

**PARTIAL MINUTES OF THE
ZONING COMMISSION
OCTOBER 17, 2016**

Z-16-10-006 1309 Guilford College Road, 103-107 Amberwood Drive, 196-198 Hassellwood Drive and 190-194 Hassellwood Drive (east of Guilford College Road and south of Hilltop Road) – An original zoning from County RS-40 (Residential Single-Family) to City R-5 (Residential Single-Family).
– For the property located at 1309 Guilford College Road, 103-107 Amberwood Drive, 196-198 Hassellwood Drive and 190-194 Hassellwood Drive (east of Guilford College Road and south of Hilltop Road) (4.5 Acres) – William and Janet Ameen **(NO OFFICIAL RECOMMENDATION)**

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

Dr. Bill Ameen, applicant, explained that he grew up on this property. Last year they gave the City permission to extend the water main down Guilford College Road and Amberwood Drive into Hassellwood Drive. He is still in process of cleaning out the house that was left to him by his father. Their well is damaged and they want to access City water which is now in close proximity to their property. They do not want to sell to a single buyer because the property needs structural work and they can get more money for the property by developing it. They would like to develop the property sometime in the future with four houses and felt R-5 would be the best zoning to request. He would like to market the proposed homes in the \$350,000 to \$400,000 range. They are in process of cleaning out the property and there is no running water. He explained the immediate issue is to get the water restored by connecting to City water so that the house can be cleaned up. He felt that 4.5 acres was too much property to leave undeveloped although plans for developing the property may be several years down the road. He would like to share his thoughts about future development with nearby neighbors so everyone will be on board with his plans.

Mr. Duggins asked how the applicant arrived at R-5 zoning when four houses could be built on property with R-3 zoning. Dr. Ameen said that an R-5 designation would prevent him from having to rezone the property again in the future. Mr. Kirkman explained that the property is currently designated as Moderate Residential which accommodates 5 to 12 units per acre and staff felt that R-5 was a compatible designation. The difference between the R-3 and R-5 designation is lot size. The R-5 designation is also compatible with the existing classification for future land use.

Although not required with an original zoning request, Ms. Mazzurco asked the applicant if he has had any conversations with neighbors regarding this request. Dr. Ameen said that he has spoken with six neighbors on the street. He explained that he would rule out commercial property and an apartment complex.

In Opposition:

Bill Justice, 4725 Barrington Place, said that he was not necessarily speaking in opposition; rather, he was speaking out of concern. If the applicant chooses to put four or five units per acre, that would constitute up to 20 homes. There is no sewer and he questioned if the septic tanks could handle that large size of property. He hoped the applicant would stay in compliance with the homes in the area that are 1 to 1.5 acres in size. He was also concerned about traffic and cited 300 homes north on Guilford College Road and a 350-unit apartment complex being developed across the street. Additional cars from this development would add to the problem.

David Shepsky, 209 Amberwood Drive, lives four houses down the street from the subject property. He felt the property was more geared toward R-3 zoning, not R-5 zoning with higher density. He was concerned a developer would build-out the higher density available with R-5 zoning to the detriment of the neighborhood.

Mr. Shepsky pointed out that although Dr. Ameen has spoken with some neighbors, a letter has not been sent out and he was present to find out about this request. Neighbors would like to be involved in discussions about the development of this property.

Rebuttal in Support:

Dr. Ameen stated that he would be happy to meet with the neighbors although it may be several years down the road before he makes a determination about developing the property. He reiterated his urgent need to get water to this property.

Relative to the development, extending sewer service is a major undertaking from Hilltop Road across the woods and it would require developing the back part of the lot, paving Hassellwood, putting in a fire truck turnaround and other things he had not thought about before. If R-3 allows him to build four 2,500 square foot houses, then that would be reasonable. He said that R-5 zoning would not bombard the neighborhood with a lot of really small houses. A development consisting of a lot of small houses would not be welcomed by the neighborhood. He was not sure if it was right to go to R-5 so he would not have to rezone it in the future and stated he was fine with R-3 if four 2,500 square foot houses could be built on the 4.5 acre property.

There being no other speakers, Chair Bachmann closed the public hearing.

Staff Recommendation:

Mr. Kirkman stated that this site is designated as **Moderate Residential** on the Generalized Future Land Use Map. 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, generally at a density of 5 to 12 units per acre. The proposal supports the 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. It also supports the Growth at the Fringe goal to promote sound and sustainable patterns of land use. The City R-5 (Residential Single-Family) district typically accommodates detached single-family dwellings. Staff is recommending approval of this request.

Comments:

Mr. Marshall said that he supports this request. The applicant needs to get water to his property and this property is designated as Moderate Residential in the GFLUM and it fits with the plan for the City. This request is on the low end for that designation with 5 to 12 dwelling units and that is why R-5 was chosen.

Mr. Pinto asked staff if the Commission can recommend R-3 to City Council instead of R-5 without re-notifying anyone because it is less restrictive. Mr. Kirkman said that there is a recommendation in R-3 that would trigger an amendment to the Comprehensive Plan but there is a provision for City Council to consider that amendment as part of the recommendation. The R-3 category would be less intense than the advertised R-5 because the R-3 zoning would have larger lots with less density. If R-3 was recommended, staff would get the notification scenarios squared away and would probably still stick to the original application information but would provide additional information. It is the Commission's purview to recommend a different classification of zoning but it will add an additional element for consideration that is not in the R-5 category. Mr. Kirkman did not believe there would be any impact to the applicant in terms of additional steps if the recommendation was for R-3 instead of R-5.

Mr. Pinto noted that when going from County to City zoning, the most similar designation should be chosen and within that designation the least restrictive zoning should be requested. Ms. Bachmann stated that the least restrictive designation in this case would be R-3 zoning.

Mr. Gilmer commented that the applicant has done due diligence working with the City and R-5 was recommended by staff. If the applicant is satisfied with staff's recommendation, then he will support R-5 zoning.

Chair Bachmann was in agreement with Mr. Gilmer. The applicant made a presentation for R-5 zoning as recommended by staff and she would be hesitant to recommend any other designation.

Mr. Lester was in disagreement and felt that the opposition to R-5 zoning should be taken into consideration. The applicant is agreeable to a development that would be consistent with R-3. It would serve the applicant well to make a recommendation for R-3 to City Council with the additional amendment that is required to the Comprehensive Plan. He was supportive of an R-3 designation.

Mr. Pinto said that the Commission's job is to make what they think is the best recommendation to City Council. He would rather see an R-3 recommendation sent to City Council rather than R-5. The neighbors want R-3 zoning and Dr. Ameen does not seem to be opposed to it. He supports a recommendation of R-3 to City Council.

Ms. Mazzurco was supportive of an R-3 recommendation to City Council. She felt that less was more and it should be left up to City Council if they would rather see R-5 zoning.

Dr. Ameen asked staff the difference in numbers of individual dwellings he could build in R-3 and R-5 on 4.5 acres. Mr. Kirkman said that the use in both districts is for detached single-family dwellings. There could be no duplexes, twin homes, or multifamily units. The difference between the two designations comes down to lot size and setbacks. The R-3 district will have a minimum lot size of 12,000 square feet with a 75 foot minimum width on the lot. The lot coverage can be at 30 percent in the R-3 district.

An R-5 district will have a minimum lot size of 7,000 square feet with a minimum 50 foot frontage. The lot coverage can be at 40 percent in the R-5 district.

In the matter of **Z-16-10-006**, Mr. Marshall moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 1309 Guilford College Road, 103-107 Amberwood Drive, 196-198 Hassellwood Drive, and 190-194 Hassellwood Road from County RS-40 (Residential Single-Family) to City R-5 (Residential Single-Family) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the actions taken to be reasonable and in the public interest because it is consistent with the Housing and Neighborhood goal to meet the needs of future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods. The proposal is consistent with the Growth at the Fringe goal to promote sound and sustainable patterns of land use. The motion was seconded by Mr. Gilmer. The Commission voted 4-4 in favor of the motion. (Ayes: Gilmer, Marshall, Bachmann, Blackstock. Nays: Mazzurco, Lester, Pinto, Duggins.)

Counsel Jones stated that the 4-4 vote represents a failed motion. The request will go to City Council without an official recommendation from the Commission.