

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

Z-20-08-001: A rezoning request from CD-PI (Conditional District – Public and Institutional) to O (Office) for the properties identified as 4019-R2 South Holden Road and 1311 Glendale Road, generally described as south of Glendale Road, east of South Holden Road, and west of US Highway 220, (39.47 Acres). (Denied)

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised there were no conditions associated with the request. Chair Holston inquired if there were any questions for city staff. Hearing none, Chair Holston requested the applicant to state their name, address, and to present their case.

Adrian F. Starks, 1414 Cliffwood Drive, Sr. Pastor of World Victory Church, introduced himself and stated the application was submitted for the undeveloped land owned by the church on Glendale Road to move forward with development. He noted the request was for Office as the plans now include an intent to build multi-family housing. In speaking with staff, the church was made aware the Office designation would allow for construction of housing as proposed. The footprints developed by the architects would accommodate between 60 and 90 units. Since agreeing to the continuance, letters have been distributed to all of the residents within 600 feet of the proposed land to be rezoned. Approximately 85 letters were sent to residents. Three individuals attended a meeting held virtually on Zoom. Since that meeting, one person came to his office and they spoke. Common ground may not have been achieved in totality but the conversations provided a strong effort in moving forward in the development. Pastor Starks noted the desire of the church to have their offices moved from their current location but the first phase will be construction of the multi-family housing. At this particular time it is the desire of the church to move forward and have the request voted on by the Commission.

Chair Holston inquired if the Commission members had any questions for Bishop Starks. Mr. Engle asked if there were drawings to be shared for illustrative purposes. Bishop Starks stated he did not have a digital format of the drawing but did have a drawing and walked the Commissioners through a drawing for illustrative purposes. Bishop Starks indicated the phases of construction and explained what they would be. He showed the overall tract of land for the proposed multifamily development is 7 acres and indicated a water detention pond, community center and leasing office, a parking area, and a buffer tree line included by the engineer and architect in the planning. Chair Holston asked where the eventual school and church would be located. Bishop Starks responded it would be south of Glendale Road and the multifamily development. Chair Holston inquired if there would be access from Glendale through the apartments to the school and church. Bishop Starks responded there would not be and indicated a different route on the map provided. Bishop Starks indicated the entry into the apartments and the access way into the church and school. Ms. O'Connor asked how many stories and units for the apartments. Bishop Starks responded the range could be between 60 and 90 and he believed they would be two stories. From conversation with the architects the apartments would be three stories if there were 90 apartment buildings built and two stories for 60 apartment buildings. Ms. O'Connor asked how many units would there be per building. Bishop Starks did not have that information at this time.

Chair Holston inquired if there were further questions from the Commissioners. Mr. Trapp asked staff in looking at five apartment buildings, what would be the maximum number of units that could be placed on that parcel. Mr. Kirkman stated in the Office zoning district, the ordinance allows residential densities up to 12 units per acre. A rough calculation for the entire subject tract would be roughly 473 units as the maximum. Some land would be used for parking lots, landscaping, and other things and that is only a rough calculation. Ms. O'Connor asked if that was for the entire tract. Mr. Kirkman responded it was for the entire 39.47 acres. Mr. Engle stated there are no conditions on this request and the Commission would have to look at this request from

that perspective. Mr. Kirkman responded that was correct and the Commission would have to factor any types of uses that could be allowed.

Mr. Bryson asked if the apartments would only be on 7 acres. Bishop Starks responded the 7 acres is the allotted space for apartments. The other aspects for development would not be apartments. Bishop Starks stressed the church desired to be of assistance with the housing needs for over 4,000 units of housing within Greensboro. It is not the desire of the church to develop any more of the land for that purpose. Bishop Sparks felt that if assurances were given to the residents that it would be sufficient. The other space is reserved for the school and the church. There is no other space the church desires to allocate for anything else. Mr. Engle asked if it was correct that the entire 48 parcels were being rezoned as Office, not just the 7 acres. Bishop Sparks responded that was correct. Mr. Engle asked if there were any binding agreements with anyone to say that only the 7 acres would be developed. Bishop Sparks responded he has not done any binding agreements. Mr. Engle stated there is a traffic study for 60 units but he was hearing it may be 90 units. Zoning is only looking at land use and Mr. Engle was attempting to tie everything together. He noted this is a much denser zoning request than what is on some of the documents and the traffic study and asked what could potentially be built there. Bishop Sparks stated it was asked for the whole tract of land, what was the allowable number of units that could be placed on it. The 60 to 90 was mentioned in going up. Mr. Engle stated he understood and going forward there was a potential for another traffic study. Chair Holston inquired if there were additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston transitioned to those in opposition and advised of a combined total of 15 minutes to present the opposition. Luke Carter advised Avery Bernstein was the first.

Avery Bernstein, 1409 Glendale Drive, opposed the zoning request as it is a non-conditional request for 40 acres of Commercial-Office within a single family residential neighborhood, allowing any current or future owners to develop anything permitted under the O zoning on that property. Bishop Starks did send out the traffic study detailing his plans. Several questions were put forth such as to why not rezone the 9 acres or the front half of the property as they are two separate tracts. The neighborhood is requesting the zoning be denied because there are other alternatives such as the PUD instead of non-conditional rezoning. The neighborhood appreciated the plans set forth, but the plans have changed from the original stated plans. Ms. Bernstein thought there were over 30 Commercial Office uses that could be developed and 400 feet of her property line abuts this property. Ms. Bernstein is very concerned about an open ended Commercial-Office 40 acre parcel next to her home. Chair Holston inquired if there were any questions from the Commissioners for Ms. Bernstein. Hearing none, Chair Holston requested Mr. Moser to speak.

Ken Moser, 3911 South Holden Road, owns property backing up to the 40 acres being proposed and owns property on Memory Way toward the exit at the stop sign. Mr. Moser's biggest concern and opposition is the non-conditioned zoning. What could start out as 7 acres and something else happens with nothing in the guidelines that would stop it from expanding. There was a call with Bishop Starks who provided insight but no promises to that. Mr. Moser would feel better regarding the rezoning if there were conditions attached and only asking for 7 acres. Mr. Moser understood the road would be more of a secondary service road associated with the school and the church. Being a property owner of the land across the street, the water park had been approached regarding selling property to allow for an additional entrance and exit to the water park. It was said that because of the location that close to the bridge across from Memory Way, that they would not be granted an exit right there because of concern turning into traffic heading towards Interstate 85. The property on the left is owned by the State and not able to expand. A lot of traffic cannot be placed on Memory Way. Having 60 to 90 units, plus a church and a school and the full 40 acres of rezoned for Office/Multi-family, there would be more traffic if the apartment complex is expanded to the entire property. Mr. Moser understood there is no

intention for expansion but noted there was also no contract. Having no contract is Mr. Moser's concern regarding the rezoning. Chair Holston inquired if there were questions for Mr. Moser. Hearing none, Chair Holston inquired if there was anyone else to speak in opposition. Mr. Carter advised Ms. Williamson is signed in under Ms. Bernstein's account and would like to speak.

Maili Williamson, 1407 Glendale Drive, stated her concern is the lack of conditions on the proposal and felt completely uncomfortable and uncertain of what will happen on the lot. From the conversation held in August and the conversation with Bishop Starks a week prior, there was to be a short construction period to a 5 year plan. A digital map was displayed by Bishop Starks of the apartments. She did not see a service road next door to the property and thought there was only one entrance to the apartments and the church and school, not an additional service road. Ms. Williamson would like to have conditions placed as it is fearful hearing there could be 60 to 90 apartments that would be 2 or 3 stories right outside of her master bedroom. In August it appeared the apartments would be more on the northeast portion of the lot and they are now expanding across Glendale Drive. Ms. Williamson was trying to clarify what she was reading and seeing. Chair Holston inquired if there were any questions for Ms. Williamson from the Commissioners. Chair Holston inquired if there was anyone else to speak in opposition to the request. Hearing none, Chair Holston stated the applicant and opposition would now each have a combined 5 minutes for rebuttal and questions.

Bishop Starks stated the concern regarding the apartments stretching across the entirety of Glendale Drive was incorrect. The original document was gray-scaled. Bishop Starks stated the tree buffering was there to create distance between the residents and the proposed construction. Ms. Williamson lives in 1407 Glendale and Ms. Bernstein lives in 1409 Glendale. Residence number 1405 is closest to the proposed rezoning property that the church owns and there is a residence in-between both of those residents and the proposed construction. Mr. Engle asked if 1405 Glendale was the house that was part of the rezoning. Bishop Starks responded it was. Mr. Engle asked if there were no plans then to tear the house down at all. Bishop Starks stated there were no plans currently. To the left of the house is where the apartments would be. There is a resident in the home and there are no plans for it to be removed. Bishop Starks understood the desire for conditions and is not insensitive to their concerns. In terms of the concerns regarding traffic on Memory Way, Bishop Starks doubted the project proposed would compare to the volume of traffic that Wet and Wild may produce. Chair Holston requested clarification on the single family residences, and would they be zoned Office along with the rest of the tract. Bishop Starks responded the way the application is structured, that was correct. Chair Holston stated one of the homes was coming down and asked if a decision had been made. Bishop Starks responded a decision has not been made. Chair Holston asked if the 1405 Glendale residence was a buffer, so to speak, and adjacent to Ms. Williamson's home. Bishop Starks responded that was correct. Chair Holston asked if the service road shown on the illustrative drawing was on the digital image that Ms. Williamson saw but was in gray scale and may not have been as visible. Bishop Starks responded that was correct.

Chair Holston asked in if the Bishop would have used conditions or not to avoid concerns. Bishop Starks responded he did not anticipate this request being a concern of the residents in the way it has been presented. Bishop Starks stated in hindsight, he would have tried to accommodate those concerns. Bishop Starks stated he gave the residents his word they are not looking to build 423 housing units. He did not go with conditions as he did not think it was necessary and in speaking with city staff, conditions did not come up. Chair Holston asked if there were additional questions for Bishop Starks from the Commissioners. Mr. Rosa asked now that it is known it is an issue with the residents, was he willing to place conditions on it. Bishop Starks stated he was told in order to change he would start back at zero and was not comfortable starting at zero. Chair Holston inquired if there were additional questions from the Commissioners. Mr. Trapp asked if staff would address Bishop Starks comment that he would

have to start from the zero to add conditions as he did not think that was the case. Mr. Kirkman responded it would be a new application to go from a straight zoning request to a conditional zoning request. If you start with a conditioned application, it can be continued to be adjusted. But to go from a straight zoning request to a conditional would require withdrawing the current application and then refile as a conditional application. Mr. Engle asked if an application was done tomorrow, when would it be heard by the Commission. Mr. Kirkman responded at this point it would not be heard until the November Zoning Commission hearing. Mr. Engle asked if someone were to be unhappy with the decision of the Commission at this meeting, either the applicant or the opposition, it could be appealed to City Council and drag out until at least October. Mr. Kirkman advised if someone appealed the decision, it would go automatically to the City Council at their October 20, 2020 meeting. Chair Holston inquired of additional questions for Bishop Starks. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Hearing none, Chair Holston moved to those speaking in opposition for a combined 5 minute total for rebuttal.

Mr. Moser stated one of the points Ms. Williamson made was an image shown last week that did not include the service entrance to left of the subject property. That was a concern as it did appear to be the entire stretch of the property going across and only one entrance. A comment regarding Wet and Wild traffic was associated with if you expand the zoning to go to the entire tract, the traffic pattern would be too heavy for Glendale. The other exit strategy would be Memory Way. No study has been conducted. Mr. Moser stated the additional traffic was something he wanted to bring to Mr. Engle's attention as it impacted a decision in trying to sell the property across the street. Whether it is the same traffic flow of an exit strategy of Wet and Wild, if it's dangerous for them, and would be dangerous for putting more traffic on Memory Way as an exit strategy. Mr. Moser stated in this not about Bishop Stark's word. Mr. Moser believed what had been said and believed it was not an attempt to mislead anyone. Mr. Moser did not think Bishop Starks could say 5 years ago the plan was to put a 7 acre multi-family apartment complex right there. In the last meeting, there was a request was for a continuance and it was stated they were comfortable where they were at and could be there another 5 years. A lot can change in 5 years. Mr. Moser reiterated he would be in opposition and would appeal any decision made that would move forward with the entire property being rezoned when he heard Bishop Starks say the intention is 7 acres. Mr. Moser stated a contractual agreement of 7 acres would satisfy him.

Avery Bernstein quoted Bishop Starks statement of "this is all we are going to be doing". Most people in the present climate would make sure it is in writing and read what you are signing. The concern is this is not in writing and is an open-ended commercial office rezoning of 40 acres in the middle of a single-family residential neighborhood. Ms. Bernstein reviewed screen shots that she had of the digital copy regarding the apartments by Bishop Starks. It was zoomed in and all that was shown were the tree buffers. There was no picture of the side road. Ms. Bernstein stated her property is a strange cut and even though Ms. Williamson is her next door neighbor, between them are the Sanchezes; who are the renters at 1405 Glendale. Ms. Bernstein's property cuts around Ms. Williamson and so she is a direct property neighbor and is concerned where the service road would be along her property line and where the buffer would be. On numerous occasions, Ms. Bernstein asked city staff for buffers and a bigger plan. It comes back things can go sideways in the world that would have nothing to do with Bishop Starks intentions. There is a 39.47 acre parcel of commercial office zoned property next to her home. No matter what his intentions are, once this is rezoned it is fair game unless there would be a binding agreement such as PUD or conditions. That is the biggest concern.

Mali Williamson stated the screen shot indicates the corner of the lot where it angles off with the trees and a service road is not shown. The actual location of the apartments in reference to the lot has not been shown. Ms. Williamson would like to see the entire lot. If the Sanchez's will

stay or not stay. Ms. Williamson appreciated the tree buffer but there is still a concern in not knowing what will happen to the rental home. Ms. Williamson's biggest concerns were where the service road will be located, how close will it be to the property line, and the lack of conditions. Chair Holston inquired if there were any questions from the Commissioners for the last 3 opposition rebuttal speakers. Hearing none, Chair Holston closed the public portion of the case 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 are of a compatible scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of nearby uses. The proposed Office zoning district permits a variety of moderate intensity uses that are compatible with uses in the surrounding areas. Staff recommended approval of the rezoning request.

Chair Holston asked if the Commissioners had discussion or questions. Mr. Engle stated he had no doubt of Bishop Starks' honor and word. It appears that some of the vision had changed since owning this land and is their right to change. The Zoning Commission has to balance the rights of the surrounding property owners. There is a transition where the single-family home is located currently. If Mr. Engle had a proposal now that was a conditioned Office proposal, with the number of apartments planned and the other two uses, he would not have issues supporting it. That is not what is before the Commissioners. There are legitimate concerns regarding density, especially given the fact that the uses currently of 7 acres for apartments and add in another 20 acres for the other two uses and generously put in 3 acres for buffering. That leaves 10 acres at some point that will not be disturbed in this process. The community needs to have some input at some point if it becomes denser than right now. Zoning would give that to most, if not all communities, in the Greensboro area and is why the Zoning process exists. Mr. Engle cannot support this request but was willing to support more density. Mr. Trapp stated it would be cleaner with conditions and he would like to see conditions. The one thing taken away from the staff report that states "The subject site's location is adjacent to two highways in the presence of industrial and heavy commercial zoning further to the west along Holden and support this request as a good transition with the immediate adjacent low intensity residential units". Mr. Trapp stated that statement and introducing new housing options in this area also provides support to the larger commercial and industrial areas and outweighed any of his concerns, to include staff did recommend approval of the Office Zoning request. Mr. Trapp stated he was in support of the rezoning. Conditions would have made it much easier and simpler.

Chair Holston inquired if there were any other Commissioners wishing to speak. Mr. Trapp offered to make a motion. Mr. Trapp moved in regard to agenda item Z-20-08-001, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the property located at 4019-R2 South Holden Road and 1311 Glendale Road from CD-PI (Conditional District-Public and Institutional) to O (Office) 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 Land Use Map. The uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses and the request accommodates a satisfactory transition to the existing scale and intensity of existing, adjacent uses. The proposed O zoning district permits uses that are compatible with uses present in the surrounding area. 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. Alford. The Commission voted 4-4. (Ayes: Trapp, Bryson, Alford, and Jones. Nays: Chair Holston, Rosa, O'Connor, and Engle). Ms. Jones stated in accordance with the Land Development Ordinance the tie vote constitutes a denial, which may be appealed. Chair Holston

stated zoning denials constitute final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals would be subject to a public hearing at the October 20, 2020 City Council Meeting.