

**PARTIAL MINUTES OF THE  
ZONING COMMISSION  
October 15, 2018**

- Z-18-10-001** 5300 High Point Road (north of High Point Road and west of Alamance Road) – A rezoning request from PUD (Planned Unit Development) to PUD (Planned Unit Development) with the following conditions: 1) Uses: All uses permitted in the PUD district **except** manufactured dwellings, manufactured dwelling parks, sexually oriented businesses, rooming houses, fraternities and sororities, cemeteries, wireless communication facility, junk motor vehicles, portable storage units, animal shelters, TV/HDTV/AM/FM broadcast facilities, amusement and water parks/fairgrounds, campgrounds and recreational vehicle parks, pawn shops, satellite dishes/TV and radio antennae towers. 1) Tract 1 and Tract 2, proposed mixed use/commercial, shall be limited to uses permitted in the R, RM, TN, MU, CL, CM, CH, and O zoning districts.
- a) A mix of residential and commercial uses is allowed. The number of residential units in Tract 1 (18.91 acres) shall not exceed 445 units with a maximum building height of four stories and a minimum open space of 1.89 acres. Commercial square footage in this tract shall not exceed 225,000 (GFA), with a minimum open space of 0.52 acres.
  - b) A mix of residential and commercial uses is allowed. The number of residential units in Tract 2 (16.72 acres) shall not exceed 380 units. If developed as residential, there will be a minimum open space of 1.67 acres. Commercial square footage in this tract shall not exceed 260,000 (GFA), with a minimum of 0.6 acres of the Tract reserved for open space. No building in Tract 2 shall exceed 5 stories in height.
- 2A) The following Conditions will apply to the western property boundary of Tract 1 contiguous with the Sedgefield Landing community.
- a) In conjunction with the initial phase of any new construction, a minimum 84 inch (where permitted) opaque fence will be constructed along the western side of Tract 1 that abuts Sedgefield Landing. The fence will be continuous (no breaks), and will continue along the entire Tract 1 property line beginning with the southernmost point of the Duke Power right-of-way, if permitted, and continuing to the point where the fence meets the existing NCDOT sound wall, if the DOT permits.
  - b) A gate will be constructed in the fence, if permitted, at the point where the fence crosses the Duke Power right-of-way.
  - c) There shall be a 35 foot wide buffer along the entire property line of Tract 1 that abuts Sedgefield Landing consisting of evergreen plantings in order to achieve a consistent visual screen. The initial evergreen plantings in this buffer shall be 6' tall and shall be installed on the Sedgefield Landing side of the fence, with the fence installed no closer than 15 feet to the property line where there are Sedgefield Landing residences within 25 feet of the property line and will be at least 5 feet from the property line in all other instances.
  - d) Buildings located within 75 feet of the property line on Tract 1 which directly abuts the Sedgefield Landing community shall be no more than one story in height (structures outside of this 75 foot boundary may exceed one story). Businesses located in those buildings shall have operating hours of no earlier than 6 a.m. and no later than midnight; and, subject to City approval, there shall be no vehicle access behind these buildings.

- e) Trash dumpsters shall be screened and located at least 50 feet from the western property boundary of Tract 1 that abuts Sedgefield Landing.
  - f) There will be no vehicular traffic access from the end of Sedgefield Gate Road in Sedgefield Landing onto the subject property, or from the subject property onto Sedgefield Gate Road.
- 1) Tract 3 (43.1 acres), proposed mixed use/commercial/residential/adaptive reuse, shall be limited to:
    - a) All uses permitted in R, RM, and TN districts with dwelling units not to exceed 571 units with a maximum building height of 4 stories.
    - b) Uses permitted in a retail, office or an institutional setting containing uses permitted in the R, RM, MU, PI, CL, CM, CH, CN and O zoning districts. New commercial square footage will not exceed 200,000 square feet (GFA), in addition to the square footage of existing buildings located on tract 3 as of March 9, 2015.
    - c) A mix of residential and commercial uses is allowed.
  - 2) Tracts 4 (11.79 acres) and 5 (24.08 acres), proposed residential, shall be limited to uses permitted in the R, RM, and TN districts and shall be further conditioned as follows:
    - a) The number of residential units in Tract 4 shall not exceed 130 units with a maximum building height of three stories and a minimum open space of 1.77 acres.
    - b) The number of residential units in Tract 5 shall not exceed 226 units, with a maximum building height of two stories and a minimum open space of 3.61 acres.
  - 3) Tract 6 (16.81 acres) will be reserved as a buffer and mitigation site, with permitted uses limited to those consistent with the PNR district, with an exception to allow construction necessary for wetland mitigation and storm water control.

- For property located at 5300 High Point Road generally described as north of High Point Road and west of Alamance Road (131.41 Acres)  
 -Henry Isaacson on behalf of Pilot Life Center **(APPROVED)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. Chair Lester asked Mr. Carter about tract four at the intersection at High Point Road and Alamance Road. Mr. Carter confirmed the only changes to the current zoning were related to Tract 4. Ms. Mazzurco said that there were a lot of conditions for this property that were approved back in 2015 when the entire property was rezoned. Mr. Carter confirmed that yes the current zoning conditions were approved in April of 2015.

Chair Lester asked if there was anyone to speak on this matter.

Henry Isaacson, 804 Green Valley Road, Suite 200, introduced Bob Lewis and Bret Hammonds and noted that they will be making the presentation for the applicant.

Bob Lewis, Director of Development, Lincoln, Nebraska stated that he was with Cameron General Contractors. They are only focusing on the area of the property shown as Tract 4 since that is the only property they have under contract to purchase and develop. He stated that they have no intentions of impacting the other tracts in the larger development which are still owned by another developer, Kisco. Mr. Lewis stated that his company owns, operates, and develops senior independent living communities around the United States, with 24 in operation and another 22 in the development process. Mr. Lewis stated that they want to build a 130-unit three story senior independent living community. He noted that there will not be

a lot of traffic from the development since many residents would not have a drivers license and would use a shuttle to get wherever they need to go. He added that there would be a variety of amenities in the community, so residents don't have to leave the community if they don't want to.

Bret Hammonds, Richmond Virginia, stated that they are only here for Tract 4 and he provided examples of what the community could look by showing pictures of other communities like one in Raleigh, NC. He stated that they intend to use a colonial style with a lot of different window treatments, real brick and hardy plank siding, nothing that a portion of the Tract is located within the Scenic Corridor Overlay District Two of the Greensboro Urban Loop. Mr. Hammonds presented a preliminary site plan that he stated was shown to residents to try to provide them ideas on how the property would look. Ms. Mazzurco asked about the water feature shown on the plan and if that was just the stream to the rear of the property. Ms. Mazzurco also asked about retention ponds. Mr. Hammonds responded that he said he was not aware of any ponds on Tract 4 but there were some ponds on other portions of the larger property. Mr. Holston asked if the amenities in the community were going to be private or open to the public. Mr. Hammonds said that the on site amenities would be private. The proposed bank, gift shop, pharmacy, and fitness center would be for residents only and they would also offer valet parking for their residents. Mr. Holston asked about the access off High Point Road. Mr. Hammonds stated that the intent of that entrance would be for services such as food coming in for the kitchen and for garbage removal. Mr. Holston asked in any fences were being put up. and Mr. Hammonds said that there will be no gates on the entrances. Ms. Mazzurco asked what the buffering might look like. Mr. Hammonds responded that the creek to the north of the tract is the buffer and they have no desire to interrupt the buffer.

Laura Allred and husband, Hugh Black, 3086 Sedgefield Gate Road, stated that Ms. Allred has another town house at 3103 Sedgefield Gate Road that is right next door to the Jefferson Pilot property and have lived there for several years. They stated that they went to the informational session on September 26, and were favorable of the plans for this property. They hope that it elevates the property values when it is completed and want the zoning request approved.

Henry Isaacson, attorney representing the applicant, asked if there were any questions about the booklet of information he handed out. He noted that in April of City Council agreed to the annexation of this property and the rezoning from Conditional Office to a Planned Unit Development. With the current request, the only thing that will be changed is the conditions for Tract 4, raising the total number of units from 93 to 130 and maximum building height from two-story to three-story. A portion of this property is designated as an Activity Center in the Comprehensive Plan, which encourage higher intensity and mixed development than would ordinarily be allowed. Mr. Isaacson noted in that staff report says that this request only makes minor changes to a small portion in Tract 4.

Speaking in opposition to the request:

Steve Crihfield, 3308 Gaston Road, stated that what the applicant and developers plan to do and the quality of what they are showing is outstanding, but in all the pictures staff took around the site there are not any urban size building and the rest of the place looks undeveloped. He noted that the housing proposed with the current conditions is only two-story and one story is not a unreasonable suggestion. The proposed rezoning would allow a three-story building close to High Point Road and he doesn't know how to deal with this. Greensboro has a desire to move urbanization into the country and they have seen the four-story buildings built by Koury Corporation on the corner of High Point Road and Jamestown Parkway and they are an overwhelming sight. He is concerned that this development will have a similar impact.

Fran Pollock, 3402 North Rockingham Road, stated that she found out about this through a meeting that her friend told her about. The presentation was a beautiful presentation. Her concern is when this was presented to them by Kisco n 2015 they saw this fabulous plan to incorporate the Jefferson Pilot building and the surrounding area to provide for retirement living, including single-family and on the other side of Gate City Blvd will be retail. It's not a bad plan, but it's not for their area and they want the architecture of the building to match the area. She doesn't want a three-story building and thinks that they have no say to this to keep the zoning as it is now.

Amy Patterfields, 5505 High Point Road, stated that part of the reason that many of them moved out to Sedgefield area was because itn looked rural and you don't see a lot of homes right on the road. With a new three-story building and the losing of the Jefferson Pilot building it would be a detriment to the community. She wants to leave the zoning as it and keep it at two-story buildings.

Stacy Ofsanko, 5594 Mecklenburg Road, stated that the community thought this was going to be developed like Kisco described in 2008. She thinks that they can all come together and create a project that is beneficial to everybody. In 2015 when Kisco came in and requested the rezoning and annexation for all six tracts, the proposal for tracts four and five are only two-story, lower density, lower height, town-homes or single detached homes with proper landscaping, proper setbacks, two-story height maximum, not proposing apartments, and not proposing four-story buildings. They are trying to understand why these conditions are being changed again.

Carolyn Gorda, 4102 Gravel Taft Drive, stated that this represents about a 40 percent increase in the number of units. That is a big change from what was initially proposed. They should be looking at the community. If you change one parcel dramatically then other parcels will follow. They want that same planning and process to go forward. She does not think this is the best they can do.

Reagan Stiefel, stated she did not know about this meeting until about a week ago. If anybody has driven down High Point Road and the intersection of Alamance Road it is a very tiny intersection. She thinks that if they start adding more density to that area, what is going to happen to that road in the future? Will that road need to be widened? Is this going to be the beginning of making it more urban type neighborhood? She thinks they need to stick to the original integrity of the property.

Chris Morris, 5512 High Point Road, stated that they started this whole thing in 2008 and agreed to a master plan in 2015. Now we lost a whole lot with a huge building on the corner. That's why they wanted a continuance to have more time to discuss things and is asking again for the Commission to give them time.

### **In Rebuttal:**

Bob Lewis, stated that this is a low-density area. They checked the traffic and the proposed project will generate less traffic than what is approved to be built there today. He also noted that his group has nothing to do with the existing Jefferson Pilot building that is on another portion of the property. They will be glad to work with the neighborhood and discuss things but they are just asking for a height increase to three stories and to increase the number of units allowed a little bit. Mr. Holston asked how many occupants will the proposed building hold. Mr. Lewis that it would be between 140 and 165 residents, depending on location. Their Raleigh building is 100 percent occupied and there are 165 occupants. The staff maximum staff is 15 and between 8 a.m. to 5 p.m. They will also have live in managers on site and maybe a concierge, so maximum three overnight and two of them already live on the property. Chair Lester noted that the applicant is proposing the retirement resort living community, but nothing has restricted them to that use based on the current zoning conditions, correct? He then directed the question to staff and Mr. Kirkman answered by saying the request is limited to residential dwellings which could go from single-family up through multi-family uses. There is a multi-family for the elderly use on a permitted use table, but the request does not restrict uses just to that use.

Chair Lester said that the Commission can't impose conditions, but it seems like the community likes the talk they just want to make sure you walk the walk. They need to do everything that was illustrated there today. Mr. Lewis said that they would not be opposed to further restricting uses. Ms. Mazzurco thinks that they will end up being a good neighbor and will work with the neighbors, but she is concerned about the lack of conditions. If they are saying that they want to do 55 and older she would like to see it in a condition. Mr. Kirkman answered by saying that Tract 4 is limited to residential uses in the Residential Single-family, Residential Multi-family and Traditional Neighborhood districts and shall be further condition as follows: the number of units in tract four should not exceed 130 units with a maximum building height of three-stories.

Bret Hammonds noted that they are proposing a single building and the Scenic Corridor Overlay buffer for part of the property does contain some landscaping buffer requirements to comply with.

## **In rebuttal in opposition**

Steve Crihfield, stated that they knew in 2008 that senior living was in development for this property. He wishes that they would include some of these other suggested conditions. He doesn't think they should be able to do three-stories. It just doesn't fit in the neighborhood. He is just asking the Commission to help them out. Chair Lester asked if the Jefferson Pilot building was two-story or three-story? Mr. Crihfield said he thought it was three-story but the Pilot Life property is way back off the road. He would like to see one-story development along High Pont Road, but two-stories would be viable. The closer it is to High Point Road the more illuminating it is going to appear.

Chris Morris noted that when they are looking at the zoning map the Pilot Life building is up on the side. There is no planning for the Pilot Life building.

Fran Pollock, ask if she understood that the Tract 4 conditions also go along with tract five. Mr. Kirkman said that both tracts go along with the conditions in terms of use but if someone wanted to ask for Tract 5 to be increased they would have the same public hearing as they are doing tonight. Mrs. Pollock said that she agrees that a three-story building would be too illuminating there. She wants them to look like what they have there currently.

Stacy Ofsanko, stated that if this is approved and this development does not move forward then that tract would be open to building a three-story apartment building. They did make a request to the developer and Mr. Isaacson to make conditions last week and the applicant respectively declined. Mr. Pinto asked what conditions were suggested. Ms. Ofsanko said there was an email sent to Mr. Isaacson on Thursday and one of those conditions was that this property be developed by this company, to make it a 55 and older, and to come up with a condition that kept the building in the line with architectural and historical integrity of this Sedgefield community. Mr. Kirkman told the Commission that the applicant stated that they were not opposed to conditions related to the age restriction and they would like to ask the Commission for some time to be able to draw up a draft additional conditions to present to the Commission, but they will need some time to talk with the applicant and wanted to know if they could take a recess. Ms. Mazzurco asked that if the applicant and the opposition can work this out and if they have not had enough time to work that out, could they move on to the other cases while they work it out. Mr. Kirkman said that the Commission was still in the middle of a public hearing and they complete this hearing before going onto another case. If there is not an agreement, then the Commission can consider what has been proposed already.

At this time the Commission held a recess between 7:32 and 7:57 p.m to allow for discussions between the application, neighbors and staff on potential additional conditions for the request.

Following the recess Bob Lewis offered the following additional conditions for this request:

1. The number of residential unit in tract four shall not exceed 130 units and a maximum building height of three-story building.
2. Additional uses shall be limited to multi-family (elderly).
3. Chain link fence is prohibited.
4. No garages or storage buildings shall be located between High Point Road and the principal structure. This condition relates to both Tract 4 and Tract 5.
5. Vinyl and stucco materials are prohibited on all exterior building elevations.

Chris Morris, speaking in opposition, stated that he gets the whole building design but wants to know what is going on with Tract 3 and tract 5. Chair Lester said that the only conditions and rezoning they are doing tonight relate to Tract 4. Mr. Morris then said that why we wanted a continuance to talk about what we can do with the city. You will have up 700 residences on tract three and five.

Cotton Mooring, asked who decided that stucco was a bad idea, noting Sedgefield Country Club has a stucco building with timber. So, she doesn't know why stucco was stuck in there.

There being no other speakers the public hearing was closed.

Ms. Mazzurco moved to approve the offered conditions: that the units in tract 4 not exceed 130 units and a maximum building height of three-stories, additional uses shall be limited to multi-family (elderly), chain link fences are prohibited, no garages or storage buildings shall be located between High Point Road and the principle structure and vinyl and stucco materials are prohibited on all exterior building elevations, seconded by Mr. Engle. The Commission voted 8-0 in favor of the motion. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle. Nays: None.)

Mike Kirkman stated that this site is designated as Mixed Use Planned Community on the Generalized Future Land Use Map. The Mixed Use Planned Community designation is intended for large tracts of undeveloped land near the City's fringe that are appropriate for larger scale, creatively planned residential, mixed with other uses such as supporting retail and small to medium scale office development. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy and diversified economy. The PUD zoning, as conditioned, will allow the mix of residential, commercial, service and office uses. With the added conditions, staff recommends approval of the request.

### **Discussion:**

Chair Lester stated that this is an historic property and the 2015 rezoning envisioned commercial along Gate City Boulevard, a mix of commercial and residential in the middle of the site and just residential along High Point Road. The proposed request does increase the intensity of development along High Point Road a little bit and there is concerns for the height of the building.

Ms. Mazzurco asked staff to clarify something. She had received an email about this case and had also seen the historic district reference keep coming up. She looked it up and it does not appear to be a historic overlay district. She doesn't think that it is applicable to this case. Mike Kirkman responded that she is correct and that this is not located in a historic overlay district. Ms. Mazzurco asked if there was anything that would prohibit the Sedgefield residents from asking for a historical overlay district. Mike Kirkman said no, they could petition to have a historic overlay and is a similar process like the rezoning. Mr. Engle stated that he would support the rezoning request because he feels like with regards to his community they have always had a special place for the people in retirement. He thinks that the development will fit well into that community.

Mr. Holston moved that in Z-18-10-001, 5300 High Point Road from PUD (Planned Unit Development) to PUD (Planned Unit Development), that the Greensboro Zoning Commission feels that it is consistent with the Connections 2025 Comprehensive Plan and is reasonable and in the public interest, because the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy, and is consistent with the Comprehensive Plan's Reinvestment/infill goal to promote sound investment in Greensboro's urban areas. The request is also consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound and sustainable pattern of land use, limits sprawl, protects urban areas, protects dual character and is a sound stewardship of the environment and provides for the additional division of other services and facilities as the City expands, seconded by Ms. Mazzurco. The Commission voted 8-0 in favor of the request. (Ayes: Lester, Mazzurco, Holston, Pinto, Marshall, Alford, Engle, Dansby-Byrd. Nays: None.)