

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

WITHDRAWALS OR CONTINUANCE

PL(P) 20-26 & Z-20-12-006: An annexation and original zoning from County AG (Agricultural) to City CD-RM-5 (Conditional -District – Residential-Multi-Family-5), for a portion of the property identified as 5281 Mackay Road, generally described as north of MacKay Road and south of Chadwick Drive, (6 acres). (Continuance Denied)

Mr. Kirkman advised there was a request to continue case Z-20-12-006, an annexation and original zoning for a portion of 5281 Mackay Road. The request is to continue to the January 19, 2021 Zoning Commission meeting.

Chair Holston inquired if there was anyone present wishing to speak in favor of this request. Chair Holston advised regarding this request, the only information the Commission could hear was why this case should not be heard or held at this meeting and not the merits of the case. Mr. Kirkman advised Ms. Fisher was the person requesting a continuance. Ms. Fisher stated she wanted to hear from the other people who were opposing, if that was their wish also. Chair Holston asked if there was anyone to speak in favor of the request to continue this case. James Bowman stated he would speak also in favor of a continuance. Chair Holston asked Mr. Bowman if he could share why.

James Bowman, 201 Chadwick Drive, Jamestown, stated there are neighbors who have medical issues and have not been able to be brought up to date on what is going on. The timing is difficult with the holidays and Covid. Mr. Bowman stated he did understand this is a situation that everyone shares but it has been difficult for the neighborhood to get together as neighbors. There was a meeting with the developer on today to talk with him but additional time would be helpful.

Will Ragsdale, 411 East Main Street, Jamestown, backed up what Mr. Bowman stated on the timing right now. There are a lot of people trying to get their heads around the information and all of them have not been present. He is in favor of a continuance. Chair Holston asked when did he first receive notice of this case and could Ms. Fisher, Mr. Bowman or Mr. Ragsdale also answer that question.

Maxine Fisher, 203 Chadwick Drive, Jamestown, stated about a week ago she received a mailing. None of the residents on Hickory Hollow Road received mailings and it was not posted on Hickory Hollow Road and this will definitely affect them. Ms. Fisher was unsure if Mr. Ragsdale received a notification or not. Ms. Fisher stated that they haven't had the notification long enough to be able to deal with it.

Chair Holston inquired if there was anyone else to speak favor of the request for a continuance. Keith Wagner, 102 McFarland Court, stated for the same reasons, not enough time to fully get everybody up to speed.

Chair Holston inquired if there were others in favor of the continuance request. Seeing none, Chair Holston inquired if there was anyone in opposition to the request.

Will Yearn, 532 Hillwood Court, stated this request to continue is a surprise on his end. There was a good meeting in the morning with approximately 20 residents. A letter was sent in conjunction with the City to approximately 292 surrounding residents with all of their contact information and advising them there could be a meeting. Mr. Yearn has been in communication with Mr. Bowman for the past 9 or 10 days. Every time they have spoken, the conversation always ended with they were happy to have a meeting. They have been available through Zoom, phone calls, emails, and meetings and is not sure if there is anything that a continuance would help.

Chair Holston asked if the Commissioners had questions for Mr. Yearn. Hearing none, Chair Holston inquired if there was anyone else wishing to speak in opposition to the request for a continuance.

Leann Love, 99 Chadwick Drive, stated she did not receive a mailing and is in favor of a continuance. Mr. Engle stated there was a time for speaking in favor. It is now for those in opposition to the request.

Chair Holston asked if there were questions for Mr. Yearn or was there anyone else wishing to speak in opposition to this request. Hearing none and seeing none, the discussion was closed for the continuance request and for discussion amongst the Commissioners. Mr. Collins stated it appeared that the normal process was done regarding this. People do not always understand that notices are only sent to 600 feet of the property as required by the City. It sounds like the developer notified other people and provided access to the meetings. It does appear the developer did all that he was supposed to do. Mr. Collins made a motion to deny the request for a continuance; seconded by Mr. Engle. Ms. Harrell advised if the Commissioner who was not present at the meeting was not excused, that person would count as a yes vote. Mr. Trapp then made a motion to excuse Mr. Jones from this meeting; seconded by Mr. Bryson. The Commission voted 7-1. (Ayes: Chair Holston, Collins, Bryson, Trapp, Engle, Alford, O'Connor, and Rosa. Nays: Bryson). Chair Holston requested to move forward with the vote on the motion by Mr. Collins to deny the continuance. The Commission voted 6-2. (Ayes: Chair Holston, Collins, Trapp, Engle, O'Connor, Alford and O'Connor. Nays: Bryson and Rosa). Chair Holston advised the motion was denied. Mr. Kirkman advised the request would be heard in its normal rotation during the meeting. Chair Holston inquired if there were any further withdrawals or continuances. Mr. Kirkman advised there were no other continuances or withdrawals.

PL(P) 20-26 & Z-20-12-006: An annexation and original zoning from County AG (Agricultural) to City CD-RM-5 (Conditional -District – Residential-Multi-Family-5), for the property identified as a portion of 5281 Mackay Road , generally described as north of MacKay Road and south of Chadwick Drive, (5.76 acres).

Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties and advised of the condition related to this request.

Chair Holston stated the lot appears to be land locked and would not be accessible. Chair Holston asked how that could be explained. Mr. Kirkman responded it was part of the larger parcel that is addressed 5281 Mackay Road. The front part of that parcel was annexed and zoned several months prior. It is still part of the parcel that fronts on Mackay Road; but it is the part that was not brought in originally with the previous annexation and zoning request. Mr. Engle asked regarding the existing roads around there and knowing this is not within the city, how that would work. Would the applicant be required to have a connection to another road like Chadwick. Mr. Kirkman responded any time property is developed, there has to be frontage with direct access on some type of a public street. Chair Holston inquired if there were additional questions for city staff. Hearing none, Chair Holston requested the applicant to come forward and state their name, address, and their case for the record.

Will Yearn, 532 Hillwood Court, stated the right of way accessing this property was a portion of Chadwick that has a dedicated right of way with frontage on the proposed piece being rezoned. Chadwick Road would be extended and a turnaround area would be provided. Currently the asphalt stops with no turn around area. Mr. Yearn and his partners are seeking to rezone this property to Conditional District RM-5. Their plan is to build townhomes similar to those in the community to the east. This property was listed for sale by the Lea family. Properties to the east and south have similar zoning classifications. The property's western line shares the City of Greensboro's ETJ line and everything west of this property will eventually be annexed into

Jamestown. Earlier this year the southern piece of this property was annexed and zoned to CD RM-5 and is why the current staff report showed that it is vacant on the southern property as those units have not been built yet. There were 292 letters sent to the surrounding community and they received a few responses back, some phone calls, and some emails. Mr. Yearns thought Mr. Kirkman also received emails that were relayed to them as they were received. All of the messages were responded to, questions answered, additional information provided, and they offered to meet. There was a meeting this morning attended by approximately 20 people from the Chadwick side of the property and some from the Bourdeaux community to the east. Most of the discussion pertained to the type of homes, required buffers, and the new required turn around extending Chadwick. Mr. Yearns believed many came to learn of the plans and to meet. There was no discussion of a continuance or anything they felt warranted further discussion that could not result in a resolution. They plan to stay in communication throughout the project and continue to be open to win/win scenarios mutually beneficial. Mr. Yearns and his partners believe this project and type of middle housing is what Greensboro wants to be built, especially on infill sites where water and sewer infrastructures are already in place and able to serve.

Chair Holston inquired if the Commissioners had any questions for Mr. Yearns. Mr. Collins asked if they contemplated Jarmon Drive to be continued coming out of the Bourdeaux development. Mr. Yearns responded it was contemplated but it is a private drive and did not appear the neighbors would like it to be brought up to DOT standards and have the traffic go in front of their houses. Mr. Collins stated it is not a condition that there has to be a turn around on Chadwick Drive and asked if it was something required by NCDOT, or GDOT, Jamestown, or where did it come from. Mr. Yearns responded it would be a NCDOT and a GDOT requirement. Technically there is no legal road frontage and only a dedicated right of way. The right of way has been deeded over to DOT. To gain access to the property, they would be required to extend that road to provide the legal access. Currently the asphalt stops and continues on to a driveway. Mr. Engle asked how would the property be accessed for the residents; where would they be able to come in from; where would all of the access points come from. Mr. Yearns responded it would come from Chadwick. Chadwick would be extended and the new turnaround would be built. Mr. Engle asked if the property to the south would be connected to this development. Mr. Yearns responded it would not be. There would not be any connectivity to their project on the south side of this parcel. Mr. Yearns stated there are creeks and other topography issues to contend with for a crossing there. Chair Holston asked if that all egress and ingress would be off of Chadwick. Mr. Yearns responded for this particular piece, yes. Chair Holston inquired if there were additional questions for Mr. Yearns from Commissioners. Mr. Collins asked if this property was wide enough to do units on both sides. Mr. Yearns responded there would not be units on both sides of the road and is part of the reason why they are trying to do it with a different type of unit. The road would be on the western property line to create more of a buffer with the horse farm and there would be a landscape Type C buffer that is required between an agricultural zoning district and a multi-family district. Type C buffer, the road, and then the units.

Chair Holston inquired if there were any additional questions for Mr. Yearns from the Commissioners. Hearing none, Chair Holston inquired if there was anyone else to speak in favor of this request. Seeing none, Chair Holston inquired if there was anyone wishing to speak in opposition to this request. Chair Holston advised there is a combined 15 minutes for opposition and encouraged everyone to use it as they chose but it was a combined 15 minutes total. Chair Holston requested anyone speaking to provide their name and address before speaking.

Maxine Fisher, 203 Chadwick Drive, stated this is a very small road with approximately 6 homes and a horse farm. The applicants were concentrating on townhomes near a riding rink where children take riding lessons and are there every day for riding lessons. Ms. Fisher stated she had provided a video of driving down Chadwick Drive for the Commission to see the quality of life and homes on Chadwick Drive. The Fishers built their home 40 years ago and it is near and dear

to their hearts. The properties described by Mr. Yearn as multi-family in Boudreaux are down below the grade and not seen from Chadwick. Going down Chadwick Drive, all you see are homes in a residential area and a nice farm. Ms. Fisher was appealing to the Commission to help them maintain the peace and tranquility within this two block long street that they enjoy and call home. A video was displayed for the Commissioners depicting Chadwick Drive and narrated by Ms. Fisher. Ms. Fisher stated she would invite anyone else in the neighborhood to speak up.

Mary Ragsdale, 411 East Main Street, Jamestown, stated her and her husband are the owners of the horse farm. It is a very active horse farm and currently boards 21 horses. There are lessons Monday through Saturday and are there until around 8:00 or 9:00 o'clock with young children. Lights are in the riding ring. Ms. Ragsdale expressed her concern regarding activity and danger this project could bring to the children riding their horses. Horses do become spooked when there is a lot of activity or things happening in the woods. Chair Holston inquired if there was anyone else wishing to speak in opposition to this request.

James Bowman, 201 Chadwick Drive, reiterated what the neighbors have said. Mr. Bowman did not think this project is compatible with what is there in the rural neighborhood and the horse farm. The property where the houses would be located would have significant lighting in the evening from the horse ring. The development would have to deal with that but where these homes would be placed will be significantly illuminated at night. In the initial request for Mackay Road, they were not opposed. The communication received said that the development was going to stop at the creek. The neighbors discussed it and did not oppose it and were pleased at the way things were going. This request now appears to be after the fact. They are purchasing the property and realized they want to do something and somewhat blind sighted them. That was part of the reason why Mr. Bowman would have liked a continuance.

Chair Holston inquired if there was anyone else to speak in opposition to this request.

Keith Wagner, 102 McFarland Court, agreed with Mr. Bowman that when the original rezoning request came in, it was communicated it was going to stop at the creek and everything would go on MacKay. All of sudden, the notification arrived saying this was going to happen onto Chadwick. In doing multi-family, it is about and a 5 fold increase in traffic. Mr. Wagner did not understand the hindsight of wanting to come off Chadwick now. If developing the land, keep it with the neighborhood. These are all acre lots, 5 acres would equal 5 homes and they would be happy to have good neighbors.

Chair Holston inquired if there was anyone else to speak in opposition to this request.

Will Ragsdale, 411 East Main Street, Jamestown, stated he and his wife own the Jamestown Equestrian Center. Mr. Ragsdale reiterated what others had said. There are interscholastic equestrian association high school and junior high school riding teams that ride at the farm. The lights put up at the riding ring are the same lights that are at Charlotte Motor Speedway. Extremely bright for safety concerns. Mr. Ragsdale felt the density proposed is not consistent with what is there. The density could create a lot of alternate problems with ingress and egress and things of that nature. Mr. Ragsdale stated to make the development as the neighborhood is, it should be one acre lots or two acre lots. Having multi-family there is attempting to shoehorn something into a very limited space.

Chair Holston stated he heard several speak to light pollution and asked how did lights impact the single family homes on Chadwick. Ms. Fisher responded she lives directly across from the lighting and it does not bother them. They do not see the multi-family homes below on either side. They are not opposed to the development but would like for it to be in keeping with what is in the neighborhood and have full appreciation for the farm that is there. Chair Holston asked if there were any illustrative drawings of what the new construction would look like shown to the neighborhood. Mr. Ragsdale stated he saw a very primitive PDF that was sketched out. Keith Wagner saw a layout of the proposed buildings but not how the buildings would actually look

like. Chair Holston stated Commissioners tend to use terms for illustrative purposes because things can change here and there, but was to get an idea of what it may look like. Ms. Wagner added the rough sketch sent to them shows everything concentrated right to the end of Chadwick Drive. Ms. Wagner raised the question this morning of why wouldn't they develop it all the way down to the creek and spread the units out. In looking at the proposal for the five acres, it appears they are utilizing 2 acres to put all these homes on. Mr. Bowman stated when the lighting was installed initially, he had thought it might be a consideration but it does not impact negatively. When it is being proposed to place the homes would impact and would be right there at the rink. Chair Holston asked if he was more concerned about the impact of the lighting on the new construction than currently. Mr. Bowman responded it would be more impactful to them.

Chair Holston asked if there was anyone else to speak in opposition. Seeing none, Chair Holston advised there would be a five minute rebuttal period for both the applicant and the opposition.

Will Yearn's stated he met this morning with everyone as part of the development team and these concerns were brought up then. Mr. Yearn's stated this property has been for sale for several years and anyone could have brought it. They brought it under contract almost a year ago. The front part has been rezoned as a separate project on Mackay Road. It was not their intention to buy this five acre lot piece at that time. Later they discovered they had to do improvements and it made sense to go ahead and purchase this property but it needed to be annexed and rezoned. It was not meant to be a bait and switch or a blind side. The same procedures were followed that were done on the on the other Mackay Road zoning and annexation. They have attempted to have the same type of communication. This is not meant to be any sort of trick to anybody. This property is getting annexed into the city to have access to water and sewer. The lots on Chadwick do not. City lots are going to be put in and would be next to county lots but that is everywhere along the city limit line. They know the lights are there and is one of the reasons why the road was on the horse farm side and putting a buffer there as well. Mr. Yearn's believed the units themselves would probably be about the same distance from the lights that the existing homes are, just in a different direction. Their units would be concentrated on the eastern property line, not the western. Chair Holston asked if there were illustrative drawings of what is being proposed. Mr. Yearn's responded he did not send any to Mr. Kirkman. They have a hand drawn sketch of what they thought might fit. They have not received a proper sketch plan from their engineer at this point but it could be emailed to Mr. Kirkman now to put it up on the screen if that was something the Commission would like.

Mr. Engle asked how many units, given the layout of the land, were they planning to build at this point in time. Mr. Yearn's responded their sketch shows 20 units there but it is only a sketch. They are developing a new product type to build and it is still up in the air. Chair Holston asked if those 20 units would be sited closer to Chadwick than to Jarmon. Mr. Yearn's responded they would be closer to the Boudreaux side. Jarmon Road runs through Boudreaux and it would be closer to that side than the horse farm. The road to be constructed would be between the horse farm and would back up to the proposed units and Boudreaux. Chair Holston asked if the units would be further down the hill. Mr. Yearn's responded they would be more eastern than western. As Ms. Fisher pointed out, the concentration of the units is more up towards Chadwick versus the creek. That is to provide green spacing to the common area and also the storm water device that needs to be downhill from the units. Mr. Yearn's stated at the end of Chadwick Road there is a kind of knoll, like the top of the hill. Their units would be on the downhill side on the opposite side from their houses. They would be lower and would be screened somewhat. There would be landscaping to provide additional screening. Chair Holston asked if he was also saying that the addition of this property was an entirely separate project from the Mackay Road property that was approved several months ago to R-5. Mr. Yearn's responded that was correct. Chair Holston asked if they were ever intended to be the same project. Mr. Yearn's responded no, they were never intended to be the same. Chair Holston inquired if there were additional questions from the

Commissioners. Mr. Collins assumed since it was townhomes that would be an HOA. Mr. Yearn's responded there would be an HOA. Chair Holston asked if there were additional questions from the Commissioners. Ms. O'Connor asked if Mr. Yearn's could provide a general idea of how large these units would be. Mr. Yearn's responded he was unsure but probably in the 1500 to 2500 square foot range. The units are not designed yet. Ms. O'Connor asked if there would be multiple stories. Mr. Yearn's responded that was correct. Chair Holston inquired if there were additional questions for Mr. Yearn's. Hearing, none Chair Holston advised the opposition had a combined time of 5 minutes for rebuttal.

Will Ragsdale, stated in looking at this project in the way it is proposed, it is getting shoe horned on a fraction of the amount of property that is there. It has come to his attention that this property belonged to Art Lea and Mary Lea. It was his understanding that the other property on Mackay Road had some sort of contingency where it could not be sub-divided and that may have alluded to this extra effort to try to develop the land behind the horse farm. Mr. Ragsdale wanted everyone present to take into consideration the sort of dynamic going from one to two acre lots, single family homes, to 20 units multi-family squeezed in on probably 2 1/2 acres. Chair Holston inquired if there was anyone else wishing to speak in opposition.

Ms. Fisher stated they are not opposed to the development as long as it is in keeping with what is already there. They are asking for them to acquiesce and give up what they already have for the benefit of a developer. Ms. Fisher respectfully requested the Commission to deny this request.

Keith Wagner stated he was going back to the fact that this was all one lot when this started from Mackay Road all the way back to behind the farm. With this development, it needs to go out to Mackay Road.

Chair Holston inquired if there was anyone else wishing to speak in opposition. Not hearing or seeing any, 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 CD-RM-5 request, as conditioned, limits uses to only residential uses, which fits the context of the surrounding area. The proposed original zoning request allows uses the of the remainder of the subject property to be developed in a way that is consistent with the adjacent multi-family developments. Staff recommend approval of the request.

Chair Holston inquired if there were any questions for Mr. Kirkman. Mr. Engle asked if Mr. Kirkman could speak to the buffer requirement between this land and the horse farm. Mr. Kirkman responded it would be a Type C buffer as it is single family against multi-family townhomes. On page 3 of the staff report, it speaks to the Type C buffer yard. Mr. Kirkman stated it is an average width of 15 feet, minimum width of 10 feet. Planting rate of 2 canopy trees, 3 under storage trees, and 17 shrubs per 100 linear feet. Because this is multi-family development, there would be tree conservation that is required as part of this conversation and some conversation could incur in the buffer yards. Mr. Kirkman could not say that positively until the site plan comes through for approval. Mr. Collins asked if staff knew of any reason why the annexation boundary line was drawn the way it was. Mr. Kirkman that conversation pre-dates him in terms of why that lot was drawn where it was. It may have to do with the anticipated ability to provide services from different directions but he did not know specifically why the line is where it is for this property. As the applicant said, this is basically along the line between where Greensboro and Jamestown would have their jurisdiction in the future, based on the current agreement that is in place. Chair Holston inquired if there were additional questions.

Chair Holston inquired if the Commissioners had any comments, questions, thoughts, discussion or a motion. Mr. Engle stated he was supportive given the multi-family that is around it and

realized there is single-family on the other side of it. The only thing that gave him hesitation was if the applicant had some additional conditions on this, there was a possibility of giving the neighbors a little bit more security around what is being planned. They do have some additional time to make conditions. Ultimately anyone can appeal this to City Council. It is being brought into the City and would go to City Council regardless. Between this particular meeting and the City Council meeting, hopefully some conditions can be worked into this project. That is his feeling and suggestion at this point in time.

Mr. Collins stated he was supportive. While the name multi-family is on the project, it is really small homes. Mr. Collins stated he felt the size would probably be in the 1800 to 2000 square feet range. With an HOA in place, usually these developments are the best kept. Mr. Collins felt sorry for the person at the end of the street as they have enjoyed a right of way for some time. This is a good use and sorry the Lea family did not want to put this in the ETJ and left it as a donut that would be part of Greensboro. If the applicant is going to have 20 units, it would be 3 1/2 units an acre effectively, going in as RM-5 and almost down to 3 units an acre. Mr. Collins was in support.

Chair Holston inquired if there were additional comments or questions, discussions or a motion from the Commissioners. Mr. Bryson made a motion to approve the annexation; seconded by Mr. Rosa. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this constituted a favorable action and is subject to a public hearing at the January 19, 2021 City Council meeting. Mr. Bryson made a motion and stated in regard to agenda item Z-20-12-006, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties described as a portion of the property identified as a portion of 5281 Mackay Road from County AG (Agricultural) to City CD-RM-5 (Conditional-District Residential-Multi-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 Land Use Map. The proposed CD-RM-5 request, as conditioned, limits uses to only residential uses which fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It would benefit the property owner and surrounding community. Approval is in the public interest. Seconded by Ms. O'Connor. The Commission voted 8-0. (Ayes: Chair Holston, Collins, Bryson, Rosa, Trapp, Engle, Alford and O'Connor. Nays: None). Chair Holston stated this constituted a favorable recommendation and is subject to a public hearing at the January 19, 2021 City Council meeting. Chair Holston encouraged the developer and the neighbors to have conversations. This case will be in City Council at the public hearing and everyone will have the opportunity there to speak.