

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

Z-20-09-002 & PLP20-16: An annexation and original zoning request from County RS-40 (Residential Single Family) to City-R-3 (Residential Single Family-3) for the property identified as 1404 Youngs Mill Road, generally described as west of Young Mill Road and north of Waldrige Road, (1.66. acres). (Recommended Denial)

Mr. Kirkman reviewed the zoning map for Z-20-09-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions related to the request. Chair Holston inquired if there were any questions for Mr. Kirkman. Seeing none, Chair Holston requested the applicant to state their name, address, and present their case. Mr. Carter advised Mr. Sosa was not logged in. Chair Holston inquired if there was anyone else wishing to speak in favor of this request. Mr. Kirkman stated the applicant does not have to be present for the zoning request but are encouraged to attend to answers questions and other things. Staff would attempt to provide the background on the request. Chair Holston asked Mr. Kirkman to provide any background he could and Mr. Carter to follow up with additional details.

Mr. Kirkman advised the request was to annex this piece of property to access City water and sewer services to the property to build a single family residence. Mr. Kirkman was unsure if the applicant intended to build more than one residence. The property could be subdivided for one additional lot but there would need to be a direct access and frontage to Youngs Mill Road. Mr. Kirkman stated it was his impression it was only intended to be one single family residence. Mr. Engle stated several people are in opposition and his challenge with remote meetings and no applicant was struggling to hear the case. Ms. Jones advised as Mr. Kirkman had stated, there is no requirement for the applicant to appear at the hearing but they do so at their own risk if there are questions by the Zoning Commission that cannot be adequately answered by staff. Mr. Engle noted if someone does have material things to offer in a case presented, Zoning is required to consider that at least 24 hours after the meeting. Ms. Jones responded that was correct. She added that this is a legislative hearing, consent to the remote meeting is not required as it would be in a quasi-judicial proceeding. Written comments may be submitted up to 24 hours after the public hearing. If comments are received, it is possible this request would come back to the Commission or those comments would be forwarded on to City Council, depending on the nature of the comments and whether or not it might constitute an appeal. Chair Holston advised he did not mind hearing the case since the applicant is not required to be present. Mr. Trapp stated he also had no problem hearing the case. Chair Holston requested Mr. Kirkman to continue with any information or if there were any questions.

Chair Holston stated this is 1.66 acres and being zoned R-3 which is normally 3 plots per acre and inquired if there needed to be frontage? Mr. Kirkman stated when a new lot is created under single family residential zoning and called a subdivision, those lots have to have frontage and direct access on a public street. There is a minimum amount of frontage that must be done in the different zoning districts in order to create the lots. This lot is fairly deep, any lots created would have to have frontage on Youngs Mill Road and that would limit the potential for additional units on that property. Chair Holston asked how much frontage is there and what is the minimum per home. Mr. Carter advised when he ran the numbers, there was only enough road frontage for 2 lots. Mr. Kirkman stated in the R-3 district at least 75 feet of frontage is needed to create a new lot in that district. Chair Holston asked how much frontage this lot had. Mr. Kirkman advised staff did not have an exact figure. Chair Holston asked if it could be a flag lot on a standard lot or not. Mr. Kirkman stated every lot that is created now under the ordinance has to have the minimum lot frontage on the public streets. The option for the flag lot was taken out when the

Land Development Ordinance was adopted in 2010 unless there are extreme circumstances with the lot that usually has to do with odd environmental constraints and more for the purposes of providing utilities or something else. Chair Holston asked if only one dwelling could be placed on the lot based on the frontage. Mr. Carter responded no. They have enough frontage to have two lots. It could look like a flag lot but would not be considered a flag lot because it has enough lot width to meet the minimum standards of the ordinance. Chair Holston asked if there was at least 150 feet of frontage. Mr. Carter responded that was correct and that he showed 170, enough to get two lots but not enough for three. Chair Holston asked if the houses could be stacked, one behind and one in front. Mr. Carter stated that would be one way or houses could be side by side. There are several different options available. Chair Holston asked if they were side by side in context to the neighborhood, would it be different than what is currently there. Mr. Kirkman stated when creating a lot in the R-3 district, there has to be a minimum of 10 feet on the side and 30 feet in the rear. Staff does not have the dimensions for the existing homes. If they meet those dimensions in setting up the lots and building houses, there could be several different configurations. Mr. Kirkman was not able to fully answer the question about what the existing context was from that level of specificity as staff does not have that information and was not sure if the applicant would have that information for what the existing use is. Mr. Engle asked if this was being done to hook to city utilities. Mr. Kirkman stated that was the purpose for this as they are asking for access to city services. By the City's water and sewer extension policy in order to get those, they have to be annexed into the city and if annexed have to establish some type of original city zoning. Chair Holston inquired if there was another designation that would be more expansive than R-3. Mr. Kirkman stated the R-3 district is the least intensive district. It has the largest minimum lot size and the largest side and rear setbacks of the residential single-family districts. Chair Holston inquired if anyone had questions for staff. Mr. Carter advised he had a survey of the lot. A survey was depicted that provided the lot dimensions. Given the lot width and the requirements for R-3 there was enough for two houses but not for three. Mr. Engle asked how deep it was. Mr. Carter stated 431 on the north side and 413 on the south side. Chair Holston stated it matched the other properties but there was only one structure on the other lots. Chair Holston inquired if there were any questions for Mr. Carter regarding the survey. Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition and advised a total of up to 15 minutes was available.

Mr. O.J. Caldwell, 1406 Youngs Mill Road, stated his property adjoins the south lot. Mr. Caldwell stated Mr. Orland Pitman, who was with him, owns the property to the north addressed 1402 Youngs Mill Road. Mr. Caldwell stated the majority of the residents are in opposition to the rezoning. As a resident of Youngs Mill Road, Park Place, Hickory Tree Lane, and Candice Ridge Communities, he opposed the rezoning of 1404 Youngs Mill Road from County RS-40 to City R-3. Changing the zoning will change the character of the community. Currently there are spacious lots with no density. An R-3 zoning would change the density allowing three homes in that one small space. This request is completely out of character for the community and he asked the Zoning Commission to deny the request based on these points and the outpouring of the community. Youngs Mill Road is a very old and established community of folks who take great pride in their home ownership. Mr. Caldwell mentioned all of the neighbors who have lived there 40 to 50 plus years. Everyone in the community values the character of their community and want good neighbors. The neighborhood is not opposed to growth but do not want a developer to place something in their community and change the character of the community. Mr. Caldwell stated they have not heard anything regarding what the plan is. There are great concerns what the change of the zoning will do their properties and character of what is established.

Mr. Pitman, 1402 Youngs Mill Road, stated he appreciated the historical nature of the neighborhood and echoed the concerns spoken by Mr. Caldwell.

Mr. Lamar Rice, 1318 Waldrige Court, lives in front of Mr. Caldwell. To have someone build in that area right next to Mr. Caldwell is not the right thing to do. The value of the community would go down. Mr. Rice stated he and everyone on the street was opposed to the construction. Chair Holston inquired if there were questions for Mr. Rice. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request. Seeing none, Chair Holston closed the public hearing 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 exist on adjacent tracts and are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed R-3 original zoning request allows uses present on adjacent properties. Staff recommended approval of the request.

Chair Holston stated in recognizing the applicant is not required to be at the meeting to present the case, this case has topics or issues that are not covered or need to be investigated more thoroughly and he was not able to support this request. Mr. Engle echoed Chair Holston and added a concern of his was no evidence of any outreach by the applicant. As a Zoning Commission they have always supported that and he was against the request. Mr. Engle stated he would make a motion unless someone else would like to. Ms. Jones advised community outreach is not required of the applicant. If they do it though, they are required to inform the Commission of that. Mr. Engle stated community outreach is strongly encouraged. Ms. O'Connor stated the Commission did not know of any other circumstances and was giving the applicant the benefit of doubt. When looking at the property across the street, it appeared this lot request would be similar to what is across the street in terms of lot size and having two houses possibly side by side or a different position. Ms. O'Connor stated knowing that this would be limited to two dwellings she was in favor. Mr. Engle inquired of staff if a road was built down the side of the property, could that happen and the 400 feet taken into account. Mr. Kirkman stated any road constructed would have to meet public street standards. Mr. Kirkman was unsure if there was enough space to make it work and how the access worked off of Young Mills to do that. Mr. Tipton stated there would have to be a public need for the street and then 26 feet is the minimum size; including rights of ways. Right of ways could go up to 40 feet. Mr. Kirkman advised the very minimum lot size in R-3 is 12,000 feet. If the applicant attempted to build a street, all of the right of way would be dedicated and the lots themselves would have to have enough depth to do that.

Mr. Trapp stated it is very difficult to surmise what the applicant is planning on doing without the applicant being here. He understood the applicant was not required to be there, but it is outside of the norm for the applicant not to be present in a situation such as this. Mr. Trapp would not be in favor. Mr. Engle stated what he has seen City Council do in situations like this is to continue the case. Chair Holston asked Ms. Jones if the annexation and the zoning are denied, what would happen. Ms. Jones responded the annexation would automatically go to City Council in October. Mr. Kirkman advised the Commission is only making a recommendation on both items. Mr. Engle made a motion to deny the annexation. Seconded by Mr. Rosa. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,).

Mr. Engle then moved that in regards to agenda item Z-20-09-002, the Greensboro Zoning Commission believes that its action to recommend denial of the original zoning request for the property described as 1404 Youngs Mill Road from County RS-40 (Residential Single Family) to City R-3 (Residential Single Family-3) 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 inconsistent with the Comprehensive Plan's Future Built Form Map and Future Land Use map. The uses permitted within the proposed zoning district are

not of a similar scale intensity, or off-site impact as existing nearby uses. The proposed City R-3 zoning district allows uses that do not fit the context of the surrounding area. The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to neighbors and surrounding community and denial is in the public interest. Seconded by Mr. Trapp. The Commission voted 6-2. (Chair Holston, Trapp, Jones, Rosa, Bryson, and Engle. Nays: O'Connor and Alford,). Both the annexation and zoning constitute an unfavorable recommendation and is subject to a public hearing at the October 20, 2020, City Council Meeting.