

**MEETING OF THE
ZONING COMMISSION
September 21, 2015**

Z-15-09-005 3061 YY Pisgah Place and 10 R1 Bent Oak Court (north of Pisgah Place and east of Leland Drive) – Rezoning request from R-3 (Residential Single-Family) to CD-RM-12 (Conditional District Residential Multifamily) with the following conditions: (1) All buildings shall have a maximum height of three stories. 2. Primary building materials shall consist of not less than fifty percent (50%) brick, stone, and/or cementitious materials (e.g. Hardie Plank). – For property located at 3061 YY Pisgah Place and 10 R1 Bent Oak Court, generally described as north of Pisgah Place and east of Leland Drive. (30.42 acres) – Marc Isaacson, on behalf of Edward J. Dungee Heirs. **(APPROVED)**

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

Marc Isaacson, 804 Green Valley Road, is an Attorney representing the 25 heirs of Edward J. Dungee. They have owned this property for several decades. He is also representing the potential developers of the property, Dwight Stone and John Stratton. Mr. Stone raised his hand to be recognized by the Commission. Mr. Isaacson distributed packets of information to members.

This property is surrounded by similar multifamily properties and the purpose of the rezoning is to allow a multifamily residential project to be developed on this site. He reviewed the conditions attached to the application and presented an illustrative site plan and a rendering of what the building will look like. He pointed out that approximately 1/3 of the 30-acre site will remain undisturbed with existing trees and vegetation serving as a buffer. The buildings will be located in the northern area of the land. In addition, the property will have only two access points, Wireless Drive and Pisgah Place. They are not asking to reopen Leland Drive to the west of the property or Driftwood Road to the north of the property.

A Traffic Impact Study was made of two intersections; Pisgah Church Road and Pisgah Place and Pisgah Church Road and Wireless Drive. It was determined that they both would retain their current levels of service. The level of service at the signalized intersection at Pisgah Place and Pisgah Church Road is an A level of service and will remain an A level of service after total build out according to the Traffic Study and the Department of Transportation.

Two letters were sent to property owners in the area notifying them of the purpose of the application, description of the proposed project, a phone number to be called for additional questions, and the date and time of the Zoning Commission hearing. Several calls were received and several meetings were held with neighbors. Until Mr. Isaacson received a call from a reporter, he was not aware of any other opposition about this matter. He noted that a meeting was held among neighbors and the developer was not invited to attend and share information.

Mr. Isaacson pointed out that the heirs for this property have been paying taxes on this vacant property for decades. The heirs have met for over four years to agree to the sale of this property. The request is favored by the family, City staff, and the City's Comprehensive Plan. It is also supported by the Traffic Impact Study and preserves existing trees and vegetation on 1/3 of the 30 acres of land.

Mr. Isaacson stated that this project falls in line with the Comprehensive Plan and is compatible with two other similar apartment communities adjoining this property that are currently zoned RM-12. The adjoining Blumenthal rehabilitation facility is zoned Office and there are several single-family homes adjacent to the

property as well. The plan contains a significant buffer to help mitigate the impact of the development on the adjoining properties.

Fannie Thompson, 3022 Carly Kellam Drive, is an heir of Edward Dungee. She stated that the heirs of the property are getting older and would like to see the property used for something beneficial to others. This property has been in her family since 1864. City tax increases have made it necessary to sell this property. She trusts that the developer will keep his word to provide a buffer between the neighborhoods.

Speakers in Opposition:

Aaron Terranova, 106 Tatum Place, was present to represent several neighborhoods in the area. He noted several inaccuracies in the Staff Report and said that the topography is rolling, not flat terrain. In addition, this is a highly wooded, vegetation-dense area and the pond on the map is a man-made retention pond. He stated that the RM-12 zoning is only in the southeast corner and all the surrounding neighborhoods are zoned R-3. The consistency and character of the neighborhood is R-3, not moderate intensity housing. Mr. Terranova also pointed out that the 10 acres of buffer previously referred to cannot be developed due to wetlands and therefore, the development had to be pushed up into the northwest corner of the parcel adjacent to the existing R-3 housing. The developer is actually buffering away from the moderate RM-12 housing and moving closer to R-3 housing. He felt this represented a "reverse buffer" situation based on the way the development is planned to move. In addition, he felt that 360 units would represent a huge increase in the density of this area that would affect infrastructure, sewer/water, traffic, and emergency services.

Phillip Simpson, 4121 Driftwood Road, reiterated that the topography is hilly and densely vegetative. His property experiences stormwater runoff whenever there is a heavy rainstorm. He indicated that a portion of his neighbor's front yard has been washed away from erosion. He expressed concern that there will be a

high level of water runoff once the trees are leveled. He commented that the proposed apartments in the rendering resemble college dormitories.

David Mengert, 110 Sparger Place, stated that there is a steep slope going from the Dungee property not reflected in any of the photographs that were presented. He was concerned about the potential for even more flooding in the area. He canvassed the neighborhood and determined that there is 100 percent opposition from single-family homeowners in the area. He would like the Dungee family to be able to sell their property but would like to see the property be developed as single-family homes. He felt that 360 apartments would have a negative effect on the community, the wetlands, and the Blumenthal facility.

Doug Harris, 1619 Natchez Trace, stated his opinion that single-family housing on this parcel would be preferable to 360 apartment units. He pointed out that the 10-acre buffer zone is not between the homeowners and the proposed apartments. Rather, the undevelopable buffer in the lowland is actually between Woodland Apartments and Yester Oaks Apartments and the proposed development. He also noted that this is a uniquely bad traffic area and the additional 360 apartment units would only make the situation worse.

Whitney Vandorf, 106 Pineburr Road, pointed out the 10 acres of land to be used as buffer is really not a concession because the land is unbuildable. She felt more thoughtful proposals should be brought to neighborhoods where infill development is going to occur. She felt that R-3 would be a thoughtful way to develop this land.

Chris Heyn, 300 Pineburr Road, stated that nearby Fire Station 40 on Pisgah Church Road is one of the only stations that require a traffic light to get out onto the road because it is so congested. The road is

heavily travelled and there are many accidents. The problem would be made worse with the addition of the proposed apartment complex.

Christopher Scott, 114 Sparger Place, was opposed to the request. He described the negative impact that the proposed project will have on schools in the area. He was disappointed with the developer's transparency and the manner in which neighbors have received information as homeowners. He was supportive of the Dungee family selling their property; however, he would like to see a single-family neighborhood on the site rather than an apartment complex.

At the request of Mr. Scott, numerous individuals who were opposed to the request stood to be recognized.

Rebuttal in Support:

Mr. Isaacson responded to concerns raised about water runoff and the impact of development. He explained that the City has a rigorous TRC (Technical Review Committee) process that a development must go through. Water runoff would be controlled by the retention pond and other means required by the City. He addressed the issue of compatibility and submitted that this proposal is compatible with surrounding properties and an adequate buffer is required by the ordinance. The proposal developed by the engineer is the logical way to develop this piece of property. This site is perfect for an infill development and traffic will adequately be dispersed onto streets that are able to handle it according to GDOT staff.

Responding to a question from Chair Pinto, Mr. Isaacson indicated that the 10-acre property that abuts the two apartment complexes could be developed for single-family homes at a high cost.

Rebuttal in Opposition:

Phillip Simpson, 4121 Driftwood Road, expressed concerns about flooding noting that the staff report incorrectly said the topography was flat. He asked if the matter could be continued to make sure that everything was proper. Chair Pinto informed him that the Commission had to vote on the request at this meeting unless there was some motion to continue the case.

Aaron Terranova, 106 Tatum Place, stated that the developer did send a letter to neighbors; however, the letter was very generic. He described the difficult time he had trying to communicate with the developer. He said that the developer has no plans to develop the 10-acre wetland area.

Doug Harris, 1619 Natchez Trace, said that along the creek bed, no home in that area is built within 50 yards because it is a flood plain. The ten-acre proposed buffer is also in a flood plain and is a dry creek. Additionally, even with a retention pond there will be even more flooding with the apartments and large amounts of parking area.

Mary Ann Dalton, 3057-D Woodland Park, commented that her apartment looks like a chalet compared to the proposed rendering of the apartment complex that resembles a dormitory. She commented on the beauty of the surrounding wooded area and expressed concerns about increased traffic resulting from the apartment complex. She felt there would be more traffic coming through the surrounding residential areas.

Dr. Ilene Lane, Lawndale Drive, described the bad traffic situation and expressed concerns that the trees will suffer if the apartments are built in what is now a forest.

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

Staff Report:

Ms. Smith stated that this site is designated as Moderate Residential on the City's Generalized Future Land Use Map (GFLUM). This designation 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 request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods. The CD-RM-12 (Conditional District-Residential Multifamily) zoning district will accommodate multifamily and similar residential uses and staff is recommending approval of the request.

Comments:

Noting the two errors detected in the Staff Report concerning topography and vegetation, Mr. Lester asked if the error would have impacted staff's recommendation. Ms. Smith acknowledged the errors and indicated that staff's positive recommendation for the request was not impacted by these errors. Mr. Lester then noted that this matter does not necessarily involve an environmental decision. That decision will occur sometime in the future during the design phase independent of whatever zoning decision is made at this hearing. He was supportive of the request.

Mr. Parmele felt this was a difficult decision; however, the Commission's job is to determine the highest and best use of zoning. He pointed out the developer is making efforts to minimize ingress/egress and unless money is no object, the proposed 10-acre buffer cannot be built upon. The property has been in the family for 150 years and the City of Greensboro has developed around it. He felt there is currently limited demand for single-family homes and based on today's market, multifamily development is the best use for this land. He plans to support the development.

Mr. Gilmer stated that this is an infill development and TRC will handle the issues mentioned by the opponents, not the Commission. He felt apartments were the best use for this land and he plans to vote in support of the request.

Chair Pinto explained the process followed by the Zoning Commission. The Commission must decide the best use of the property and determine if the request is consistent with the Comprehensive Plan for the City. He felt the request was consistent with the Comprehensive Plan and consistent with the two apartment complexes and townhome developments adjacent to the parcel. He felt that if this area was zoned R-3 there would be almost as many people and cars with less of a buffer. This is a close call but apartments in this area are appropriate as well as single-family dwellings. However, a developer has not come forth with a plan for a single-family development. The highest and best use for this property is an apartment complex.

Ms. Bachmann said that she was conflicted with this decision as well. She thanked supporters and opponents for coming to the hearing. The land was rezoned to R-3 in 2010 and as long as it has been R-3, nobody has indicated an interest in developing the property. According to studies, more people are moving into multifamily rather than purchasing single-family homes. She felt that the best use for this property is multifamily and she plans to support the request.

Ms. Bachmann moved that in the matter of **Z-15-09-005** the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 3061 YY Pisgah Church Road and 10 R1 Bent Oak Court 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 fit the needs of present and future Greensboro citizens for decent and affordable housing; and the request does implement measures to protect neighborhoods from potential negative impacts of development. The motion was seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Bachmann, Blackstock, Lester, Marshall. Nays: None.)

Chair Pinto called a brief recess at 7:25 p.m. and the meeting resumed at 7:35 p.m.