astronomical. Dockets will be presented at future City Council meetings regarding the Millis Road School District. West Vandalia Road is two lanes with a turn lane. The ingress and egress to the Food Lion and retail shopping center with the customer/consumer exit to the shopping center is a significant issue. The community is very concerned with approximately 200 more vehicles in the area.

J.D. York, 3602 Groometown Road, stated the community has a track record of raising funding and raised \$2.3 million for Millis Road Elementary. If the community had time they would be able to raise money to purchase this property from the current ownership group and put it in a

historical preservation trust. They would like more time to become organized and meet with corporate benefactors.

Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

David Levy stated on November 5, 2019, the current owner posted a letter on Facebook with the bottom line being "Johnny and I are just at the point in life where we want to transition to other things." The owners are not interested in continuing to have the property as a horse showplace. The owners have indicated they have reached out to other people who may have an interest in continuing to operate as showgrounds and received no responses or interest. Mr. Levy advised whether Affordable Housing Management purchases and develops the property or not, the owners are going to sell the property.

Brett Byerly, Executive Director of Greensboro Housing Coalition, 1031 Summit Avenue, stated in 2016 the citizens of Greensboro passed a \$24 million dollar housing bond to specifically support projects and development of projects like this. Most of the properties built by Affordable Housing are high quality and managed on-site. There are 26,000 people in the city who are cost burdened and this proposal would help 220 of them. This issue is very important to those who will live in the apartments if the project is approved. Mr. Byerly requested the Commissioners to approve the request.

Chair Marshall inquired if there was anyone else to speak in favor. Chair Marshall inquired if the opposition would like an additional 5 minutes.

J.D. York, 3602 Groometown Road, stated the regional impact of the property that is not being considered are smaller farms, smaller horse owners, that do not have an opportunity to pay for overnight travel to other showgrounds outside the geographical area. People come to the showgrounds because of travel costs. When that option is gone, they would not have that opportunity. There would be a major impact on the horse community. There is a major concern that people within this area will not have a local area to participate in the equestrian community. There are things not being considered that go beyond affordable housing impacting the community.

Kelly Wyrick, 4006 Sedgegrove Road, stated there was not a sign placed on the property, it was on Facebook. She spoke with one of the owners who does not want to sell but his partners want to sell and this owner cannot manage it on his own. The community does not want a rezoning and want the property to continue as a historical landmark. Given time, the community can achieve the resources to purchase the property and maintain it as a horse stable. It was designated as eligible as a national historical landmark in 1991 and the Urban Loop could not come through because of that. It is possible for the property to be designated as historic landmark.

Susan Myers, 314 Pierce Drive, Jamestown, stated she is a horse person for over 40 years and supports the Sedgefield programs. Ms. Myers stated her children attend Millis Road Elementary which is at 147% capacity. Ms. Myers does agree with housing and trying to accommodate needs at different financial levels. Ms. Myers concern was how will the children be successful if there are no schools that could educate the children properly. The Guilford County School Board is not advised of any of the projects or intentions until after zoning and breaking ground is completed. Ms. Myers is very concerned in looking at this from an educational standpoint.

Raigen Stiefel, 3801 Rappahannock Court, stated there was a petition with 385 signatures of people opposed to the taking away of the horse facilities which has been presented to staff.

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

Mr. Kirkman stated the Comprehensive Plan currently designates this property as both Mixed Use Commercial and Low Residential, with Mixed Use Commercial being the majority of the

property. As part of this request, the applicant has requested to change the remaining portion from Low Residential to Mixed Use Commercial. 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 complementary. The proposed request supports the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use 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, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-18, as conditioned, will allow uses complimentary to the existing uses commercial, multifamily and single family uses in the surrounding area. Staff recommended approval of the request.

Ms. O'Connor requested guidance regarding how school saturation enters into consideration by the Zoning Commission. Mr. Kirkman responded he thought the Zoning Commission had the purview to give some consideration to that issue but there is not a direct decision point from the City relative to the school capacity issue.

Mr. Engle stated in 2008-2009 there were 72,000 students in Guilford County and it was ranked the 47th largest school district in the country. Today the stats indicate 73,000 students but now he heard schools are at a 122% capacity. The city is growing and at some point there has to be the capacity for students, districts drawn correctly and put students in schools where they can be. If this property was designated truly historic the community may have a legal challenge. Suggestion was made if that is the route they wish to pursue; the community has the opportunity to seek counsel before ground breaking is completed. A suggestion was made to obtain a letter from the school prior to the City Council meeting stating they oppose it. The community was encouraged to contact GDOT for assistance as traffic calming is part of the service. Mr. Engle stated he was in support of the request.

In response to another question, Mr. Kirkman advised that Wayne Road is not actually in the city's jurisdiction at this point in time. Portions of Groometown Road are and portions are not. The same is true for Vandalia Road.

Mr. Holston stated he cannot say it better than Mr. Engle and will be in support of the request. Chair Marshall stated he was also in support of the request. This request must be annexed in by City Council and the community will have an opportunity to state their case to them. There is a need for this type of housing and there are the supporting facilities in the area and felt this was a good plot of land for this type of use and will be in support.

Mr. Engle stated in regard to agenda item Z-20-02-005, the Greensboro Zoning Commission believes that its action to recommend approval of the zoning amendment, for the property located at 3701 and 3709-ZZ Groometown Road from County RS-40 (Residential Single-family) to City CD-RM-18 (Conditional District-Residential Multi-family-18) and a rezoning request from City R-3 (Residential Single-family – 3) 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 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 is consistent with the Comprehensive Plan's Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use as the City expands. The proposed CD-RM-18, as conditioned, will allow uses complimentary to the existing uses commercial, multi-family and single-family uses in the surrounding area.

Seconded by Mr. Blackstock. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, O'Connor, Dansby-Byrd, Engle, Blackstock, and Alford. Nays: 0.) Chair Marshall advised the

approval constitutes final action unless appealed in writing to the Planning Department with 10 days. Anyone make file such appeal, all such appeals will be subject to a public hearing at the March 17, 2020 City Council meeting. All adjoining property owners will be notified of such appeal.