

**MEETING OF THE  
ZONING COMMISSION  
JANUARY 13, 2016**

**Z-15-11-003** 4803, 4807 Hardindale Drive and 635 Muirs Chapel Road (west of Muirs Chapel Road and east of Arrowhead Road) – A rezoning request from R-3 (Residential Single-Family) to CD-RM-12 (Conditional District-Residential Multifamily) with the following conditions: (1) Uses shall be limited to a maximum of 142 townhouses. – For the property located at 4803, 4807 Hardindale Drive and 635 Muirs Chapel Road, generally described as west of Muirs Chapel Road and east of Arrowhead Road (11.83 Acres) – Trinterra, LLC on behalf of Dorothy Hardin Lewis.  
**(APPROVED)**

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

Brad Deaton, 1400 Battleground Avenue, was representing Trinterra, the applicant. Several meetings have been held with various property owner groups. As a result of the meetings to address concerns, he requested a revision of the conditions attached to this request. The first condition would reduce the maximum number of residential units from 142 units to 100 units. Five additional conditions were also introduced to be added to the request.

**Amended Condition:**

**(1) Uses shall be limited to a maximum of 100 residential dwelling units.**

**Additional Conditions:**

**(2) The existing native landscaping along the southern boundary shall be preserved and enhanced to ensure continuous screening, as approved by the City Arborist.**

**(3) An opaque fence, with a minimum height of 6 feet shall enclose the dwelling units adjacent to the southern property without encroaching into the required buffer.**

**(4) Exterior lighting shall be limited to a maximum height of 25 feet above the finished grade.**

**(5) No dwelling unit or parking is to be located within a 75 foot radius centered on the intersection of the centerline of Beckwith Drive and the southern property line as shown on Exhibit A, dated January 13, 2016.**

**(6) Facades and rooflines on dwelling units shall include features and material changes to ensure architectural variety.**

Chair Pinto moved to strike the original advertised condition and to replace it with the six conditions above, seconded by Mr. Marshall. The Commission voted 6-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Marshall, Lester, Duggins. Nays: None.)

Mr. Deaton described the conditions that resulted from multiple meetings with the neighborhood. He presented an illustrative site plan showing that the development is much less dense than what was previously shown to the neighbors, while still providing flexibility to the developers. Limiting this plan to 100 units actually results in a density of 9 units per acre.

Responding to questions from Commissioners, Mr. Deaton explained that Hardindale Drive will be relocated to line up with Lipscomb Drive to make an intersection at that point.

Mr. Deaton commented that the sale of this property will be used to help support the healthcare of the owner's parents for the future. They felt that a townhome product would be a good transition between the apartments to the north and the single-family units to the south.

Marsh Prause, 516 Woodlawn Avenue, is legal counsel to Streamside Homeowner's Association formed to administer common areas within the Streamside neighborhood. The Streamside neighborhood includes the houses on Beckwith Road which stubs into the project. Mr. Prause stated that there was initial concern about the compatibility of the proposed project with the Streamside neighborhood but the Board of Directors voted to endorse this request based on the additional conditions that were negotiated.

Allen Boyette, 726 Beckwith Road, felt that the conditions that have been attached to the request will minimize the impact of the proposed development.

### **In Opposition:**

Deborah Wallace, 4806 Terra Drive, expressed concern about the second condition. Her property backs up to the project and she asked for the existing fencing to remain in place along Terra Drive to minimize impact to six houses. She stated that her neighborhood does not want Coronado Drive open. Chair Pinto informed her that the Commission has no power to make determinations about road closings.

Lane McKinney Talsey, 717 Cannon Road, said that the Traffic Impact Study overlooked Cannon Road. Cannon Road is a very narrow street and heavily traveled residential street. She felt the road deserved consideration because it is narrow and has no curbing, guttering, or sidewalks. Drain ditches run on both sides of the street. There is a bus stop at Cannon Road and Friendly Avenue that encourages lots of pedestrians to access the road on foot and she was concerned about increased traffic from the project. There is a lot of through traffic and speeding cars cause safety issues. Over 75 percent of the neighborhood has signed a petition asking for consideration of Cannon Road as a traffic calming area with a speed bump.

Ms. Talsey stated they feel that traffic will be increased if Lipscomb Road is closed and that is a valid safety concern for residents.

Chair Pinto explained that the Commission can only rezone property. They have no control over traffic issues. He suggested that the concern be directed to Greensboro Department of Transportation. Ms. Reeves asked Ms. Talsey for contact information so that an engineer could investigate to see what can be done relative to traffic concerns.

Lois Hines, 512 Leawood Drive, stated that a variety of apartments, townhomes, and single-family homes are already located near the area proposed for rezoning. The project would result in too much traffic and a high population density. She recommended that the number of units be reduced to no more than 71 units.

Tomoko Cormier, 707 Cannon Road, reiterated safety concerns for neighbors, particularly the elderly, resulting from the narrow road and surrounding two feet deep gutters surrounding it. She noted the frequency of belligerent speeders on Cannon Road and felt that traffic on the street would be increased with the proposed project. She asked for more consideration for Cannon Road and mentioned that the bus stop could be moved to Muirs Chapel Road to decrease walking traffic on the road.

Jutta Salmon, 720 Cannon Road, spoke to the increasingly dangerous traffic situation on Cannon Road. She mentioned failed measures in the past to calm traffic on the road. She was supportive of installing speed bumps to slow down traffic on the street.

David Hines, 600 Leawood Drive, said that the terrain being considered for rezoning runs downhill with a creek at the bottom of it. Leawood Drive overlooks this terrain on the western boundary. The site plan refers to 20 homes to be placed on the western boundary with a 50-foot boundary requirement for screening. Noting surrounding properties, he pointed out that the area does not drain very well. Putting an impervious surface over a downward facing drain into the creek is problematic with respect to drainage issues.

Edwin Bryan, 5301 West Friendly Avenue, said that the latest change in the proposal says nothing about townhomes and he expressed neighborhood concern that apartments will be built. He is also concerned about the T intersection of Hardindale Road with Lipscomb Road and the added pressure it will put on Cannon Road.

#### **Rebuttal in Support:**

Mr. Deaton commented that Mr. Bryan's concern is that the amended conditions do not specifically refer to townhomes anymore. One of the original concerns was apartments and therefore, the proposal is for townhomes and/or single-family. The traffic study was not done in accordance with apartment trip generations. They would have to go back through the whole process if apartments were being planned.

Mr. Kirkman clarified that the current wording in the condition is for a maximum of 100 residential dwelling units and the type of residential units is not distinguished. Apartments could be included in the mixture of uses. Mr. Deaton stated that they plan to build townhomes and/or single family units. Mr. Kirkman asked Mr. Deaton if he wanted to amend the condition to further limit it to 100 townhome or family dwelling units. Following discussion, Mr. Deaton chose to leave the amended condition as it is currently worded.

Mr. Deaton addressed landscaping concerns and indicated they intend to leave the existing vegetative buffer and chain link fence. In addition, he is open to discussions to resolve issues on Cannon Road.

#### **Rebuttal in Opposition:**

Wade Tonelli, 508 Arrowhead Drive, commented on his concern with the erosion that takes place on the back side of the property. The depth of the creek running through the area has increased significantly since the 224 apartments were built. The amount of impervious surface prevents water from leaching into the ground resulting in run off and serious water issues. He was also concerned that the conditioned proposal does not say townhomes or single-family homes. Nobody in the area wants apartments there.

Responding to a question from Mr. Gilmer, Mr. Tonelli said that he has never reported the erosion problem to the City but he will consider doing so.

Marty Nance, 4807 Terra Drive, expressed her disappointment that the language of the proposal could allow apartments to be built. She reiterated concerns about traffic.

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

### **Staff Report:**

Mr. Kirkman stated that this site is designated as **Low Residential** on the Generalized Future Land Use Map (GFLUM). In conjunction with the rezoning request, the applicant filed a Comprehensive Plan amendment with the rezoning request to revise the Generalized Future Land Use designation to Moderate Residential. The Moderate Residential category accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings. The proposal meets the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing. The CD-RM-12 district, as conditioned, will limit uses to residential dwelling units, compatible with adjacent development. Staff is recommending approval of this request.

### **Comments:**

At the request of Mr. Parmele, Carrie Reeves, GDOT, explained the City's criteria for choosing streets to analyze with rezoning requests. Based on the criteria that included traffic generation into and out of the intersection, the unsignalized intersection at Cannon Road would typically have not been included in the traffic analysis. Ms. Reeves has acquired Ms. Talsey's information and plans to look into types of traffic control for Cannon Road along with the possibility of infrastructure improvements.

Ms. Reeves confirmed that the traffic study was made based on 142 proposed units and the area has the capacity to handle this amount. Less traffic will be generated with the reduction to 100 units.

Mr. Gilmer plans to support the request. He noted that the developer has cut back on the number of units in the project and the City plans to look at the serious traffic issue on nearby streets.

Mr. Parmele also plans to support the request. The traffic study shows that there will not be an additional burden to streets. He felt this proposal was the highest and best use of the land and is a smooth transition to surrounding uses.

Chair Pinto explained that the Commission looks at density and land use. They cannot put weight on whether or not the units will be apartments or townhomes. He commented that it would be difficult for an apartment building to comply with the condition allowing for a variety of rooflines and architectural variety. He felt that both sides have made good faith efforts to come up with a plan that both sides can live with and he plans to support the request.

In the matter of **Z-15-11-003**, Mr. Marshall moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 4803 and 4807 Hardindale Drive and 635 Muirs Chapel Road from R-3 (Residential Single-Family) to CD-RM-12 (Conditional District-Residential Multifamily) to be 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 Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas; the request is consistent with the Housing and Neighborhoods goal to meet needs of present and future Greensboro citizens with a choice of decent and affordable housing; and the request does implement measures to protect neighborhoods from potential negative impacts of development; seconded by Mr. Gilmer. The Commission voted 6-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Marshall, Lester, Duggins. Nays: None.)