

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

Z-20-06-005: A rezoning request from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District – Residential Multi-family-8) for the property located at 2400 North Elm Street, generally described as southeast of Cone Boulevard and northeast of North Elm Street, (0.68 acres). (Denied)

Mr. Kirkman reviewed the zoning map for Z-19-06-006 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Marshall requested the applicant to state their name and address and present their case.

Robert Russell, President of Associated Surveying and Engineering, representing Mr. Jack Wright of Black Rhino Capital. Mr. Russell stated the property they are attempting to rezone is a single family residence in much needed repair. In lieu of trying to repair the home, Mr. Wright would like to remove the home and erect 5 townhome units. Mr. Russell referred to a number of illustrative photographs of the property depicting the intent of the development and representing their best estimate of the buildings to be constructed. Mr. Russell advised that community outreach was in the form of letters sent to everyone within 600 feet of the subject property. There were 34 letters sent and they received 6 comments which the Commission had been provided a copy of. The general comments were in opposition to the request regarding traffic and access to the Swim and Racquet Club along Rockford. They attempted to address those concerns and advised the increase in traffic would be approximately 20 to 25 trips per day and stated there could be an entrance on North Elm or Cone Boulevard, with all of the traffic controlled by an existing stop sign onto Rockford Road and a traffic signal at the intersection of North Elm and Cone Boulevard which would provide the safest route for traffic to enter and exit the site. The driveway for this development would be in the approximate location of the existing driveway on Rockford Road.

Chair Marshall inquired if there were any questions for the applicant. Mr. Holston inquired if the two structures were facing North Elm or Rockford. Mr. Russell responded they would face North Elm. Each unit will have a two car enclosed garage with a rear entrance to allow all of the traffic from this development to exit to Rockford. Mr. Holston asked where visitors would park. Mr. Russell stated the site plan currently does not provide specifically for visitor parking but the additional parking for visitors would be behind the garages. It is anticipated to be able to provide additional space along the border of Cone Boulevard. There is a concern related to a storm water retention device and the need to allow for that. Chair Marshall inquired if there were any further questions for the applicant. Mr. Engle asked Mr. Russell to address some of the concerns raised related to property values and the impact of this development as to what was being done to mitigate those concerns. Mr. Russell responded the sales price for the units would be between \$250,000 to \$300,000. The architect for the units was present and could address those concerns. The individual units are for sale and do carry a hefty price tag.

Ms. O'Connor inquired if these units were a duplex and triplex. Mr. Russell responded the site is limited due to the size of the site even with the RM-8 zoning. Five units would be the largest number placed on the site and they intend to construct a duplex and triplex unit. Mr. Rosa asked how they would be able to keep visitors for the units from park in front of the adjacent Racquet and Pool Club. Mr. Russell stated he believed that was private property with a sign stating that information, and they would not be able to control access to the swim and racquet club. There will be a sidewalk provided along Rockford to facilitate pedestrian traffic and he thought there could be a sign on the site stating the swim and racquet club was private property. Mr. Engle inquired if there were more illustrative drawings such as a floor plan as he was trying to determine the parking. A site plan was depicted for the Commissioners. Mr. Rosa asked what

was at the back of the building. Mr. Russell responded it was a driveway and access to garages that will be in the rear of the property. Mr. Rosa stated if the residents living in those homes do not have parking for guests, they will attempt to park in the other parking lot. Mr. Rosa inquired if there was anything for where the visitors could park other than trying to park on the street or at the front of the building of the racquet club. Mr. Russell stated there are car width distances behind the garages where two cars could park and there may be room at the end of the driveway at Cone Boulevard to provide additional parking. The concern is providing for storm water retention. They did not want to present anything that would not comply with the storm water retention. Chair Marshall asked how many cars could fit within the garage. Mr. Russell responded two cars. The intention for the residents is to park in the garage and not be parking outside the garage but that could not be controlled. Ms. O'Connor asked if each unit had room for one car or two cars. Mr. Russell responded they are a two car enclosed garage and are side by side. Mr. Trapp asked Mr. Kirkman what the parking requirement for the proposed rezoning. Mr. Kirkman responded a townhome dwelling unit is required 2.1 spaces per unit. Mr. Engle stated from the illustrative perspective he understood it but to rezone something on what has been presented, he was unsure. Chair Marshall inquired if there were any further questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the application. Chair Marshall requested the speaker to state their name and address.

Vince Howard, 1603 Beechtree Road, asked if the zoning approval would automatically go to City Council. Mr. Kirkman responded it depended on the vote of the Zoning Commission to approve. The Commission has the ability to take final action and would need at least 6 favorable votes to do so. The Racquet Club did reach out to the developer regarding their concern with parking, especially the amount of traffic generated particularly in the summer months for the club. During the school year there is a lot of pedestrian traffic and vehicular traffic from the Page High School. There is a lot of traffic coming onto Rockford which is a short street. Chair Marshall inquired if there were questions for Mr. Howard. Mr. Holston asked if the traffic was seasonal at the club. Mr. Howard responded there is summer for swimming 3 months out of the year and tennis is basically all year long. Student traffic from Page High School cutting through the property during the school year. It can be walked through or parents pull the cars onto Rockford and pick up students who have walked through the club parking lot. Mr. Holston asked if parking ever fills up with events and other things going on. Mr. Howard responded during swim meets, big events and holidays the parking lot does fill up. Mr. Holston asked where the overflow parking was located. Mr. Howard responded Page High School. Chair Marshall inquired if there were any further questions for Mr. Howard. Seeing none, Chair Marshall requested the next speaker to state their name and address.

Kathleen Richard, 2302 Danbury Road, advised she was in opposition to this development. That area on Rockford not only looks short, but is very short. One house on each side and is a very narrow section of the road before Sherwood. There are many families who walk, bike, or drive with young children frequently for swimming and tennis activities. The traffic generated by single family residences and multiplying that for five new residences, would be a burden of traffic the children should not endure. Traffic coming and going out of the development would greatly affect safety. The property directly opposite the proposed development is for sale and her suspicion was once there is one complex, it would be easy for the property directly across to be used for the same use, rather than two homes. Chair Marshall inquired if there were any questions for Ms. Richard. Seeing none, Chair Marshall requested the next speaker to state their name and address.

Kathryn Wood, 2321 Danbury Road, advised she lives on the corner of Danbury and Rockford, a block from the proposed development. Ms. Wood is new to Greensboro and purchased at this location because of the beautiful homes that are \$500,000 and up. The traffic at the intersection

of Rockford and Elm is very congested. To cross Elm or go over to Cone, there would be in excess of 10 plus cars adding to the traffic. A crosswalk would be helpful to have to walk to the club. Ms. Wood stated she is opposed to additional traffic, additional housing, and the devaluation of the homes currently there. Townhomes in the neighborhood would devalue their properties. Chair Marshall inquired if there were any questions for Ms. Wood. Seeing none, Chair Marshall inquired if there were any additional speakers who wished to speak in opposition.

Michael Stuckett, 2305 North Elm Street, stated he was opposed for all the reasons previously stated. Mr. Stuckett advised he has 3 young children and walked to and from Sherwood Racquet Club. With the additional traffic, it will become more dangerous. Mr. Stuckett is concerned what the domino effect in their neighborhood will be. All of the houses currently are single family homes and once townhomes are allowed, more townhomes will become a part of the neighborhood. Chair Marshall inquired if there were any questions for Mr. Stuckett. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes to address the opposition.

Mr. Russell stated the development ordinance for the City of Greensboro require developers to place a sidewalk along Rockford for the full width of the proposed property allowing everyone to walk to the swim club. There are a number of townhome projects located within the vicinity, particularly off of Elm Street, with Fountain Manor being one of them. Mr. Russell felt their development was a good infill project and are addressing traffic concerns as best that can be done. It is estimated the project would generate 20 to 25 trips per day. They would not be opposed to the City prohibiting all parking on Rockford Road which would be a city decision and not a developer decision. Mr. Russell stated this is a very good plan for this property and will be an addition to the community. Mr. Holston stated there appears to be a lot of opposition to this project and asked what types of engagement were done with the community prior to the meeting. Mr. Russell advised within the packet were copies of the letter sent to the neighborhood on May 20, 2020 to 34 residents that were located within 600 feet of the property, a summary of the contacts, and a summary of the comments. As of June 14, there were only 6 contacts, 3 in favor and 3 in opposition. Mr. Holston asked if anything was changed, amended, or altered as a result of the comments. Mr. Russell responded nothing changed as they anticipated the concerns expressed at this meeting. A controlled intersection at Rockford with the stop sign was a safer and more appropriate entrance to allow for traffic to this development with the intersection of North Elm and Cone Boulevard being signal controlled providing additional relief for the issues expressed. Currently there is no sidewalk along Rockford but a sidewalk will be placed as a result of this property being developed. Mr. Engle stated he could see the property is somewhat disconnected from the other residential property on Elm Street. Mr. Engle advised he did not see in the zoning proposal anything that the character will be maintained of the surrounding homes which would be a challenge for him. They can only proceed with what is presented now with the conditions and zoning request. Mr. Russell requested Tom Monroe, the architect for the project to respond.

Tom Moreau, TMA Architects, 2449 North Beach Lane, stated this property is a unique site backing up to commercial space and bordering Cone Boulevard and is an island to itself. Looking at the neighborhood and attempting to match the density of it, the property severely slopes from Rockford down to Cone. Each unit will be approximately 3,000 square feet and almost the same size as the homes in the area. One of the homes listed in the area was for \$339,000 on the market currently and the price point for the townhomes will be approximately in the same range. Mr. Moreau described the image of the townhomes and stated they will not be completely out of place in character within the neighborhood. Mr. Engle stated there was no accountability for plans. There are certain things that the Zoning Commission can enforce and what has been presented is not written down. Mr. Russell responded he was unsure of Mr.

Engle's comment and asked if additional conditions could be suggested. Mr. Engle responded the best thing would be to proceed and consider what might work with the community later. Mr. Engle advised he thought everyone was too far into the proceeding for him to accept the proposal. There will potentially be time before meeting with City Council to bridge with the neighborhood and their concerns. Chair Marshall inquired if there was anything else. Mr. Russell responded he is not quite sure he understood Mr. Engle's comment but did not have anything further to add. He is more than willing to answer any further questions. Chair Marshall inquired if there were further questions for Mr. Russell. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in rebuttal in favor. Seeing none, Chair Marshall inquired if the opposition would like 5 minutes for rebuttal.

Vince Howard stated when the applicant pointed out Fountain Manor and other townhomes/condos in the area, the difference would be Fountain Manor on Elm Street has a dedicated entrance, not a shared entrance with single family residences. There is another development on the corner of Corn Wallis and Elm Street that has its own road through the development and is not shared with the neighborhood. Mr. Holston asked how close the Fountain Manor property was to Rockford and how would one get there. Mr. Howard responded one would have to go south on Elm Street approximately a quarter of a mile where there is an entrance and are further away from Cone. There is another back entrance near the Golden Gate shopping center. Chair Marshall inquired of any questions for Mr. Howard.

Kathleen Richard stated she did not think the comment that the property in consideration is an island to itself. This neighborhood is considered the Browntown Neighborhood founded by the Brownhill Corporation developed as a residential committee in the 50s. Within the last decade, it was under consideration for a neighborhood conservation overlay, not as distinct as a national historic district distinction but does speak to the fact many people are in favor of that. This community is a tight knit neighborhood of families. The aesthetic of the proposed condos is not in keeping with the esthetic of the homes within the neighborhood. Ms. Richard stated the neighborhood was concerned with traffic at the intersection where the proposed driveway for the project would be and introducing more traffic. Chair Marshall inquired if there were any questions for Ms. Richard.

Kathryn Wood stated there would be 3,000 square feet per unit, which would be 15,000 square feet total on slightly more than one half acre. Her home is on almost half an acre and is only 4,000 square feet. To take 12,000 square feet of home, the floor plan does not show enough room for a family. Ms. Wood questioned where would children play as the backyard will be parking and driveways. This project is not conducive for the area. If it were to go through, she would prefer to have the traffic go onto Cone and not Rockford. Chair Marshall inquired if there were any questions for Ms. Wood. Seeing none, 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 property was designated as both Low Residential and High Residential in the Comprehensive Plan's Generalized Future Land Use Map. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated by a density range of 3-5 dwelling units per acre. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types at a density of over 12 units per acre. Per City Council adopted policy, a GFLUM amendment is not required for rezoning requests that are less than one acre in size. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhood goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-8 request, as conditioned, prohibits access to

North Elm Street which helps to limit negative impacts to the surrounding neighborhood. Staff recommended approval of the request.

DISCUSSION:

Chair Marshall inquired if there was discussion from the Commission. The overall consensus of the Commissioners was the proposed development was too dense for the area and the proposal was not in keeping with the character of the neighborhood. Traffic was not a main issue as it is in a high traffic area. The Commissioners did not feel they could support the application as presented. Mr. Engle requested to make a motion. Mr. Engle stated in regard to agenda item Z-20-06-002, the Greensboro Zoning Commission believes that its action to recommend denial of the rezoning amendment for the property located at 2400 North Elm Street from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District – Residential Multi-family-8) to be consistent with the 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 promote sound investment to Greensboro's urban areas. The request is inconsistent with the Comprehensive Plan's Housing and Neighborhood's goal to meet the needs of present and future Greensboro residents 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 as conditioned does not limit the negative impacts to the surrounding neighborhood. Seconded by Mr. Rosa. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Trapp, O'Connor, Rosa, and Engle. Nays: 0). Chair Marshall advised zoning denials constituted final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the July 21, 2020, City Council meeting.