

**PARTIAL MINUTES OF THE
ZONING COMMISSION
November 19, 2018**

Z-18-11-003 2737 and 1745-1767 Horse Pen Creek Road (south and west of Horse Pen Creek Road and west of Terrault Drive) – A rezoning request from R-3 (Residential Single Family -3), CD-RM-12 (Conditional District – Residential Multifamily -12), and CD-O (Conditional District – Office) to CD-RM-18 (Conditional District – Residential Multi-family -18) with the following zoning conditions: 1. The landscaped buffer adjacent to Sullivan’s Lake Association parcels REID: 0081972 (4222 CE Sullivan’s Lake Drive) and 0081973 (4206 Open Sullivan’s Lake Drive) shall be of a Type C buffer width with a Type B buffer planting rate, - for the property located at 2737 and 2745-2767 Horse Pen Creek Road, generally described as south and west of Horse Pen Creek Road and west of Terrault Drive (21.37 acres) – Judy Stalder for Keystone at Horse Pen Creek, LLC. **(FAVORABLE RECOMMENDATION)**

Lucas Carter described the subject properties, as well as surrounding properties, and noted issues in the staff report. Mr. Carter also noted that an additional zoning condition would be proposed by the applicant for this request.

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

In Favor of:

Judy Stalder stated that this new zoning condition was the result of a meeting with the Sullivan Lakes Community and HOA. There was a desired for a fence, because neighbors were worried about foot traffic. Ms. Stalder said Keystone would use their typical decorative fence with brick columns and aluminum type materials with wrought iron. It will start at Horse Pen Creek Road, extends along the first two parcels until it intersects with the required 100-foot undisturbed buffer around the stream and then along the northern border of the undisturbed buffer approximately 60 feet. Mrs. Mazzurco asked if the applicant was striking condition number one and replacing it with this new condition. Mr. Kirkman stated that the proposed condition would be in addition to the existing advertised condition and was not a modification.

Ms. Mazzurco moved to add a new condition number two to case Z-18-11-003 as follows - a minimum 6 foot tall fence composed of brick columns and aluminum type material with wrought iron appearance shall be constructed near the southern property bound adjacent to the Sullivan Lakes association parcels REID 0081972 and 0081973 as shown in exhibit A, where the fence intercepts with any required stream buffers it shall be placed along the eastern edge of those buffers for the distance of 60 feet as shown in Exhibit A. The fence shall be placed in a manner so as not to interfere with any new or conserved plants, seconded by Alford. Mr. Holston asked for clarification on the total length of the proposed fence. Ms. Stalder said she did not have the number, but it starts at the road and goes along the two properties and then along the stream buffer. The commission voted 7-0 to add the condition. (Ayes: Dansby-Byrd, Holston, Pinto, Lester, Mazzurco, Alford and Engle. Nays: None)

Judy Stalder noted that the Comprehensive Plan is 15 years old and is currently undergoing a rewrite so changes will occur to what was previously approved. She then noted that the proposed development on the subject site is similar to the types of developments being built in Winston-Salem, High Point and even in Mebane. These developments attract a younger population and downsizing older adults and will provide amenities that will attract those people to the community. Ms. Stalder stated that as the Greensboro population is getting older, we need younger people and to keep our college students here so we need these kinds of developments. The proposed development provides new housing stock and strengthens the tax base. Ms. Stalder then stated that Horse Pen Creek Road is undergoing construction right now, but when it is done it will be a major roadway connecting two major thoroughfares in Greensboro. She added that the applicant had a transportation engineer do a traffic study that was

reviewed by GDOT. The results state that with the construction and the new lanes, the improved roadway will be able to handle traffic from the proposed development. Additionally, the proposed development reduces the driveways on Horse Pen Creek Road from ten to two.

Mrs. Stalder also noted that buffers along the boundaries with the Sullivan Lake Townhomes were the biggest known concerns since this neighborhood had participated with many rezonings in the area and the residents were intent on meeting with the applicant to address any concerns. Mrs. Stalder concluded that the proposed development meets the intent of the current Comprehensive Plan, is appropriate for the site and they are offering additional conditions on landscaping and fencing to protect neighbors adjacent to the site. As such, she is asking for the Commission's approval to the request.

Scott Wallace, Keystone Development, stated that he is very excited to have this opportunity to provide a resort style living that goes above and beyond with their intended amenities packages. He noted they are excited to be able to work with six different property owners and bring this all together as one first-class community and research shows that this area will be popular for this type of development. Mrs. Mazzurco asked if the building would be four stories or have faux windows at the top. Mr. Wallace said that buildings would be no taller than four stories as the four-story building is an urban style building with a flat roof type look that allows for air conditioners and other equipment to be located on the roof. A three-story building will be have more traditional gable roof that will look higher. Mrs. Mazzurco asked about what the largest story on the proposed buildings would be. Mr. Wallace responded that it would be four and he would be more than happy to add another condition stating that the maximum height of the building would be four stories. Chair Lester asked if the zoning request included any restrictions on height. Mr. Kirkman stated that there is no maximum height requirement with the proposed zoning conditions. Ms. Mazzurco asked staff about language for a third condition addressing height. Mr. Kirkman suggested "the maximum height of any buildings shall not exceed four stories". The applicant was in agreement with the condition and the Commission then voted to accept this additional condition. Chair Lester moved to add a new condition number three in case Z-18-11-003, seconded by Ms. Mazzurco. The Commission voted to add condition number three, which says "the maximum height of any buildings shall not exceed four stories". The Commission voted 7-0 (Ayes: Lester, Dansby-Byrd, Holston, Pinto, Mazzurco, Alford, and Engle)

Mrs. Mazzurco then asked if the applicant had any pictures or drawings of the proposed development she could look at to see what the entire site will look like. Mr. Wallace stated that he did have a preliminary plan he could show and provided it to the Commission. During this time, Mrs. Stalder stated that Keystone owns and operates their developments versus selling them to other owners. Mr. Wallace then quickly reviewed the preliminary sketch plan showing a new stop light on Horse Pen Creek Road that will be the main entrance and exit. He noted that there would be a second entrance on Horse Pen Creek Road that would be a right in, a left in, and a right out. He also noted that this will be a gated community and will most likely include a water quality pond. Mrs. Mazzurco asked further about the retention pond. Mr. Wallace said that they assume they will have a pond to provide a better filtering process. Ms. Mazzurco asked staff if this retention pond would discharge into Horse Pen Creek watershed. Mr. Kirkman noted that this is just a sketch plan and items like storm water were technical in nature and will be handled later in the development process. Mrs. Mazzurco asked about the electronic gates and how that might affect traffic. Nolan Tipton, GDOT said the standard driveway leading to a gate is a minimum of 150 feet from the right of way. Mr. Wallace added that they will adhere to all standards for traffic, gate and other development ordinances. Mr. Holston asked Mr. Tipton how many cars could be located in that 150 feet from the right of way. Nolan Tipton, GDOT stated that approximately eight to nine vehicles could fit in that space.

In Opposition of:

Vinay Kobadi, 2738 Horse Pen Creek Road, state that he and his wife live right across the street from the rezoning area. His main reason for being against this request is because he wants to keep the area lower residential as much as possible and prefers it to be RM-12 or less. If it must go to RM-18, he would like to have some other conditions worked out and he wants the traffic and noise levels worked out.

Donna Kabadi, 2737 Horse Pen Creek Road, stated that she had two main concerns. After looking at a similar project developed by the applicant on Guilford College Road, she noted a lighted sign over the clubhouse, and she thinks that is not desirable for her neighborhood. She also stated that this was the first night she had seen a site plan. She stated that they have a tower and does not think that it will fit in with the aesthetics of the neighborhood. She does not want a four-story building; she thought the limit should be three stories.

Jared Pike, 2736 Horse Pen Creek Road, stated that he grew up in this house on Horse Pen Creek Road. He is worried about the amount of people that these new units will bring. There would be anywhere from 300 to 1200 people in these units and that does not fit well with where he lives. Mr. Pike said that he does not think they were given a reasonable time amount of to understand the development and its potential impacts. He added that he is not generally against builders, apartment complexes, or this company.

In Favor Rebuttal:

Mr. Wallace stated that they will continue to work with the neighbors, as they want to be good neighbors, and added that they have been working on this property for a very long time. Chair Lester said that a large portion of the property is zoned for CD-RM-12, which means about 200 units or so, and they are talking about up to 400 units, which is a significant increase in density. He then noted that across Horse Pen Creek Road is R-3, which is the lowest level of residential development and other adjacent developments are zoned RM-5 and RM-8 so the request does appear to be a large increase in this scenario. Mr. Wallace said that this area is very close to the core of Greensboro. With the widening of Horse Pen Creek Road from two lanes to four and five lanes, the retail uses, and the office complexes nearby makes this area appropriate for more residential units and the road would be able to handle the traffic impact. They are just asking for the Commission's support.

In Opposition Rebuttal:

Jared Pike stated that there has been a lot of questions raised during the hearing. Chair Lester noted that the proposed development will be up to 396 dwelling units. So that means there could be 1,000 to 1,600 more people in that area and that is a substantial increase. He noted that this all feels rushed to the people who live in this area.

Donna Kobadi stated that she did not realize the long-range plan for the neighborhood was 15 years old and is going through a review right now. She thinks this is something a long-range plan committee could look at and give their thoughts about what could go out there.

Mr. Kobadi stated that he does not think it is wise to change the zoning.

Chair Lester asked if there was anyone else wishing to speak. There being no other speakers the public hearing was closed.

Staff Recommendation

Mr. Kirkman stated that this site is designated as Low Residential (3-5 d.u./acre), Moderate Residential (5-12 d.u./acre), and Mixed Use Commercial on the Generalized Future Land Use Map. The applicant has requested a GFLUM amendment to High Residential (over 12 d.u./acre) as part of their request. The High Residential designation provides for high-density apartment dwellings, condominiums, life care, and similar housing types, generally at a density of more than 12 dwelling units per acre. The proposal supports the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities. The request also supports the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-RM-18 district imposes zoning conditions that will limit negative impacts on the surrounding neighborhood. Staff recommends approval of the request.

Discussion:

Mr. Pinto stated that the main issue with this case is the density and can the area handle the RM-18 zoning? He thinks that the area can handle the requested zoning with the updated streets and traffic lights. He said this is a desirable area to live and growth will continue to be a factor. He stated that the apartments fit in with the townhome associations, neighborhoods and office uses and existing apartment uses already on Horse Pen Creek Road and supports the CD-RM-18 request. Mrs. Mazzurco stated that while Keystone Homes is a great asset to Greensboro she has concerns about density issues. She noted that Mr. Davenport, the traffic engineer for applicant, was not available to answer her questions. She feels like she is walking into this blindly and disagrees with Mr. Pinto. She states that it is currently a nightmare on Horse Pen Creek Road, especially at peak hours. She also did not know about the gate and getting in and out and she has questions about that. Mrs. Mazzurco concluded that she is uncomfortable with the proposed density, all the unanswered questions and concerns about with the four-story buildings; therefore she will not be supporting this. Mr. Holston stated that the issue is with density, but for the road improvements and traffic study showing that it can handle it, he will support the request. Mr. Engle stated that he believes Keystone will continue to work with neighbors and thinks this is a good opportunity and will support the request. Mr. Alford stated that he thinks this is a drastic step and will not support the request. Chair Lester said that they should approve this application because the road system is extensive and impressive and will be improved after construction is complete. The airport and downtown being close makes this highly desirable area. The market forces here appear to be supporting higher density, so he will be supporting the request.

Mr. Pinto moved to approve item Z-18-11-003, 2737 and 2745-2767 Horse Pen Creek Road from R-3 (Residential Single Family), CD-RM-12 (Conditional District-Residential Multi-family-12) and CD-O (Conditional District Office) to CD-RM-18 (Conditional District-Residential-Multi-Family-18), and 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 Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities and the request includes conditions that limit potential negative impact to the surrounding area, seconded by Mr. Holston. The Commission voted 5-2 in favor of the request. (Ayes: Lester, Holston, Pinto, Dansby-Byrd, Engle. Nays: Mazzurco and Alford.). Chair Lester then noted that because the request did not receive a unanimous approval this item would not move on to the City Council level.