

**PARTIAL MINUTES OF THE
ZONING COMMISSION
April 19, 2021**

PL(P) 21-10 and Z-21-04-002: An annexation and original zoning from County AG (Agricultural) to City R-5 (Residential Single-family-5) for the properties identified as a portion of 138 Flemingfield Road and all of 168, 170, and 172 Flemingfield Road, generally described as east of Flemingfield Road and south of Huffine Mill Road, (32.481 acres) (Recommended Approval)

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 original zoning request. Chair Holston inquired if there were any questions for staff. Seeing none, Chair Holston requested the applicant to provide their name, address, and present their case.

David Michaels, 5603 New Garden Village Drive, Greensboro represents Land Acquisition and Development Services, an affiliated entity with Windsor Homes and Windsor Investments. Mr. Michaels introduced team members Tom Hall, Cassie Kanoy, Charlie Hall, and Norris Clayton, who were also on the Zoom call. The site in question is approximately 32 acres and bringing it in from County AG to City R-5 still limits residential development to single-family detached homes. There would be no opportunity for townhomes, duplexes, or other multi-family uses under that zoning. The general land use for this area calls for residential use of up to 5 units an acre. If Windsor is able to develop this site to that density, it would be approximately 150 lots. However, based on the actual constraints of this site, Windsor expects the density to be closer to approximately 3 units per acre, plus or minus due to the streams, wetlands, and other site constraints to work around. A traffic impact study was prepared and submitted to staff based on a maximum of 135 units. The site is in Growth Tier 1 and would be a cost-effective annexation into the City of Greensboro. It was Mr. Michael's understanding TRC had recommended the annexation to occur. Mr. Michaels advised a virtual Zoom meeting for neighbors was held on April 8, 2021. Notices were mailed to approximately 115 people from the same list that the city used to announce the zoning hearing to the surrounding neighborhood. A total of 5 responses were received and 3 people participated in the call. A summary of the comments was provided to staff. The concerns expressed related to traffic and transportation. Windsor Homes would be working under the City of Greensboro's Ordinance to ensure that the site is developed according to their standards. Widening of Flemingfield is expected to be completed which is a minor thoroughfare connection for the city. There are no direct connections into adjoining neighborhoods. Due to the configuration of the property, all of the traffic would be directed out on to Flemingfield Road. Provisions will be made for future connections into some of the adjoining underdeveloped properties. With the capacity of Flemingfield Road and adjoining roads there would be minimal transportation impacts to the community. Concern was expressed regarding the density on the site. With the surrounding neighborhood and properties already developed, Windsor Homes will be in line with what is there now and what is expected to occur in the future if this area continues to develop. Questions were raised regarding buffering. As a residential neighborhood adjoining mostly undeveloped property, they would not be required to do any buffering. There are some natural buffers, streams to the south, and other wet areas that would create some natural separation and buffering. Other than that, Windsor Homes would not propose any specific buffers for this site. Water and sewer are adjacent or nearby the property. An HOA will be formed to maintain common areas on the site such as signage and storm water management devices as the site progresses. There are some environmental constraints and are working through the process with their consultant, the US Core of Engineers, and the DEQ to

determine exactly where those areas are and what will be covered by each jurisdiction. When all of the information is obtained, a specific site plan will be provided for staff review through the TRC. Mr. Michaels stated this is a reasonable request for this area. It complies with the Greensboro 2040 Land Use Map, Tier 1 growth strategy, meets all the annexation requirements, and has utilities in close proximity. Windsor Homes has the experience and qualifications to do a good job with this site.

Chair Holston asked if there were illustrative drawings of the site. Mr. Michaels provided a sketch that he advised was very preliminary. Mr. Michaels stated Flemingfield Road runs north/south and indicated where there would be a connection point. A stream buffer was shown on the south. A cul-de-sac and two street connections were shown. Additional properties may have other connections and Windsor would work through that process as they make formal submittals to city staff. Chair Holston inquired if there were questions from the Commissioners for Mr. Michaels or his team. Hearing none, Chair Holston inquired if there was anyone to speak in opposition to the request.

Christopher Plummer, 2258 Owls Nest Trail, McLeansville, NC stated he had concerns more than being in opposition. The site went from 135 maximum possible homes on the site to 115 to 120 homes on the call, and now approximately 98 homes on the site. Mr. Plummer stated one of his concerns is particularly the volume of homes that may be developed within the next year. There will be an additional zoning request presented at this meeting directly south of this site. With the numbers of homes being built on this site a major concern was traffic. Driving down this road there is a hill and a turn creating a blind spot traveling southbound on Flemingfield Road. All of the traffic would come around the hill and down the curve. Currently the speed limit is 45 MPH and there are issues where people come across the hill at 45 to 50 miles an hour with just a few hundred feet of breaking distance downhill. There have been close calls and skidding tires trying not to hit someone. Mr. Plummer stated he had major issues with the traffic study and felt it was flawed. The traffic study recommends no change in the speed limit. Most of the neighborhood would like to see the speed brought down to 35 MPH. Mr. Plummer was glad to hear Windsor Homes was going to be installing a right-hand turning lane driving northbound and turning into this new development.

Another major concerns relates to the stream. Currently his home backs up against this stream and has a slight downhill descent. If anything took place where they backed up the stream in any way shape or form, it would turn his backyard from a creek or a stream into a swamp because of the level of the ground. Any raise in water height would expand out and create a swamp. Mr. Plummer has videos depicting the storm water flowing into the creek and stream from surrounding areas and surrounding paved areas. Mr. Plummer would like the developer to keep storm water in mind with the development. He noted there is an environmental analysis being completed that says this stream will be able to handle the volume of water. With all of the new paved area, it will affect the volume of water and add up very quickly. Mr. Plummer thought it was great that there are more homes being built and more opportunities for people to purchase homes. The road itself needs to be future proof for additional development. There is a great opportunity for land to be acquired and future development like this will be built and more housing will be added. Mr. Plummer did not feel the traffic study has taken any of that into account. Mr. Plummer did see where the traffic light timing intervals would change, but did not see any indication as to what that change would be. Morning and afternoons can become very hectic because there is a school on the same road. A combination of people traveling to work in the morning and school traffic to go their jobs or return home. Mr. Plummer would like feedback from Council regarding are the developers held to any type of standard. Mr. Engle responded legally all the Zoning Commission would consider tonight is to decide on land use. If the developer attempts to build 6 units an acre and put that through, they would not be able to obtain a building permit. A lot of the concerns expressed will not be decided at this meeting. There is

another process for Technical Review where everything will be discussed and analyzed. Zoning does not decide that, Zoning only decides can they build houses or not and what density should that be. Mr. Plummer asked if the neighborhood would be notified of the Technical Review or was it held privately. Mr. Engle responded everything is public. Mr. Kirkman advised the meetings of the Technical Review Committee are available to the public but there is not a mechanism in place to contact adjacent private owners as there are with zoning hearings. Mr. Kirkman did not know exactly when plans would be submitted, as zoning is the first step and it is up to the developer to submit plans after that point. Chair Holston stated they were excellent questions from Mr. Plummer. If this request were to be approved, there are a lot of other technical steps with people who have been doing this for a long time and ensuring everything is being done and nothing more. It is a process that he could engage with Mr. Kirkman, who will assist in getting Mr. Plummer engaged with the technical group. Mr. Plummer stated the zoning case number is in very small print on the map and it may be prudent to consider placing the number at the header of the items being sent out and in addition to the maps. Chair Holston thanked Mr. Plummer for his recommendation. Chair Holston inquired if there was anyone else to speak in opposition to the request.

Jack Fleming, 183 and 184 Flemingfield Road, stated he would like to express his deep concerns regarding traffic. Flemingfield is not able to handle traffic now. The intersection of Flemingfield and Burlington Road or Highway 70 is a danger. He noted there is no turning lane for the gas station and there are problems on a continual basis of near misses and accidents. He expressed the same concern at the Windsor meeting and this was not a surprise to the applicant.

Mr. Plummer seconded Mr. Fleming's comments and stated it was a complete danger there at the gas station.

Chair Holston inquired if there was anyone else to speak in opposition to the request. Not seeing anyone, Chair Holston inquired if there was rebuttal from the applicant.

Mr. Michaels, appreciated the comments from Mr. Plummer and Mr. Fleming. Both participated in the Zoom call on April 8, 2001 and raised valid concerns regarding traffic in the general area as something to look into. He agreed the speed limit needs to be reduced on Flemingfield and Windsor Homes would be in favor as they want a safe situation for everyone. The noted there will be storm water management features on the site which is designed to provide a controlled release of runoff into the adjoining streams. Windsor Homes will work with the neighborhood going through this and be good neighbors along the way.

Chair Holston inquired if there was anyone to speak in opposition rebuttal. Seeing none, Chair Holston closed the public portion of the hearing and requested to hear from city staff for a recommendation. The Commissioners will then deliberate.

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 proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale and intensity of existing, adjacent uses in the area. The proposed R-5 zoning district allows uses that are consistent with the nearby residential uses in the area. Staff recommended approval of both the annexation and the original zoning request.

Chair Holston inquired if there were any questions for Mr. Kirkman. With no questions, Chair Holston advised the Commission could deliberate. Mr. Engle stated he understood the situation on traffic. Areas such as this could be considered in transition in the sense there will be some additional density but he felt both the city and county had time to catch up. Mr. Engle appreciated the interaction as the Commission needs feedback. Mr. Engle advised he would be supporting the request and was willing to make a motion. Chair Holston inquired if there were

any other Commissions who had comments or questions. Hearing none, Mr. Engle made a motion to approve the annexation; seconded by Mr. Collins. The Commission voted 8-0. (Ayes: Chair Holston, Magid, Collins, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Chair Holston advised the annexation passed 8-0. Mr. Engle then stated in regards to agenda item Z-21-04-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the properties described as a portion of 138 Flemingfield Road and all of 168 170, and 172 Flemingfield 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: (1.)The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use map. (2.) The proposed R-5 zoning district permits uses which fit the context of the surrounding area. (3.) The request is reasonable due to the size, physical conditions and other attributes of the area, and will benefit the property owner and surrounding community. Approval is in the public interest; seconded by Mr. Collins. The Commission voted 8-0. (Ayes: Chair Holston, Magid, Collins, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated these approvals constitute a favorable recommendation subject to a public hearing at the May 18, 2021 City Council meeting.