

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

Z-20-09-001 & PL(P)-20-12: An annexation and original zoning from County AG (Agricultural) to City R-5 (Residential Single Family-5) for the properties identified as 2126 and 2146 Scott Road, generally described as south of Scott Road and west of Summit Avenue (47.76 Acres). (Recommended Approval)

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman noted the Commission will be asked to make two motions on this particular item. One to recommend for or against the annexation of the property into the City's jurisdiction. The second to establish the original zoning as presented by the applicant to R-5. Mr. Kirkman stated there are no conditions with this request. Chair Holston inquired if there were any questions from the Commissioners. Hearing none, Chair Holston advised there would be a total of 15 minutes for the applicant and those in favor. Chair Holston requested the applicant to state their name, address, and their case.

Bob Dunston, on behalf of Charter Development Company, a subsidiary of National Heritage Academies, also introduced Dillion Smith, Civil Engineer with Valentine and Associates and Aimee Giacherio, Civil Traffic Engineer, with Wade Trim who may assist with any questions. Mr. Dunston stated they are in the process of zoning the 47 acre property into the City of Greensboro. The intent was to build a K-8 charter public school on the western half of the site. Mr. Dunston stated this is a family property consisting of the Sheehy family and the McCuiston family. There are 3 family members that still have properties adjacent to these two pieces. Mr. Dunston showed a rendering of the site and stated the blue line indicated buffers that are protected wetlands. He added the Army Corps of Engineers had been to the property and there are approximately 31 acres buildable out of 47 acres. Mr. Dunston advised there is approximately 800 feet off of Scott Road which slopes down to Summit Creek in the back of the property. He noted the physical building will be a single story ranch school and would be several feet away from their closest neighbor. Mr. Dunston advised they were engaged by the Summit Creek Charter School Board to build another K-8 and there are 3 other K-8 schools in the City of Greensboro; Greensboro Academy, Summerfield, and Gate City. This property has the right combination of highway access and the new Urban Loop and will be very accessible. The charter application for the school has been approved by the State Board of Education. The Charter Development Company has had a long standing relationship with some of the members.

Multiple comments have been received from TRC and have been addressed along the way. A TIA was submitted. One of the questions asked was from a zoning standpoint and after discussing it with staff, it was thought bringing it into the city under an R-5 was the lowest intensity use and married up with the Future Land Use. This particular site had a lot of positive attributes they wanted for the school. Approximately half of the site is still heavily wooded. City Services are nearby the site and the water main is located to the north and east and the public water system will be extended down Scott Road to service the school. They will have to partner up with PPW and have the water main installed. A sanitary line runs up the back of Summit Creek. Interaction was had with a few neighbors who called after the notifications were sent. Between Bob McCuiston and Mr. Dunston, there were approximately 6 calls clarifying if it would actually be a school. All the Charter Development Company does is build and operate schools. Chair Holston inquired if any of the Commissioners had questions for Mr. Dunston. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston asked if there was anyone to speak in opposition to the request.

Sherry Godfrey, 2162 Scott Road, stated the neighborhood is excited about the possibility of a charter school on their road. However, there were concerns regarding traffic as it already feels

like the Indianapolis 500 and is used as a cut through road from Lees Chapel to Summit Avenue back and forth all day. Both 2162 and 2162A are on Scott Road where cars are coming out of the curve on Scott Road. Mr. Engle asked staff if a school were placed there, would it necessitate a school zone through GDOT. Something so the speed limit is lowered to 25 MPH or 35 MPH during school time. Mr. Tipton responded it would be requested by the school once it is there and based on population as far as only signage or flashers and those type of things. Mr. Engle asked if there was no school and it was built out to be something of a residential use, that would not necessitate a school zone. Mr. Tipton responded that was correct. Mr. Engle stated he was attempting to give the person speaking a potential to consider.

Ms. Godfrey stated there have almost been multiple accidents over the years because no one slows down coming out of the curve on Scott Road. Ms. Godfrey stated she did contact the City and asked if they would come and put a speed limit sign up so vehicles would slow down coming around the corner. A 35 MPH speed limit sign was placed directly in front of her home. There are soccer stadiums in spring, summer, and fall with a lot of traffic during those seasons. Ms. Godfrey asked if a study was done on increased traffic, how would it affect the residents. Mr. Tipton stated there has been a traffic study done and the applicant's consultant is present at this meeting and will be heard during the rebuttal. Ms. Godfrey asked if the annexation would be all of Scott Road. Mr. Engle stated the way the law works people have to petition to be annexed into the city. The applicants are looking at this from a utility standpoint to have access to city water. However, due to the current constraints of state law, the City cannot forcibly annex someone into the city. As a resident she would have to request to be annexed in. Ms. Godfrey was happy to hear that as they like their well water. Ms. Godfrey asked if homes would be built in that area as the letter spoke to single-family homes or only be a school built. Mr. Kirkman responded the request is to go to R-5, Residential Single Family and that zoning district allows both single family dwellings and the school use. Ms. Godfrey asked if the street would be widened, noting the homes at 2162 and 2162A in attempting to get out their driveways are in a bad way. The way people come around the curves is very unsafe and they do not slow down. Ms. Godfrey asked how they could be helped with that. Mr. Engle responded that was not this meeting and perhaps she could arrange to meet with Mr. Tipton of GDOT after the meeting and discuss the concerns regarding traffic. Mr. Engle stated once the school is put in, there would probably be a traffic zone that would have to be established. Chair Holston inquired if there was anyone else to speak in opposition to the request.

Leslie Branson, 2162A Scott Road, was opposed to additional traffic. Ms. Branson stated they take their lives in their hands just going to check the mail or driving to the grocery store. There have been several accidents at the curve coming down Scott Road. Ms. Branson asked if the school doesn't happen and it is rezoned, would houses go there. Ms. Branson was not opposed to the school but housing absolutely. Ms. Branson invited anyone to sit in her driveway to observe the traffic all day, every day. Chair Holston inquired if there were any questions for Ms. Branson. Mr. Engle asked staff if this was a city or county road and how would it be handled if this was annexed. Mr. Tipton responded this road was outside of the city currently. Mr. Tipton advised even when annexed, most of the road would be outside of the City and would be an NCDOT roadway until the city has both sides of the road. Chair Holston asked what the zoning around the property was. Mr. Kirkman responded it is a combination of Agriculture and RS-30, which is Residential Single Family. Mr. Engle stated there appears to be some conditional RM-12 in the area and asked if that was correct. Mr. Kirkman responded south and east of the site is property zoned CD-RM-12. Chair Holston stated it appeared some R-3 in the north east and some RM-12, Office, PI in the southeast. Chair Holston inquired if there were any additional comments from anyone wishing to speak in opposition to the request. Seeing none, Chair Holston inquired if the applicant wished to speak in rebuttal.

Mr. Dunston stated they always ask NCDOT to sign up for a school and help slow down speeding. In this case from a traffic standpoint, they are all NCDOT roads all the way through. Part of Lee Chapel Road is a city road. In front of the school where the entrance would be, the road would be widened and have a center turn lane. Mr. Dunston referred to a map indicating how the entrances would be for traffic. Ms. Aimee Giacherio, noted the picture depicted the frontage improvements and the intersection. Chair Holston inquired if there were questions for Mr. Dunston. Mr. Rosa asked if it does not become a school, would there be housing there. Mr. Dunston responded Charter Development Company does not build homes. Chair Holston asked if they would transfer that property to someone else who would build homes. Mr. Dunston responded it would not be a decision of his, it would be the Chairman and executive team. Mr. Dunston stated he has been with the company for 8 or 9 years and the company does not sell a lot of properties, especially those that are hard to find. This process started over a year ago looking for properties in this section of Greensboro to find the right site that would work. At this point, the company is not in the home building business. Chair Holston inquired if there were any additional rebuttal comments for those in favor of the request. Seeing none, Chair Holston inquired if there were any questions from the Commissioners. Seeing none, Chair Holston advised the opposition they had 5 minutes for rebuttal.

Ms. Branson stated she looked at the map where the road would be widened. Her concern is not in front of the school, it is on into the curve. MS. Branson would appreciate having signage placed in the curve as the signs in her mother-in-law's driveway did not help because no one can see their driveways from the curve. Ms. Branson stated her major concern is the curve and the traffic on their road. Chair Holston asked staff if this could be a conversation held later and those who are seeking relief on the roadway could have a conversation and share their thoughts. Mr. Tipton responded as far as widening the road or signage locations, that would be dealt with NCDOT and out of the Commission's purview. When the school is in place, the school zone may be done by the City but outside of that it will be NCDOT.

Ms. Branson asked how many students would attend the school. Chair Holston stated technically there are not conversations between the two parties and would have to come through the Commission. Ms. O'Connor asked how many students are anticipated to be enrolled. Mr. Dunston responded the application is 772 at full capacity. The school would open at K-5 and then in the following 2 years add a section and move to grades 6-7-8. Chair Holston inquired if there were additional comments. Ms. Branson asked if that would be roughly 500 additional cars on Scott Road a day. Mr. Tipton responded the traffic study addressed the am and pm peak hours and indicated an am peak hour of 929 total trips which would be arrival and drop off and count as 2 trips on that road. Chair Holston inquired if there were any additional comments, questions, or thoughts from the opposition rebuttal. Seeing none, Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because the uses requested expand Greensboro's city wide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices and maintains stable, attractive, and healthy places to live and raise families. The proposed R-5 request allows uses that are consistent with those existing in the surrounding area. Staff recommended approval of this request.

Chair Holston inquired if there were any thoughts or comments for a motion from the Commissioners. Mr. Engle stated he was comfortable with the request because of the RM-12 behind it. It's not on the same road but it is close enough to be consistent. There are no conditions, but given the amount of land that appears to be wetlands and otherwise, this is an appropriate amount of density for this plot of land and he is in favor of the request. Chair

Holston inquired if other Commissioners had comments. Mr. Kirkman reminded the Commissioners a vote was needed on the annexation first and then the original zoning.

Mr. Engle made a recommendation to approve the annexation. Seconded by Mr. Trapp. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Mr. Engle stated that in regard to agenda item Z-20-09-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties located at 2126 and 2146 Scott Road from County AG (Agricultural) to City R-5 (Residential Single Family-5) to be consistent with the adopted GSO 2040 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 Future Built Form Map and Future Lane Use map. The property proposed zoning change can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The proposed City R-5 zoning district allows uses that fit the context of the surrounding areas. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, O'Connor, Alford, Trapp, Jones, Rosa, Bryson, and Engle. Nays: 0). Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the October 20, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal. Ms. Jones advised because this was an annexation, it will automatically go to City Council for final approval in October. The Commission was just making recommendations.