

**PARTIAL MINUTES OF THE
ZONING COMMISSION
June 15, 2020**

Z-20-04-004: A rezoning request from R-3 (Residential–Single-family– 3) to CD-RM-12 (Conditional District– Residential Multi-family–12) for the properties located at 4720, 4720A, 4724, 4726, and 4730 Mitchell Avenue, generally described as north of Mitchell Avenue and west of Muirs Chapel Road, (6.09) acres. (Recommended Approval)

Mr. Kirkman reviewed the zoning map for Z-19-04-004 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the conditions related to the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name and address, and to present their case.

Judy Stalder, 115 S. Westgate Drive. Ms. Stalder advised that Anthony Lester of Evans Engineering was also present to answer any questions. Ms. Stalder stated this a rezoning request from Residential - 3 to Conditional District Residential-Mulit-family-12. The GFLUM map indicates this property as appropriate for high density development which is over 12 units per acre. The proposed development of townhomes would be slightly less than 8 units per acre to fit in with the neighborhood. The pattern of development around the area is in accordance with the GFLUM map with the commercial corridor and multiple apartment condominium and townhome developments ranging in density from 8 units an acre to 26 units per acre. Ms. Stalder advised this hearing was postponed previously to allow more time for interaction with the neighbors. Prior to the initial hearing there was a telephone call from a gentleman who owned 2 rental properties on Mitchell Avenue and one email from a neighbor who was in support of the development. After May 18, the neighbors were reached out by mail and provided a site plan of the project indicating the townhomes proposed. Options were provided for the neighbors to comment and ask questions. There were 2 telephone numbers with no additional phone calls. Two email addresses were also provided and they heard from 2 additional neighbors by email. Only one person requested a Zoom conference and were contacted for a Zoom conference or a telephone call with no response. Another neighbor emailed regarding traffic concerns on Muirs Chapel Road and felt townhomes could be a plus for the community and was provided contact information for Greensboro Transportation. Arrangements were made for a drive-up, outdoor meeting with a full size site plan that 3 neighbors attended. Two declined to identify themselves except as neighbors on Mitchell Avenue.

Ms. Stalder stated the zoning conditions limit the uses to a maximum of 55 townhomes, which is approximately 9 units an acre and a maximum height of 30 feet. The townhomes will be in scale with the single family homes located there. Mitchell Avenue in front of their property will be widened and improved to city standards to include curb and gutters. Sidewalks will be on Mitchell Avenue along the frontage and within the development. There is 3/4 acres or more of tree conservation on or near the boundaries of the property. A Type C planting yard, plus a street planting yard will be put in as required. The wetlands will be protected with buffers as required. A Homeowners Association will be implemented to maintain and protect open space, common areas, parking areas, wetlands, and water quality devices. Utilities and storm water devices will be reviewed and approved by the Technical Review Committee for compliance with local, state, and federal standards. Additional information of interest to the neighbors was for individual sale cost which start in the range of \$200,000 and up. These homes are not subsidized housing and will be an asset to Mitchell Avenue that will add to the esthetics of the area and will be built at a much lower density than shown on the Future Land Use Map. The developer is willing to invest in Greensboro housing and based on the GFLUM map, identified this property as the place to put that investment.

Chair Marshall inquired if there were any questions for the applicant. Mr. Alfred inquired if the acreage was 5.9 or 6.9 acres. Ms. Stalder referred to Mr. Evans for clarification.

Anthony Lester, Evans Engineering, 4609 Dundas Drive, stated based on the tax map, they came up with 5.93 acres. The official boundary survey has not been completed to date but it will be around 6 acres. The 6.9 acres is what the City advised from the documents and materials for the meeting.

Mr. Rosa inquired if this was subsidized housing. Ms. Stalder responded it was not subsidized housing. They are individual townhomes for sale and will have land that goes with the purchase. Mr. Rosa referred to a slide that stated affordable subsidized housing. Ms. Stalder responded that was one of the neighborhood concerns. Mr. Holston asked if the illustrative plan was available to show to the Commission. An illustrative drawing was presented and Ms. Stalder indicated where these townhomes would be located and indicated the trees depicted in the conservation area. Ms. O'Connor asked if the only access was from Mitchell Avenue. Ms. Stalder responded that was correct. Mr. Trapp asked if Tower Road was just outside of the land use map and asked what the zoning was for that area. Mr. Kirkman responded that on the east side of Muirs Chapel Road it is RM-12 (Residential Multi-family-12).

Chair Marshall inquired if there were any further questions of Ms. Stalder or city staff. Hearing 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 to the application.

Randall Spoon, 4717 Mitchell Avenue, stated his main concerns have been addressed regarding traffic and sidewalks. Mr. Spoon stated his opinion of putting in a sidewalk where the new homes will be would not be useable and would not connect to anywhere else. There is a lot of foot traffic and cut through to get to the International Food Market. There are 72 new units that are not yet open at the top of the road which will increase foot and vehicle traffic. Mr. Spoon asked what will be done about the increase of traffic.

Chair Marshall inquired if there were any further questions for Mr. Spoon. Mr. Holston asked what he meant by the term un-useable for the sidewalk. Mr. Spoon stated he meant the sidewalk and the widening of the road as it is basically at the very end of the road. The beginning of the road would not be widened. Widening the last 50 feet of the road would not help vehicular traffic or foot traffic. Mr. Holston asked City staff if there were plans to widen the road from Mitchell Avenue up to Muirs Chapel. Mr. Noland stated relative to GDOT there were no plans. Chair Marshall inquired if there were any further questions. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Randall Spoon stated the road is about 3 1/2 feet under code currently as far as what the minimum design standards are. Currently the road is not up to what minimum design standards are set forth for safety issues. Mr. Holston asked Mr. Spoon if he was in opposition to the project or was neutral and concerned of the logistics surrounding it. Mr. Spoon stated opposition as he seriously doubts the road will be widened and sidewalks placed. It would be a logistical nightmare with everything being displaced. Mr. Spoon stated he was not opposition regarding what was being built but was not sure it can be done in a safe manner. Chair Marshall inquired if there was anyone else to speak in opposition. Hearing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal to address Mr. Spoon's concerns.

Judy Stalder stated the widening of Mitchell Avenue and the sidewalk along the property frontage are requirements by ordinance for the City of Greensboro. As properties turn over and new development comes in, each developer does his part to fulfill the vision and conclude their part of the puzzle as a more modern system than what is in place currently. The widening of the road will not be widened to Muirs Chapel Road but will be making the improvements to the frontage of the property. Ms. Stalder asked Mr. Tipton if he had any comments regarding the width of Mitchell Avenue as she did believe it was not within standards. She noted Mitchell Avenue handles the amount of traffic currently and could handle the additional traffic of the

townhomes proposed. Mr. Tipton stated he had done some research but he did not have the exact face to face width of the street currently but believed it to be approximately 23 feet. The current minimum for a local street at 12 or less units per acre, is 26 feet with prohibited parking on one side. If Mitchell Avenue was built today with parking on both sides, it would need to be at least 30 feet wide base of curb to base of curb. With parking on both sides, the current street is approximately 7 feet below what would be built today.

Ms. Stalder stated they are doing their part to widen Mitchell Avenue to get the neighborhood going in the right direction. Ms. Stalder loves the street and believes the townhomes will be a great addition. Chair Marshall inquired if there was anyone else in rebuttal. Seeing none, Chair Marshall inquired if Mr. Spoon would like 5 minutes to address the applicant.

Mr. Spoon stated he did not understand what was meant by having the neighborhood go in the right direction. Chair Marshall advised that Ms. Stalder had used all of her allotted time and asked if there was anything else he would like to address. Mr. Spoon responded there was not. Mr. Holston asked how long Mr. Spoon had lived on Mitchell Avenue. Mr. Spoon responded 20 years. Mr. Holston asked what was the average tenure of neighbors in this community. Mr. Spoon responded of the ones still there, most of them have lived there for 15 years or more. There are a lot of rentals but there are also a lot of homes still occupied by the original owner or descendants of the original owners.

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 Generalized Future Lane Use Map currently designates this site as High Residential. That category provides for high-density apartment dwellings, condominiums, life care, and similar housing types of a density of more than 12 units per acre. The request was consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. It was 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 CD-RM-12, as conditioned, limits uses to those that are consistent with the pattern of development in this area. Staff recommended approval of the request. Mr. Trapp asked if there was no traffic impact study was required for the change in zoning. Mr. Kirkman responded the unit count was below the threshold that would have triggered an official traffic impact study.

DISCUSSION:

Mr. Trapp asked if a traffic impact study was required for the change in zoning. Mr. Kirkman responded the unit count was below the minimum threshold needed to trigger an official traffic impact study. Mr. Trapp stated he wanted that in the record as he is supporting this request. The consensus of the Commission was they are to look at land use as there will always be traffic concerns. The Zoning Commission focuses on land use and those factors come into play. The Commission is also here for the Reinvestment/Infill goal. Mr. Trapp stated this is a great project and a great example of the Reinvestment/Infill goal. This project will provide a mix of housing types. All of those things are echoed in the Sustainability Plan for the City of Greensboro. For all of those reasons, Mr. Trapp stated he would be supporting this request. Mr. Holston added he appreciated the infill and the additional housing which is needed in the community, but was somewhat concerned about the high density being somewhat wedged in among other R-3. Mr. Holston referred to Mr. Spoon's concern regarding widening a street and stopping right at the property on Muirs Chapel with the rest left the same as it was. Mr. Holston stated he was torn. Mr. Engle stated he thought the road was narrow and took into account the comments regarding the street. Mr. Engle stated he was inclined to support it as the Future Land Use Map does call

for more density in this area and the density with the proposed zoning is on the lower end of what is allowed with that zoning district. Chair Marshall inquired of any other comments from the Commission. Seeing none, Chair Marshall requested a motion.

Mr. Trapp stated in regards to agenda item Z-20-04-004, the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 4720, 4720A, 4724, 4726, and 4730 Mitchell Avenue from R-3 (Residential Single-family-3) to CD-RM-12 (Conditional District-Residential Multi-family-12) to be consistent with the adopted 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 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 of services and facilities. The proposed CD-RM-12, as conditioned, limits uses to those that are consistent with pattern of development in the area. Seconded by Mr. Rosa. The Commission voted 5-2. (Ayes: Chair Marshall, Trapp, Engle, O'Connor, Rosa, and Trapp. Nays: Holston and Alford). Chair Marshall advised that because there were less than 6 affirmative votes this constituted a favorable recommendation and is subject to a public hearing at the July 21, 2020 City Council meeting.