

**MEETING OF THE  
ZONING COMMISSION  
October 13, 2014**

**Z-14-10-006** 5209 Liberty Road (northeast of Liberty Road and south of Field Horney Road) – An original zoning from County AG (Agriculture) and County RS-40 (Residential Single-Family) to City CD-R-3 (Conditional District-Residential Single-Family) to City CD-R-3 (Conditional District-Residential Single-Family), with the following conditions: (1) Uses limited to single-family detached dwellings – For property located at 5209 Liberty Road generally described as northeast of Liberty Road and south of Field Horney Road (33.76 acres) – Redwolf Development Company, LLC on behalf of Jack and Martha Fields.  
**(FAVORABLE RECOMMENDATION)**

Ms. Smith described the subject property, as well as surrounding properties, and noted issues in the staff report.

Chair Pinto asked if there was anyone wishing to speak in favor of the request.

David Michaels, 621 Eugene Street, distributed packets of information to Commission members. He is with Redwolf Development Company and they have a contract to purchase the subject property.

**Additional Conditions:**

Mr. Michaels asked that condition (1) be modified and the following conditions be added to the request:

- (1) Uses limited to single-family detached dwellings and customary accessory uses and structures.
- (2) All dwellings will have an attached garage for a minimum of two automobile.
- (3) Minimum 24 foot common area buffer along the northern and eastern property lines that abut the existing single-family detached lots in Forest Oaks. Within this common area there shall be no permanent structures. However, utility lines, stormwater control devices, fences, landscaping and other similar items along with clearing, grading, and erosion control and other similar activities shall be permitted within this common area.
- (4) Principle structures shall maintain a minimum rear yard setback of 30 feet for all lots that adjoin the existing Forest Oaks Commons Townhouses, also known as Stone Gables.
- (5) Minimum 10 foot rear yard setback for accessory use structures is customary for all lots that adjoin the existing Forest Oaks Commons Townhouses, also known as Stone Gables.
- (6) A 10 foot vegetative buffer exclusive of required utility areas along the common property line with the existing Forest Oaks Common Townhouses, also known as Stone Gables, shall be preserved except for the following activities: (a) the cutting or trimming of overcrowded trees as reviewed and approved the City Forester, and (b) normal maintenance for removal of dead, diseased, deformed, poisonous or noxious vegetation that is done in a manner that does not impact the root system of existing trees.

Chairman Pinto moved that in matter Z-14-10-006 that the conditions as read into the record by Mr. Michaels may be accepted, seconded by Mr. Gilmer. The Commission voted 6-0 in favor of the motion. (Ayes: Pinto, Placentino, Parmele, Gilmer, Bachmann, Marshall. Nays: None.)

Mr. Michaels stated that this was originally filed as R-3 zoning and the case was scheduled to be heard on September 8, 2014. Following a neighborhood meeting, they determined it would be best to spend additional time with the residents and the hearing was continued until tonight's meeting. Conditions have been added to the request to address many of the concerns that were raised in the neighborhood meetings. A site plan has been submitted to staff and is under review. A cluster option is available under the

ordinance. The plan shows 101 lots are proposed which is right at the 3 units per acre being requested. In addition, 15 percent of the site will be set aside as open space.

Mr. Michaels indicated that 100 letters were mailed to property owners within 600 feet of the subject area. A public meeting was held on August 28, 2014 and 84 individuals attended the meeting. Additional meetings have since been held to address additional concerns. In response to concerns they have modified zoning from straight R-3 to Conditional; conditions have been added about single-family uses and two-car garages to address concerns about compatibility; and four conditions were added to provide additional buffering. There were concerns about drainage from this site. He said they plan to direct and filter all water on this site through two new retention ponds to reduce the amount of drainage. He addressed concerns about Foxworth Drive and felt that connectivity and emergency access will be enhanced. A Traffic Impact Study at Liberty Road determined that a left turn lane for south or east bound traffic will be needed. There will be a mandatory Homeowners Association with exterior maintenance requirements and architectural controls. He said that annexation was a requirement to be able to access water and sewer and will occur over time. Mr. Michaels stated that the density is the lowest that can be requested and he feels this will introduce a variety of housing styles, lot sizes and price points to attract younger families to the area.

Darren Thomas, 5 Wheaton Circle, is a resident of the Forest Oaks community. He expressed support for the request. He felt this kind of investment is needed in southeast Greensboro and new units are necessary to support existing businesses in the area. He stated that it makes good economic sense to encourage this kind of residential investment. He commented that the infrastructure to support this project and others is already there.

#### **In Opposition:**

Michael Hicks, 5014 Edinborough Road, is a resident in Forest Oaks. He expressed concern that Mr. Michaels has not proposed a way for heavy equipment to pass through Foxworth Drive. The two-lane residential road is not designed for heavy traffic or traffic resulting from construction. He would like Mr. Michaels to confirm he plans to cut a construction road into the area.

Virginia Stump, 5100 Edinborough Road, expressed concerns about density at the site.

Robert Kordle, 5100 Foxworth Drive, is the only house on Foxworth Drive. He questioned the marketing plan to successfully sell 101 homes in Forest Oaks when so many homes in the area are for sale. He indicated that many houses in Forest Oaks have been on the market for two or three years. Addressing the traffic concern, he said that Foxworth Drive was a dirt road until 10 years ago. He described the condition of the road and felt the road would not be able to hand the construction traffic and equipment.

Chair Pinto said that although a marketing plan is a legitimate concern, the purview of the Commission is to determine the zoning designation of the area. He added that R-3 is the least restrictive zoning district in the City with three homes per acre.

Carol Hicks, 5014 Edinborough Road, expressed traffic concerns. She felt that vehicles will turn off of Liberty Road before they reach Forest Oaks Drive and cut through the new neighborhood onto Foxworth Drive to get into the Forest Oaks neighborhood. She was also concerned about drainage from the subject site.

Paula Fields, 5209 Liberty Road, plans to keep her single-family residence property zoned AG (Agriculture). The subject land comes up to 10 feet away from some of the buildings on her property. Although Mr. Michaels has provided for buffering around Forest Oaks, none has been offered to her. She owns horses and would like to have a buffer or common area around her property.

It was noted that there must be 30 feet between the building and the end of Mr. Williams' property which is the beginning of Ms. Fields' property. Ms. Fields would like more land between the development and her property in the form of a common area.

**Rebuttal in Support:**

Mr. Michaels stated that the primary entrance to the development will be at Liberty Road. He noted a rock quarry and asphalt plant on Liberty Road and heavy materials will be coming down Liberty Road onto the site to service the development. He felt there should be a limited amount of construction traffic coming in from the back side through the existing Forest Oaks because Liberty Road is a better road to travel on. Foxworth Drive is a dead end street and the Department of Transportation will not maintain streets with less than four houses on it. There is a possibility that the City will take over the street in the future and maintain it. It will be a beneficial connection for neighborhood connectivity and emergency access. Referring to the map, he described three options for access into the existing Forest Oaks and he did not feel the development would contribute to cut-through traffic.

Responding to a question from Mr. Placentino regarding construction traffic, Mr. Michaels stated that it can be put into the contract that a designated area be used as an access point to the site.

Mr. Michaels said that the concern about drainage would be addressed through the retention ponds.

Mr. Michaels reiterated that R-3 is the lowest density designation available. He noted a pattern of higher density already in Forest Oaks and he felt the subject development would provide a transition from what is on Liberty Road, possibly some higher uses on undeveloped property in front of them, and transitioning back to larger lots with the aid of buffering.

Mr. Michaels noted the common area being proposed on the site plan. Ms. Field's land is currently agricultural but a future use might be to sell the land and develop a higher use multi-family project where they would put in their own buffers. Mr. Michaels feels they have done a good job of buffering the existing more developed sites but as far as the property to the west; it is unclear what is going to happen in the future.

**Rebuttal in Opposition:**

Mr. Hicks asked how to make sure that Mr. Michaels will have construction traffic come in from Liberty Road. He commented on the problem of construction trucks in a residential neighborhood and shortcuts being taken by dump trucks through Edinborough Road that endangers children in the area.

Mr. Gilmer asked staff if it would be appropriate to ask for a friendly amendment to the conditions to allow for construction traffic to enter off of Liberty Road. Mr. Kirkman said that the matter was more of a technical review item that would be dealt with in the site plan review stage but if the Commission would like to pursue the matter, staff would entertain the discussion. Chair Pinto asked Mr. Ortega what the City can do to encourage people to use the entrance off of the more heavily used road. Mr. Ortega explained that in the technical review process, a grading plan is submitted to the Committee that identifies the construction entrance. In the review they always try to put in a higher classification street and in this case it would be Liberty Road.

Pam Fields West, 5209 Liberty Road, asked if a type of barrier could be placed on the western portion of the land from where the development ends and her land starts. Her sister has horses and buildings on the property. Even though there is a 30 foot setback, people could walk from their backyards onto the farm and they do not want people to get hurt from the animals.

Paula Fields reiterated her desire for a common area between her property and the proposed project.

Chair Pinto stated that the Commission cannot add conditions onto a zoning request. The added condition must come from the applicant.

Virginia Stump commented that Forest Oaks is an older area and there are quite a few houses already on the market for sale. The two building projects that are successful in Forest Oaks are comprised of people who are downsizing.

Chair Pinto commented that the Commission cannot consider whether or not houses will sell when making their decision.

There being no other speakers, Chair Pinto closed the Public Hearing.

### **Staff Report**

Mr. Kirkman stated that this site is currently designated as Interim Residential on the Generalized Future Land Use Map (GFLUM). The Interim Residential designation is an area with a mix of all types of residential densities and uses (single-family detached, single-family attached and multi-family), with some limited local-serving non-residential uses (schools, churches, convenience services). The proposed request supports the Comprehensive Plan's Housing and Neighborhoods Goal to meet needs of present and future Greensboro citizens for a choice of decent, affordable housing and the Growth at the Fringe Goal to provide sound, sustainable land use patterns that provide for the efficient provision of public services and facilities. The proposed CDE-R-3 (Conditional District Residential), as conditioned, limits uses to single-family residential and implements measures to limit impacts on surrounding properties. Staff is recommending approval of this request.

### **Comments:**

Mr. Parmele stated that from a land use perspective, the site is appropriate for R-3 zoning to the extent the homes are an appropriate size for the market. He noted that the developer can insist in the contract that designated access points be used by construction vehicles. A successful development is based on having support from the local community and he encouraged the developer to take heed of the concerns voiced by the neighborhood. He plans to vote in support of the rezoning request.

Ms. Bachmann felt that the request was an appropriate use of the land. The homeowners have expressed reasonable concerns and she was hopeful that the developer would continue to meet with the homeowners to find a way to satisfactorily meet their needs.

Chair Pinto commented that the points made by Mr. Thomas should be considered. The more residents that are in the southeastern part of Greensboro that the City has tried to develop for a long time, the more shopping, entertainment, and local services will follow to the benefit of everyone. He expressed his support of the request.

Mr. Parmele moved that in the matter of **Z-14-10-006**, the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 5209 Liberty Road from County AG (Agriculture) and County RS-40 (Residential Single-Family) to City CD-R-3 (Conditional District-Residential Single-Family), is consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because it is consistent with the Growth at the Fringe Goal to promote sound and sustainable land use patterns; the request is consistent with the Housing and Neighborhoods Goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing

and the request does implement measures to protect n neighborhoods from negative impacts of development; seconded by Mr. Placentino. The Commission voted 6-0 in favor of the motion. (Ayes: Pinto, Placentino, Parmele, Gilmer, Bachmann, Marshall. Nays: None.)