

**PARTIAL MINUTES OF THE
ZONING COMMISSION
April 21, 2020**

Z-20-04-005: A rezoning request from R-3 (Residential Single-Family-3) to CD-R-7 (Conditional District – Residential Single-family -7) for the property located at 2222 Wilcox Drive, generally described as south of Wilcox Drive and east of County Ridge Road. (12.63 acres).

First was case Z-20-04-005, 2222 Wilcox Drive. (Continuance Denied)

Chair Marshall requested the person requesting the continuance to state their name, address, and why the case should be continued and advised that the Commission would not be hearing the merits of the case, it would only be to determine if the case would be heard at this point.

Dustin Brande, 2221-C Wilcox Drive, stated he lives directly across from 2222 Wilcox and is representing himself and other neighbors to address concerns regarding traffic impact and other things such as property values. Mr. Brande advised there were many senior citizens living within the neighborhood without the means to join the online platform to voice opinions or concerns. They requested a continuance to the June 15 meeting to allow residents to attend the meeting if the stay at home order is lifted by that time and to have more time to get more information from the developer.

Chair Marshall inquired if there were questions from the Commissioners to Mr. Brande. Hearing none, Chair Marshall inquired if there was anyone else who wished to speak in favor of the continuance.

Bob Thurston, 3519 Associate Drive, stated he was in favor of the continuance request. Mr. Thurston felt it would advantageous to hear from people face to face and was good either way, but if given the choice favored the continuance request.

Chair Marshall inquired if there were any questions for Mr. Thurston. Seeing none, he inquired if there was anyone else wishing to speak in favor of the continuance. Seeing none, he inquired if there was anyone opposed to the continuance request.

Judy Stalder, speaking on behalf of Keystone Properties, 115. S. Westgate Drive, introduced Scott Wallace who was also available to answer any questions from the Commissioners. Ms. Stalder stated they would like to move forward with the case as it a very simple case. She stated they would just be increasing the density by one unit per acre and that would result in a better development. She stated the first reason not to delay was given the current constraints every effort was made to contact neighbors, return emails, and return calls was made. The details are in the neighborhood communications report. A letter was sent with the site plan to all of the addresses provided by zoning staff. All calls and emails were returned immediately. No one was skipped, even if it appeared confrontational. The details are in the report sent to staff the past week. She added that since the report was filed she had talked to two additional neighbors, Mr. Brande who owns the property across Wilcox and Mr. Thurston who owns property on Associate Drive. Mr. Brande's primary request was for a continuance. The continuance was discussed and she followed up to let Mr. Brande know Keystone's thoughts regarding a continuance. Mr. Thurston called this afternoon. Ms. Stalder obtained as much information as possible to address his request by the time of the meeting. Keystone feels they moved adequately to communicate with all the area residents to the extent that it was possible. Ms. Stalder did not feel anything would change before June 15 to allow a face to face meeting with the residents or change their objections to the plan.

Ms. Stalder advised that Keystone's contract on the property had a deadline date which would be difficult to meet if there was a continuance. Keystone is sympathetic due to the technology but if the meeting continued as a virtual hearing, there may be requests made later in the meeting. Regardless of the outcome of this meeting, the zoning could be appealed to City Council, adding further delay. Given the impact of the last session and the recent shutdown of businesses, everyone needs to move forward. She stated that historically construction leads out of a recession and Keystone wants to do their part to keep the economy going. For all of those reasons, Keystone preferred to move forward with the hearing now.

Chair Marshall inquired if there were any further questions for Ms. Stalder.

Mr. Engle stated in the communications sent, he did not see much regarding buffers or buffering the property in some way and asked if Keystone was prepared to address those concerns at this meeting. Ms. Stalder responded Keystone was prepared to address those concerns.

Chair Marshall inquired if there were any further questions for Ms. Stalder. Hearing none, Mr. Wallace requested to speak.

Scott Wallace, President of the Keystone Group, 3708 Alliance Drive, added it was very important for Keystone to continue to move forward and continue with the opportunity to provide great projects like this. The recovery would be much sooner to help mitigate any issues and in moving out of the current situation everyone is in due to Covid19.

Chair Marshall inquired if there were any questions for Mr. Wallace. Seeing none, Chair Marshall inquired if there was any discussion among the Commissioners or a motion allow or deny the continuance. Mr. Trapp made a motion to deny the continuance request and proceed forward with the case, seconded by Mr. Engle. The Commission voted 6-1. (Chair Marshall, Holston, Trapp, Engle, Rosa and Alford. Nays: O'Connor)

Mr. Kirkman reviewed the zoning map for Z-20-04-005 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the proposed condition related to the request. Chair Marshall inquired if there were any questions for staff. Seeing none, Chair Marshall requested the applicant to come forward and state their name and address and state their case.

Judy Stalder speaking on behalf of Keystone Properties, 115 S. Westgate Drive. Ms. Stalder advised that Scott Wallace of Keystone homes was also on to answer any questions from the Commissioners. Ms. Stalder stated the current zoning on the property is Residential Single-family-3. Keystone was requesting Single-family- Residential-7 to construct a maximum of 52 entry level homes with a density limited to 4.11 units per acre, slightly more than one unit per acre above the current zoning. The Generalized Future Land Use Map designates the area for light density and the Comp plan encourages up to 5 units an acre. The development will provide a transition between a similar development to the west and industrial developments along Highway 29. The density and home size are typical of new development currently in use. Prices would range from the upper 100,000s to lower 200,000s and is the best that can be done due to the cost of regulations within the state. Ms. Stalder stated the request is conditioned to allow a maximum of 52 homes and on Keystone's site plan there are only 50 homes. She stated that neighbors were sent a copy of the site plan for review which is not typically done but because a meeting could not be done due to safety concerns, Keystone thought it was important to have the neighbors see what Keystone had in mind. The most prevalent and first concern is traffic. This small of a development does not trigger a need for a traffic impact study. The proposed change in density is minimal and the difference in traffic with the 52 homes proposed as Keystone's maximum would be very small. Most of the traffic comments were with regard to

Highway 29. The last section of the Greensboro Urban Loop will be opened by late 2021, early 2022 and has the potential to alleviate any perceived traffic on Highway 29. Greensboro's Department of Transportation reviewed Keystone's proposal and had no objections and referred to Mr. Tipton for details.

Ms. Stalder stated that additional concerns regarded storm water, particularly from 2224 Wilcox Drive. She stated the plan for storm water control must be reviewed by the Technical Review Committee for compliance regarding state and federal storm water control requirements. The storm water runoff is controlled on site and does not increase the amount onto adjacent development properties. Keystone felt that particular concern would be addressed by the Technical Review Committee. An additional concern regarded fencing from Mr. Thurston who requested a 6 foot opaque fence along the entire eastern property line to discourage foot traffic. Ms. Stalder stated she thought immediately of 3 reasons why to not do that. Ms. Stalder was unsure why there would be foot traffic from Keystone's development through an industrial development and Mr. Thurston had confirmed that there is none currently. The Development Ordinance does not require residential development to protect industrial property or provide for their security. The cost of that much fencing would add \$1200 to \$1500 to the cost of the homes. Ms. Stalder referenced a statistic from the National Home Builder's "that every time the cost of the house goes up \$1000, nationwide 152,103 families are eliminated for the cost of home ownership." Aside from those reasons, Ms. Stalder believed Keystone can address Mr. Thurston's concerns. Ms. Stalder referred to Keystone's typical development profile which requires fencing in the back corner to the back corner between the homes because the front yards would be maintained by the HOA and would preserve the value of the homes. The backyard fencing provides a barrier from the beginning of the development all the way through and will keep any foot traffic from the street going east or west from Keystone's development. Keystone felt it is important to preserve the value of the homes. Keystone is a very good neighbor and takes pride in their homes and works in conjunction with the Home Owners Association. With this development Keystone is not only providing housing, but are providing jobs that are very much needed. Land development is key to building the tax base and growing the economy. The last recession prepared Keystone for this storm and are keenly aware for the need of more development and affordable housing. Opposition to rezoning is expected, in particular from areas previously rural and are now part of the urban environment. The alternative to more density is increased cost of housing and increased sprawl to accommodate larger lots and higher taxes to accommodate extended infrastructure. Keystone's proposed zoning on Wilcox Drive is supported by the Comp Plan. In allowing this slight increase in density, it is a step towards solving housing issues and requested the support of the Zoning Commission.

Chair Marshall inquired if there were any questions for the applicant. Mr. Engle asked why the condition was not for 50 homes as it was 52 homes mentioned in her statement. Ms. Stalder responded Keystone would like to have 52 if possible. Currently it appears it would be 50. TRC staff is sometimes helpful in creating more room. Mr. Engle asked if the assumption is there will be 52 homes built on this property. Ms. Stalder responded that was correct. Mr. Engle stated the existing density at 2224 Wilcox Drive, the buffering and the lack of conditions was a huge concern for him and requested Ms. Stalder to address those concerns. Ms. Stalder responded Keystone has a piece of property already zoned R-3. There could be 5 or 6 new neighbors adjacent to 2224 Wilcox with no rezoning. With single-family adjacent to single-family, there is a development ordinance addressing that as single family. With the new Comp Plan or Greensboro 2040, the actual density is not addressed. Mr. Engle interjected he can only talk to what is here now. Ms. Stalder responded the trend is to get density where you can and to build those houses because there are people who need housing. To be able to build affordable housing is not usual in Greensboro. Land prices are high. These houses will stand out in that neighborhood and be slightly more valuable than what is currently there. Ms. Stalder stated she

was unsure of how else to defend density. It is needed and until it is done away with, it was increasing the burden on everyone who is here.

Mr. Kirkman asked if Ms. Stalder would like to refer to the illustrative site plans that were sent out for reference. Chair Marshall responded he felt it would be helpful. Mr. Engle stated he still had some concerns with the increased density and the lack of conditions with buffering and did not feel confident. Ms. Stalder stated there is opaque fencing at the 2224 property. The homes have to be set back 25 feet from the property line. They cannot be right on the property.

An illustrative drawing was displayed for everyone depicting the potential Wilcox Drive development. Mr. Holston asked relative to the neighborhood that is comprised of the Country Ridge Road, it appeared they are R-5 and asked if Keystone considered R-5 zoning for this tract of land. Ms. Stalder responded Keystone always tries to go with the lowest zoning that they can. Keystone was looking at the stream that had to be protected and to preserve some open space for water quality protection. The smaller lots are within the development and backing up to industrial property. They are narrower but not necessarily less deep. Along R-3 and R-5, the lots are larger. Mr. Holston asked for the R-5 zoning, how many properties was anticipated to be able to fit on the lot. Ms. Stalder advised Scott Wallace wanted to speak to Mr. Holston's question regarding R-5 zoning versus R-7 and the lots adjacent to 2224 Wilcox.

Scott Wallace, President of the Keystone Homes, 3708 Alliance Drive, stated this project is a very difficult piece of property to develop as it is narrow in nature and has an environmental stream running through the property with restrictive water shed requirements. With this property and its obstacles, it is very difficult to develop the property with affordable homes for Greensboro. Regarding R-7 versus R-5, it had to do with the lot size. To develop smaller lots in order to preserve enough density for this project to be viable, considering the stream constraints, the storm water area, and an easement on the property leading over to the apartments south. Mr. Wallace stated in addition, the road coming off of Wilcox has homes only on the inside lots making that road very expensive. Mr. Wallace stated all along the rear property line and side property line of 2224 Wilcox is an existing 6' opaque fence that provides a buffer.

Mr. Holston asked regarding egress and ingress to the properties if it would also access Country Ridge in addition to Wilcox Drive. Mr. Wallace responded that was correct. It was specified as a separate ingress and egress road for the community. Mr. Holston stated he appreciated that but he also has some hesitation regarding the density.

Chair Marshall inquired if there were any further questions for Mr. Wallace or the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition.

Dustin Brande, 2221-C Wilcox Drive, referred to Mr. Wallace and Ms. Stalder's comments that there was information provided. Other than the site map depicted and the claim for the houses selling in the upper \$100,000 to the \$200,000 range, there has not been time to research anything. This was provided within the 10-day period, but the neighbors have not had the opportunity to see and talk about anything. The neighborhood reached out to Mr. Wallace via phone and was told that Mr. Wallace would have no problem talking with them, but then he backtracked on that and did not want to address any concerns or questions the neighborhood had. Mr. Brande stated he felt the reason Keystone cannot provide the Commissioners with the number of houses that can be fit on R-5 zoned property is because they have not looked into because it is not profitable enough for Keystone. The 2224 Wilcox property with fencing around it started because of this project. The person who lives there is elderly and is the son of the

people who previously owned the 2222 Wilcox property and he is terrified of what may happen there. Mr. Brande addressed the statement made going from R-3 to R-7 will only be the difference in one unit per acre as the math did not work out for that.

Mr. Brande read from his statement addressing the concerns of the neighborhood. The concerns expressed were impact of traffic as it becomes congested and backed up. No traffic impact studies have been done and this property does not require one but the existing traffic already present is a concern and would like to have addressed. The neighborhood is concerned regarding property values for the proposed homes as they will not fit with what is currently there. The plan proposed by Keystone appears to be much smaller than what is currently there and the neighborhood is concerned the homes will not meet the standards of the homes currently there. There is no home on this street that is valued at \$100,000 up to \$200,000 and larger homes on larger lots built to a higher standard. The neighborhood understands the need for the City's affordable housing but there is other vacant land not located in the middle of an existing and established older neighborhood. This neighborhood is largely comprised of senior citizens who have made their entire lives there and are trying to maintain what they have. The neighborhood was not opposed to development but does not want growth to get out of hand and are concerned.

Chair Marshall inquired if there were any questions for Mr. Brande. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Mr. Carter advised two people had indicated they would like to speak but have not raised their hand. Chair Marshall requested to have them unmuted so the question could be asked. Chair Marshall asked Mr. Thurston if he was opposed to the application or if he wished to speak in opposition.

Bob Thurston, 3519 Associate Drive, stated he was not opposed to the project. He hoped to achieve separation with a fence that he had suggested and was the only concern. Mr. Thurston stated Ms. Stalder provided some statistics on the cost of a fence on the east side of the property but he felt it would enhance the property and provide some separation to the business properties on Associate Drive.

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

Mr. Zimmerman, 3505 Associate Drive, stated he did not oppose the project but would like to see some type of fencing. There is a wooded area behind the fences that would be behind the homes and he is concerned about potential pedestrian traffic or gatherings.

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

Judy Stalder, Keystone Properties, 115 S. Westgate Drive, stated all of the homes on Wilcox are very nice and set back in larger lots because they were built when that area was not incorporated into Greensboro. The homes on Country Ridge are not as nice, probably on smaller lots, and most likely a lower value than the new homes being built currently because new home construction has more requirements and regulations to make homes nicer. Keystone adds the additional HOA overview and lawn care, keeping the value of the homes. Ms. Stalder stated regarding other vacant land to build on, there was probably a lot of vacant land in the county which would require extending utilities and annexations. The focus now has to be infill development and building houses already in the city where utilities are available.

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

Scott Wallace, 3708 Alliance Drive, stated no one had reached out to him regarding this case. If they had, he would have talked to them and will talk with them. Regarding the density, it is just one lot plus or minus more than the R-3 and the condition of uses limits the homes as to what that provides. Mr. Wallace stated he appreciated the opportunity to create a very nice community for the City of Greensboro and as Ms. Stalder stated they will be talking more regarding fencing and limiting traffic flow. In addition to the HOA overview, the HOA also provides a beautiful community maintained on a consistent basis and is a good strategy protecting home values and provide safe and attractive homes.

Chair Marshall inquired if there were any questions for Mr. Wallace. Mr. Brande stated he would like to ask questions. Chair Marshall stated he would not be able to ask questions of the applicant. He could address the Commission but not the applicant.

Mr. Engle asked if the fencing behind the homes from corner to corner is going to be there because that was not a condition. He understood what Keystone was trying to achieve but was not comfortable with what was being said versus what needs to be done and was not quite there. Chair Marshall inquired if there was anyone else wishing to speak in favor in the rebuttal period.

Mr. Wallace, 3708 Alliance Drive, stated they are fully prepared to do the fencing as was suggested and can offer it as a condition.

Mr. Kirkman advised he was unsure exactly what was being proposed and was hesitant to phrase any type of condition. Discussion was held between Mr. Kirkman, Mr. Wallace and Ms. Stalder in relation to the wording of a condition to be added. Mr. Kirkman advised the Commission to continue forward and if the case continues further along they will properly address that condition as he was not sure it could be addressed easily at this point. Chair Marshall agreed.

Chair Marshall inquired if there were any other questions. Chair Marshall inquired if there was anyone else to speak in favorable during rebuttal time. Seeing none, Chair Marshall inquired of Mr. Brande if he had anything else to say in opposition.

Dustin Brande reiterated there was no communication. Mr. Brande stated they reached out the previous Thursday and spoke to Judy Stalder who assured them that Mr. Wallace would talk with them, but then contacted them later to advise that Mr. Wallace did not want to talk as they were under contract. There were time constraints and he did not have time for discussion and was advised they would take nothing less than R-7 because of the contract with the sellers. The neighborhood was looking for a happy medium, but felt they were not being met at the middle. Mr. Brande stated much of the neighborhood was opposed but could not attend the meetings via Zoom and that was why he had requested a continuance.

Chair Marshall inquired if there were any other questions for Mr. Brande. Chair Marshall inquired if there was anyone else wishing to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map currently designates this property as Low Residential. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of generally 3 to 5 dwelling units per acre. The request supports the Comprehensive Plan's 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 that offer security, quality of life, and the necessary of services and facilities. The proposed CD-R-7 request, as conditioned, limits uses to those that are consistent with the pattern of development in this area. Staff supported the request.

Chair Marshall inquired of any questions for staff. Seeing none, Chair Marshall inquired of any discussion among the Commission members. Seeing none, Chair Marshall inquired if there was a motion. Mr. Holston stated if there is no motion and understanding all the information presented, he is concerned regarding the density issue and in speaking to density only, would not be supportive of the request. Mr. Engle stated he agreed was with Mr. Holston. If it was R-5, it would be a slam dunk. There are pieces that did not fit within this puzzle and he was also opposed. Mr. Engle stated he was willing to make a motion if no one else wished to speak. Chair Marshall inquired if there was anyone else wishing to be heard. Seeing none, Chair Marshall advised Mr. Engle to go ahead. Mr. Engle stated regarding agenda item Z-20-04-005, The Greensboro Zoning Commission believes that its action to recommend denial of the zoning request for the property located at 2222 Wilcox Drive, from R-3 (Residential-Single family – 3) to CD-R-7 (Conditional District – Residential Single -family -7) to be inconsistent 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 provide sound investment in Greensboro's urban areas. The request is inconsistent with the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent affordable housing in a stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request is inconsistent with a pattern of residential development in the area. Seconded by Mr. Holston. The Commission voted 3-4. (Ayes: Engle, Holston and O'Connor Nays: Chair Marshall, Alford, Trapp, and Rosa.). Chair Marshall advised the motion to deny failed.

Chair Marshall inquired what the next step would be. Mr. Kirkman responded a motion would need to be done in the affirmative to get the vote correct. To be clear, there were 3 people in favor of the motion to deny and 4 opposed to the denial. Mr. Marshall responded that was the count he had. Ms. Jones advised it would be preferable to have an affirmation motion so that it is clear to City Council that there is a recommended approval of this. Chair Marshall stated he would make the motion as he voted in favor.

Chair Marshall stated regarding agenda item Z-20-04-005, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning for the property at 2222 Wilcox Drive from R-3 (Residential Single-family-3) to CD-R-7 (Conditional District Residential- Single-family-7) 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 goal to promote sound investment in Greensboro's urban areas. The request is consistent with the Housing and Neighborhood's 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 also consistent with the pattern of residential development in the area. Seconded by Mr. Trapp, The Commission voted 4-3. (Ayes: Chair Marshall, Alford, Rosa, and Trapp. Nays: Holston, O'Connor and Engle.) Chair Marshall stated this constituted a favorable recommendation and is subject to a public at the May 19, 2020 City Council meeting.