

**PARTIAL MINUTES OF THE
ZONING COMMISSION
May 17, 2021**

Z-21-05-001: A rezoning from R-3 (Residential Single-family-3) to CD-R-5 (Conditional District – Residential Single – Family-5) for the property identified as 1419 Manuel Street, generally described as south of Manuel Street and west of Karlingdale Drive, (0.425 acres). (Denied)

Mr. Kirkman reviewed the zoning map for Z-20-05-001 and other summary information for the subject property and surrounding properties. Mr. Kirkman also advised of the condition associated with this request. Chair Holston inquired if there were questions from the Commissioners. Seeing none, Chair Holston requested the applicant to provide their name, address, and to state their case.

Sonny Vestal, 501 Chancery Place stated his is the owner of Vestal Builders and indicated the white house with a two-car garage to the left side of the subject property. Mr. Vestal stated he intended to build a house almost identical to that one but a slightly different size and color to continue to beautify the neighborhood. Mr. Vestal advised Attorney Don Vaughn was also present to represent this matter. Attorney Don Vaughan, 612 West Friendly Avenue, stated his client walked around to the properties within 600 feet and there was no opposition from the neighbors he spoke to and several were very pleased to have another home being built as it brought value to the property.

Chair Holston inquired if there was anyone else wishing to speak in favor of the request. Elise Margarita, 418 Manuel Street, stated her home was the white house with black shutters depicted in the photograph and referenced by Mr. Vestal. The previous house built by Mr. Vestal's group has beautified the neighborhood with many compliments on the neighborhood as it is more updated. Ms. Margarita noted she was planning to renovate her property and felt the new home built if the zoning was changed would be a great addition to the neighborhood and she supported the application.

Chair Holston inquired if there were questions from the Commissioners. Seeing none, Chair Holston inquired if there was anyone else to speak in favor. Seeing none, Chair Holston requested to hear from those in opposition to the request.

JoAlice Smith, 3101 Cecil Street, advised they went to the previous City Council meeting where this rezoning was denied and she wanted to know why this was back. Ms. Smith felt this online meeting was unfair as she had to travel back to Greensboro to help her parents participate. She noted many of the people in this neighborhood are seniors or disabled and not everyone has internet access. If Ms. Smith had not seen and read the letter or talked to Mr. Carter, she would not have known of the virtual meeting and felt it created disparities and was very unfair. She stated that Mr. Vestal had built a nice home and those neighbors are nice, but she does not want three and four homes placed on top of them like the neighborhood behind this community. It was very unfair. Ms. Smith stated her father want the neighborhood to look like the projects. This neighborhood was to be an historical site and is called Sugartown. There has never been crime in this neighborhood and she is concerned that crime will increase if there is another house. This is not a rental neighborhood. People live here and have been in the neighborhood for 60 plus years. Ms. Smith stated she was upset with the Zoning Board and City Council. These are taxpayers and no one appears to see that seniors have adequate means to attend the meeting. It is not fair and creates disparities.

Ms. Doggett, 3101 Cecil Street, stated her grandfather owned all of this property and gave each of the children property. Some have sold theirs but her father kept his, became her mother's property who gave

her the lot where she lives now. Her family grew up on Cecil Street and they want a clean-cut neighborhood.

Natalie Reed, 3104 Cecil Street stated nothing has changed since the previous request was denied. It was requested of Mr. Vestal to have a meeting with the neighborhood. What he had shown is not the entire neighborhood and is not the truth. There is diversity and new homes. Ms. Reed noted she had recently done over \$20,000 in renovations for her home and did not appreciate the neighborhood being portrayed in a poor light. This neighborhood has never been an ugly neighborhood and she felt it was disrespectful to present the neighborhood as though it needs to be better. Ms. Reed advised Cecil Street was owned by her grandmother and indicated streets in the neighborhood that were established by family members such as great uncles and grandparents. Ms. Reed stated City Council voted 100% for no zoning before. She added that no one came to her home to speak to her or provide information, nor was there an email or letter.

Norman Doggett, 3101 Cecil Street, stated the lots on Manuel Street are approximately 250 feet wide. Mr. Daggert stated there is not enough yard space or driveway space for what Mr. Vestal is proposing. Manuel Street is a small street separating Cecil from Kallamdale. There is no front. There is a house next to him and he does not want one on the other side. There are two on a one-acre lot and look a mess. Sandra Reid, 3104 Cecil Street, added that their homes have been in this neighborhood for 60 plus years. The homes are fully brick, 5 room ranch homes. Everyone takes pride for their property and are not trying to keep people out, but are attempting to continue a standard that has been in place. No one wants to see homes on top of each other and having cars parked on the street creating a safety issue. Ms. Reid's biggest concern was the overall mission for the city. It feels like gentrification is happening and property owners of more than 60 years as African-Americans are being pushed out. There is pride in for the accomplishment by their parents and are attempting to keep their property.

Jahard Paschal, 3101 Cecil Street, stated he was a fourth generation raised on this street. Mr. Pasqual has noticed everything going on with the construction and destruction, how the neighborhood was distraught and how his grandparents were affected with the house built next to them and everything around them. Mr. Pasquel stated the neighborhood has a history of everyone knowing each other and of growing together as a community. Adding new homes to the neighborhood would not do anything but lower the value of the current land and homes. Adding new homes brings new people in the neighborhood that may not fit within the neighborhood and have different behaviors. There are a lot of senior citizens within this neighborhood who know each other and know the history of the neighborhood. Mr. Pasquel would like the Zoning Commission to keep housing at a minimum to ensure everyone is being considered in this process.

Chair Holston advised opposition time was done and asked if Commissioners had questions for any of those who spoke in opposition. Mr. Engle stated this request had been before the Commission in the past and asked staff to speak to why the request is back. Mr. Kirkman advised the ordinance allows for a rezoning to be filed again if it has been at least 12 months since the item was first considered and this request is smaller in terms of the area of the lot to be rezoned than the previous request. Mr. Engle asked Mr. Kirkman to explain how many houses could be built R-5 on .425 acres, with the frontage that is available. Mr. Kirkman responded he would have to run the numbers, but thought it was only one additional one because of setbacks. Mr. Kirkman advised Mr. Engle the .425 acre request at 5 units per acre would be just over two units per acre and would need to have at a minimum 50 feet of frontage for each lot.

Chair Holston advised that the applicant had 5 minutes of rebuttal at this time.

Attorney Vaughan stated Mr. Vestal is a quality builder and staff supports this request. He noted that infill development is one of the goals of the Comprehensive Plan. This is a quality project and he asked for the Zoning Commission's support. Mr. Engle stated this .425 acre request is in the middle of R-3 on all sides and asked Attorney Vaughn to tell him where his thinking was off. Attorney Vaughn requested the City Attorney to answer that question as it is a legal question and this is not spot zoning as Mr. Engle may be thinking.

Attorney Buansi stated there are a series of factors a court considers regarding spot zoning. One of which includes the size of the parcel in question relative to surrounding parcels. Another factor is if the use that is proposed is wholly and consistent with the surrounding parcel and that is for the Zoning Commission to decide. As the Commission's attorney, he can only advise on what the factors are and would not be able to predict what a Court may or may not say regarding spot zoning. Mr. Engle stated the use is similar, but it is just the density is different.

Chair Holston stated he heard quite a bit from opposition there was not the outreach indicated and asked if the applicant for any rebuttal regarding that and inquired if there were illustrative drawings for the Commission and community to review.

Sonny Vestal responded they have an illustrative drawing which is the site plan. The site plan clearly shows a lot of room with measurements approved by the City for this particular lot. Borum Wade performed the survey throughout the site plan. There are no driveway issues, and no access issues.. Regarding the issues of Ms. Margarita's home not being beautiful, photographs were displayed of her home. Going through the pictures presented, it is obvious which house is the most beautiful on the lot. Mr. Vestal stated there were a lot of speakers from the one house and he thought the conversation was supposed to be for landowners. Mr. Vestal stated they did go visit properties within 600 feet of the zoning request.

Attorney Vaughan noted the home built next door to the subject site that Mr. Vestal had built and stated it was quality construction and asked if there had been any complaints regarding that home. Mr. Vestal responded none at all. Mr. Vaughn asked how long Vestal Homes has been building homes in Greensboro. Mr. Vestal responded for a number of years and they had been building single-family residences over the past 6-10 years. Mr. Rosa stated it did not appear those in the neighborhood were contacted and spoken to so he asked were there letters, knock on the doors or something else. Mr. Vestal responded the land owner and he walked the neighborhood and knocked on every door. They spoke to a large number of people. Within 600 feet going to the left is an apartment complex and vacant lots. Chair Holston asked Mr. Vestal if he walked through and talked with a handful of those living on Cecil, Manuel, or Karlingdale, and outside the letter that was from the City of Greensboro, there was no other outreach to the other neighbors. Mr. Vestal responded they had verbal face to face and felt that would be best to answer questions.

Mason Schermerhorn, owner of 1419 Cecil Avenue, stated they were attempting to maximize the use of the land. Greensboro is low on housing and these are good quality homes whether it is a rental or a new construction to sell. He is committed to the community. They have walked around the neighborhood to engage in conversation. And had great feedback. At the end of the day, they want to provide affordable housing in a great area of Greensboro.

Chair Holston moved to rebuttal for those in opposition.

Sandra Reed advised she was part owner but did not live at 3104 Cecil, her sister Natalie Reed does. She noted no one has spoken to her sister and 3104 Cecil Street is within 600 feet of the subject property.

JoAlice Smith reiterated Mr. Vestal did not talk to everyone in the neighborhood. Her father was asked to sell his property. The people that they thought they could get to say yes were the ones spoken to.

Natalie Reed also advised no one spoke to her and Mr. Reed is retired and disabled and home all day. Ms. Reed was born in 1960 and this has been her home. The reason why everyone is so upset is because they have not been talked to. The neighborhood is not trying to be prejudiced or uppity, but only want their neighborhood to continue to be a quiet respectful neighborhood. Their neighborhood is beautiful, not run over and nothing to be ashamed of. They have the right to protect and claim what is theirs. No one on this part of the street was talked to. Both of the Reed sisters own 3102 and 3104 Cecil Street. Chair Holston inquired if there were any questions for Ms. Reed from the Commissions. Hearing none, Chair Holston closed the public portion of the 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 proposed development is compatible with the scale and design of the adjacent road and the scale and intensity of existing, adjacent uses. The proposed CD-R-5 zoning district, as conditioned, permits similar uses to the existing R-3 zoning allowing for greater flexibility on individual lot configuration and a small increase in residential density. Staff recommended approval of the request.

Chair Holston inquired if there were site plans presented. Mr. Kirkman responded staff did not have a copy. Chair Holston requested to hear information on the frontage. Mr. Kirkman responded they would need at least 50 feet for each new lot. Chair Holston asked if this configuration has that. Mr. Kirkman responded that was his understanding from a previous discussion.

Chair Holston inquired if the Commissioners had questions or comments. Mr. Bryson expressed his concern regarding speaking and reaching out to the neighborhood. No mailings were done and he felt the neighbors were not given their due diligence to receive information about the project. Mr. Bryson did not believe the applicant spoke to the neighbors. Despite Greensboro experiencing a tight housing shortage, Mr. Bryson was unable to support the request as presented. Mr. Rosa agreed with Mr. Bryson and did not feel the community was reached out to and would not support the request. Mr. Engle asked if when the Commission looks at a zoning request for residential, they were not allowed to consider whether it is something built for rent or sale, affordable or not affordable. Mr. Kirkman responded that was correct. In dealing with land use, any considerations related to ownership and who would be living on the property and type of discussion on the value of the property sold or rented were not legal conversation for the Zoning Commission to consider. Mr. Engle asked if the only thing the Commission could consider would be is what is presented with, in this instance, building two houses on .425 acres. Mr. Kirkman responded that was correct. Mr. Engle asked if the requirement is that the City sends out letters to everybody within 600 feet and signs are placed on the property. Mr. Kirkman responded first class notices are sent to all property owners within 600 feet and that requirement exceeds what is required by State law. A sign was also placed in the yard.

Chair Holston inquired if there were additional comments, discussion, or questions for city staff from the Commissioners. Mr. Alford stated it appeared to him as if this request was being shoe horned on a piece of property and did not go with what is there. Mr. Engle would not be in support. Ms. Skenes stated her concern was the density. There are large lots in this area and she did not feel it was keeping with the current configuration of the neighborhood. Ms. Skenes stated she did agree with some of those in opposition, and would not be in support of the request. Chair Holston inquired if there was a motion.

Ms. O'Connor stated in regard to Z-21-05-001, the Greensboro Zoning Commission believes that its action to recommend denial of the zoning request for the property described as 1419 Manual Street, from R-3 (Residential Single-family-3) to CD-R-5 (Conditional District-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 inconsistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2). The proposed CD-R-5 zoning district, as conditioned, permits uses which do not fit the context of the surrounding area; (3). The request is not reasonable due to the size, physical conditions, and other attributes of the area. It will be a detriment to the neighbors and surrounding community. Denial is in the public interest. Seconded by Rosa. Commission voted 8-0. (Ayes: Chair Holston, Skenes, Magid, Bryson, Rosa, Engle, Alford, and O'Connor. Nays: 0). Chair Holston stated this denial constitutes final action unless appealed in writing to the Planning Department within 10 days. All zoning appeals will be subject to a public hearing at the June 15, 2021 City Council meeting.