

**PARTIAL MINUTES OF THE
ZONING COMMISSION
January 20, 2021**

Z-21-01-004: A rezoning from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District-Residential Multi-family-8) for the property identified as 606-618 Whitfield Drive, generally described as north of Whitfield Drive and west of Bell Orchard Drive, (6.78 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 the request. Chair Holston inquired the Commissioners if there were any questions for Mr. Kirkman. Chair Holston requested the applicant to come forward and state their name, address, and case.

Judy Stalder, 115 Southwest Gate Drive. Ms. Stalder introduced the developers, Jeff Jackson with Investor Land Services and Jeff Garnier from True Homes. Both regularly build homes in Greensboro. Ms. Stalder referred to a slide depicting the proposed site, which is the last vacant property. The property is situated between RM-12 and R-3 with significant topographic challenges and environmentally sensitive areas. New construction in the area has been a mixture of apartments and townhomes not mentioned in the staff report. There is a precedent for multi-family development in this area. Given the challenges on this property, it is practical to develop it as attached housing. The homes need to be built close to retail centers and restaurants and still be sensitive to the existing single-family homes. This would be a moderate zoning district of RM-8, restricted to residential uses only and the proposed homes would be 15-20 feet lower in elevation. There would be a requirement to maintain Type C planting along the boundaries of the property adjacent to the single-family homes. For every 100 linear feet, two canopy trees, 3 understory trees, and 7 shrubs are required. The buffer would have an average width of 15 feet. The developers want to preserve existing vegetation and supplement the Type C buffer requirements. A slide depicting the townhomes proposed was shown. The townhomes will be for individual sales at 2,000 to 2,400 square feet. The price range was projected to be \$180,000 to \$240,000. With 45 homes, this site would be well below the threshold required for a traffic impact study. Whitfield Drive would be widened and an appropriate gutter and sidewalk placed along the Whitfield Drive frontage. Other needs may be identified by TRC. The creek will be protected in the associated environmentally sensitive areas. An HOA will be established to maintain and protect open space, common area parking, roof quality devices, and the exterior maintenance of the buildings and grounds. The requirements of utilities will be met and comply with local, state, and federal standards for storm water devices. The developers reached out to the neighbors on all sides, both single-family and multi-family and submitted a detailed report. There were 207 letters sent out explaining the proposed development and included the site plan. Neighbors were invited to a Zoom meeting and provided contact information for those who could not attend that meeting. Five calls were received, emails were received and they also met with neighbors on Zoom. The most frequent questions and concerns centered on the size, price, and the timing of the development. If approved, the development should start in the fall and construction in early 2022. Concerns were expressed regarding improvements on Whitfield Road and traffic on Bell Orchard Drive. Of the 207 letters mailed, 18 neighbors responded. Of those 18 neighbors, only 5 had positive comments. One neighbor wanted to know if he could purchase one of the townhomes. Individual calls or emails were sent to those neighbors adjacent to the Whitfield Right of Way letting them know that they would coordinate with them in staking the existing right of way and how could they can best work together to protect their property during construction. Ms. Stalder stated any infill development is unique. Consideration was done to decide the best type of housing suited for the area and the site which narrowed it down to

townhomes. The developer wanted to find an appropriate transition between adjacent uses between RM-12 and R-3 which became RM-8.

Chair Holston asked Ms. Stalder if the road improvements to Whitfield would be done because it is a part of the property and also extend all the way to Bell Orchard. Ms. Stalder responded that was correct. Chair Holston asked if that would be the only access to the development and no access off of Kenneth or Bell Orchard, or any other place. Ms. Stalder responded that was correct. Chair Holston inquired if the Commissioners had any questions for Ms. Stalder. Seeing none, Chair Holston inquired if there was anyone else to speak in favor of the request. Seeing none, Chair Holston inquired if there was anyone to speak in opposition to the request. Chair Holston advised they would have a combined 15 minutes for speaking.

Jeremy Lee, Darla Lee, and Teresa Lee, 611 Kenneth Road. Darla Lee stated the development would butt against the back yard of their home that they have lived in since 1958. Ms. Lee expressed concerns of disturbing wildlife roaming in the area, and the safety of children playing up and down the streets and in the woods. The developer would be taking away a lot of natural play areas. Ms. Lee expressed concerned regarding a bottle neck situation that could occur. When their property was annexed into the city in the '80s, Kenneth Road and Bell Orchard were to have been widened and never happened. Ms. Lee stated this development is too small to have that many people. Traffic is already heavy with the recently opened Urban Loop. Ms. Lee advised it is becoming very difficult to get out of the neighborhood and if the mail truck goes by, you have to wait your turn to go by. Chair Holston referred to other cases and similar issues and advised if the Zoning Commission approves and if City Council approves the request, there will be additional steps to go through. The Technical Review Committee, (TRC) would address issues such as was the access road sufficient for traffic on Kenneth Road and would address the widening issues and those types of things relative to this new project would be reviewed at that point. Currently Zoning is only looking at the land use. Infill is a target that the City of Greensboro has been trying to utilize as much space as possible. Not everyone would be satisfied as to how it ends up but there is a great deal of sources within the city. Not only the Zoning Commission and City Council, but also working within the city to protect as many of the rights and needs of both those coming in and those already there. Ms. Lee stated the apartments that were built do not come off Bell Orchard, it is directly off Elm Street. There is a gated area and a sidewalk behind the apartments and that is it. Mr. Lee stated the apartments have no access to the sidewalk built to the apartment complex. Chair Holston thanked Ms. Lee. Chair Holston inquired if there were questions for the Lees. Hearing none, Chair Holston inquired if there was anyone else to speak in opposition to this request.

David Rominger, 4207 Bell Orchard Drive, stated the neighborhood was built in the late 50s or early 60s in what was the county back then. When incorporated into the city, it was the believed the city would come in to widen the streets and improve the curves, lights. None of that occurred. When this neighborhood was built, Elm Street did not extend to where it is now, there was no intersection and only one way in via Bell Orchard. Kenneth Road connects into Elm Street currently. Mr. Rominger stated his concerns with cut through traffic that loops around to avoid the light. With 840 right there by Kenneth Road, traffic has increased every more. There is a lot of pedestrian traffic on Bell Orchard. The street in front of his home measures 19 feet wide and it is very challenging for two cars to pass. The posted 25 MPH speed limit is often ignored by those who do not live in the neighborhood. The biggest concern with the request is going from 3 homes per acre to 8 homes per acre, and 45 units doubles the amount of homes in the neighborhood. The image presented is much like the current townhome properties at the end of Kenneth and on Bell Orchard that all have garages and a single driveway with usually two cars per home forcing parking into the public streets. Mr. Rominger is concerned with parking and traffic issues on Whitfield, a private drive 10 feet wide and would need to be widened to reach Bell Orchard. The biggest concern is traffic. The neighborhood would prefer the zoning stay at

R-3 to stay within the footprint of this community. The site plan does not appear to be user friendly for first responders. Chair Holston stated that would be a consideration that would come out through the TRC process. The applicant has suggested in regard to widening Whitfield which would probably help with that, assuming the request is approved and goes through that process. Chair Holston asked Mr. Tipton if a traffic study was triggered with the new loop that is also in that area. Mr. Tipton responded it did not. Mr. Rominger asked if a traffic study should be done when building a new community that would double the traffic into a neighborhood. Mr. Tipton stated when it comes to multi-family, there would need to be approximately 140 to 150 units before studies are required. Mr. Rominger asked would GDOT take into consideration the amount of traffic cutting through the neighborhood. Mr. Tipton responded that would be addressed differently for concerns. Mr. Rominger is concerned that Bell Orchard Drive cannot support the volume of traffic there is. Chair Holston requested Brandon Roberts to speak.

Brandon Roberts, 4201 Bell Orchard Drive, stated he lives at the corner of Kenneth and Whitfield and in front of the property in question. Mr. Roberts echoed the concerns regarding traffic and was dismayed there has not been and will not be a traffic study due to the cut through of traffic experienced by him. Most of the streets are narrow except the road behind the apartment complex that was widened. Mr. Roberts stated the proposed plans will in no way match the community and was concerned with the pricing of the townhomes if they do not sell. Mr. Roberts was concerned regarding a sidewalk coming out to Bell Orchard off of Whitfield and was confused on what would be done. Chair Holston advised there would be more from the developer in the rebuttal period. Mr. Roberts stated he would be concerned with foot traffic close to his property and so many vehicles coming past his home as his small children play in the yard. Mr. Roberts expressed concerns with the widening the road and utility lines and his property being compromised. The developer has met with him and his neighbor regarding the 40-foot easement. Traffic is the biggest concern. Mr. Roberts would like to be assured that there will be a proper barrier from the proposed neighborhood to the neighborhoods that back up to that property. Mr. Roberts stated it is a safety concern regarding how Bell Orchard and Kenneth Drive would be able to support additional traffic on those roads. Chair Holston inquired if there were questions for Mr. Roberts. Hearing none, Chair Holston inquired if there was anyone else to speak in opposition. Hearing none, Chair Holston requested to hear rebuttal from the applicant and advised rebuttal was 5 minute maximum for both sides.

Judy Stalder stated the proposed new residents may choose to travel down to Bell Orchard, turn right on Kenneth Drive to go to Elm Street to avoid a left turn onto Pisgah Church, but would not go left on Kenneth unless visiting in that area. Ms. Stalder stated this is infill development and an area that is walkable to commercial which is the type of thing the Greensboro Comprehensive Plan encourages and is within areas where there could be more density. Ms. Stalder stated it is the expectation of the developer that if the residents need additional parking, they would park within the neighborhood and not on Bell Orchard. Baylor is not an option for a connection as there are sensitive areas located there. The developer has no concerns being able to sell the townhomes. The apartments in the area filled up quickly, the townhomes in this area sold quickly for higher prices than will be asked by this developer. Chair Holston asked if there would sidewalks on Whitfield and what was the plan. Ms. Stalder responded sidewalks will be built along their frontage of Whitfield. The developer is not required to build them up to Bell Orchard. The developer will be consulting one on one with the two owners adjacent to Whitfield regarding what could be there in the right of way. Buffers will be adjacent to the single family and an average of 15 feet wide and every 100 feet two canopy trees, 3 understory trees, and 17 shrubs will be planted. The buffer would be undisturbed as much as possible, significant trees would be saved if possible, and would supplement wherever necessary to meet the minimums for a Type C buffer requirement. Chair Holston inquired if there were additional questions for Ms. Stalder.

Hearing none, Chair Holston inquired if anyone was responding in opposition for up to 5 minutes of rebuttal.

Brandon Roberts, stated Kenneth is not a dead-end street and has run-off traffic going in and out of the neighborhood off Nandina, part of the townhome development off of Baylor and have a rear access onto Kenneth and an addition to traffic issues the neighborhood faces on Kenneth and Bell Orchard. Mr. Roberts believes in walkability but was concerned with sidewalks and a wide enough street to support that.

David Rominger, stated the drive on Whitfield is misleading, it is only approximately 100 yards long and he stated the zoning sign was off the roadway and not visible. The narrow street and traffic are the major concern. On page 5 of the information sent out referencing becoming car optional, it was encouraged for new development compatible with the intended use of the adjacent roadway. The adjacent roadway is Bell Orchard and does not support any additional traffic. If this is approved by the Zoning Commission, a traffic study should be done and requested the developers to consider a privacy fence in addition to the natural vegetation already in place along Whitfield, Bell Orchard, and Kenneth.

Darla Lee, stated the only notice received from the city was a 2-page letter. It is difficult to cross the street at Pisgah Church and Elm because there are no pedestrian signs or signals, no walkway. Car accidents have occurred there also. The walkability has been mentioned and is it difficult to walk around in the neighborhood. Teresa Lee stated Whitfield Drive was originally only a private driveway for a single-family home. The developer is attempting to build in her back yard, literally. Chair Holston inquired if there were any questions for the Lees. Hearing 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 CD-RM-8 zoning district permits residential uses only and is compatible with uses present in the surrounding area and would increase the range of choice and supply of housing. Care should be taken with respect to building orientation, building materials, building height, and visual buffers to ensure an appropriate transition to the lower density residential on adjacent properties. Staff recommended approval of the request.

Chair Holston inquired if there were questions for staff. Hearing none, Chair Holston requested thoughts, questions, comments, or a motion. Mr. Alford stated he went to the site and his problem is being adjacent to the R-3 housing. RM-12 zoning is nearby but not really in same community. Mr. Alford stated he would be voting against this request because of the density compatibility. Mr. Bryson stated in regard to agenda item Z-21-01-004 the Greensboro Zoning Commission believes that its action to recommend approval of the zoning request for the properties identified as 606-618 Whitfield Drive from R-3 (Residential Single-family-3) to CD-RM-8 (Conditional District Residential Multi-family-8) 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-8 zoning district fits the context of the surrounding residential areas and limits negative impacts on adjacent properties. 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. Trapp. The Commission voted 6-1. (Ayes: Chair Holston, Collins, Jones, Bryson, Trapp, and O'Connor. Nays: Alford). Chair Holston stated this approval constituted final approval that is subject to a public hearing by City Council if appealed within 10 days. Chair Holston advised all of the participants that perhaps a conversation regarding some

of the issues that were stated. Chair Holston stated if those in opposition believed separate from the application that a traffic review was needed based upon conditions that have changed could reach out to the city for an opportunity for a separate review of the traffic issue.