

**PARTIAL MINUTES OF THE
ZONING COMMISSION
JUNE 19, 2017**

Z-17-05-006 5908, 5910 and 5812 Lake Brandt Road and 2000, 2018, and 2020 Trosper Road and a portion of Trosper Road right-of-way (east of Lake Brandt Road and north and south of Trosper Road) – An original zoning request from County AG (Agricultural), LB (Limited Business) and RS-40 (Residential Single-Family) to PUD (Planned Unit Development) with the following conditions: (1) Uses for Lot 1, containing 11.31 (+/-) acres, as shown on the approved PUD Concept Plan dated March 30, 2017, shall be limited to a maximum of 50 residential dwelling units; (2) Uses for Lot 2, containing 1.08 (+/-) acres, as shown on the approved PUD Concept Plan dated March 30, 2017, shall be limited to all uses allowed in the C-M zoning district except animal shelters, bus terminals, shooting range, vehicle sales and service, bars and nightclubs, ABC stores and sexually oriented businesses, and the total square footage shall be limited to a maximum of 7,000 square feet; (3) Uses for Lot 3, containing 2.91 (+/-) acres, as shown on the approved PUD Concept Plan dated March 30, 2017, shall be limited to the uses allowed in the O zoning district except Funeral Home, Crematorium, Cemetery, Group Living Uses, Social Service Facilities, and Hotel/Motel and the total square footage shall be limited to a maximum of 20,000 square feet; and (4) The maximum building height above ground on Lots 1, 2, and 3 shall not exceed 35 feet. – For the property located at 5908, 5910 and 5812 Lake Brandt Road and 2000, 2018, and 2020 Trosper Road and a portion of Trosper Road right-of-way (east of Lake Brandt Road and north and south of Trosper Road) (15.93 Acres) – Marc Isaacson on behalf of Sun Capital, Inc.
(FAVORABLE RECOMMENDATION)

Z-17-05-007 A portion of Lake Brandt right-of-way (north and south of Trosper Road and east of Nat Greene Trail) - Original zoning from County LB (Limited Business), County AG (Agricultural) and County RS-40 (Residential Single-Family) to City PNR (Parks and Natural Resources). - For a portion of Lake Brandt right-of-way, generally described as north and south of Trosper Road and east of Nat Greene Trail (2.1 Acres) - City of Greensboro
(FAVORABLE RECOMMENDATION)

Mr. Kirkman described the subject properties, as well as surrounding properties, and noted issues in the staff report. He reiterated that these items will be heard together and a separate vote would be necessary for each item.

Marc Isaacson, attorney for the applicant, 804 Green Valley Road, presented booklets and stated that Sun Capital is the applicant for these requests. They have developed residential subdivisions in and around Greensboro for several years, including another single-family subdivision just east of this property on Trosper Road that is successful and has been selling very well. The primary purpose of the request is for the development of townhomes and for a small commercial parcel and an office location. The last two would be at the intersection of Lake Brandt and Trosper Road and the townhomes would be primarily on the northern part of the property. This matter had previously been before the Zoning Commission and the last time it was presented, the rezoning request was for all commercial. They listened to the feedback from the residents in the area and from others and they have substantially changed the current plan to accommodate this input. Over two-thirds of the property would be used for residential purposes and it is thought there will be a good market for this type of use in this area. They are not aware of any similar type of development in the immediate area. Mr. Isaacson stated that the small commercial parcel at the northeast corner would be a restaurant and/or coffee shop or combination of some type and is limited to no more than 7,000 square feet. The southeast corner would be limited to office uses and it is felt that there is a market for medical offices in this area. In the previous request, they heard particular concerns about the potential sale of alcohol across from the school and it is felt that has been addressed by limiting the commercial use to no more than the 7,000 square feet previously mentioned. There was also concern about the possibility of a drug store on the site. Most drug stores would be larger than 7,000 square feet so it would be very unlikely that a drug store would fit on that parcel. Mr. Isaacson then reviewed the booklets with the Commission members.

In Opposition:

Adria Zimmerman, 1528 Trosper Road, felt that there are already other commercial properties available in the nearby area noting nearby restaurants and medical facilities. She said that commercial development would permanently change the character of this area. She added that although this is being presented as a different proposal, the main objections remain the same as those stated by City Council when they rejected this request last November. Commercial properties are still in the forefront in this proposal and those establishments are to be located at the main entrance to her neighborhood. Concerns about traffic and school safety along with environmental concerns have not changed.

Patricia Caratello, 1523 Trosper Road, stated that her property is a retreat-like place along a winding shaded road. She said the addition of a restaurant, office building and drive-through coffee shop at the entrance of their neighborhood would be built on the already busy two-lane Lake Brandt Road and would add three entrances onto Trosper Road, which is also two lanes. The entrance to the neighborhood needs to remain residential with careful consideration to the environmental impact of this area. They do not need or desire commercial properties at the gateway to their neighborhood and it is not compatible with the character of that area. She felt the area should remain residential.

Dawn Waegerle, 5724 Oak Tree Road, said that increased traffic issues particularly during morning and evening commutes are of concern. The proposed low-density commercial zoning does not require a signal and leaves this area with unacceptable and unresolved levels of traffic congestion. She expressed concern with the location of the three entrances and said that vehicles will use Trosper Road and the intersecting Oak Tree Road as an alternative exit to get to Air Harbor or Lake Brandt Road.

Ken Waegerle, 5724 Oak Tree Road, stated that the neighborhood does not think that the proposed development makes sense at the entrance. The Traffic Study identified that there will be significantly more traffic generated on Lake Brandt, Air Harbor, Oak Tree and Trosper Roads. The neighborhood is supportive of residential development in this area.

Dustin Winebarger, 18 Hydrangea Court, is a bicyclist. He is not a member of the community but he cycles through the neighborhood many times a week. He expressed concern with increased traffic as it relates to cycling noting that the area is one of the highest used trail corridors in the City. There is limited line of sight and narrow lane width in this area. There is no bicycling infrastructure or shoulders to speak of in this area but it is still one of the highest traveled areas for cyclists in the City. There has been no protection for cyclists and pedestrians incorporated into the plan for this development, which is of particular concern because it will be close to a school.

Meg Connelly, 1720 Trosper Road, said that there is protected land just to the north of the neighborhood with abundant wildlife crossing into neighborhood yards. The neighborhood is home to some of the oldest and most impressive trees in Guilford County. These trees will be destroyed when the three lots are developed. The developer has plans for additional development on the other side of Trosper Road, which will likely mean a large area of woodlands near Lake Brandt will be removed and in its place will be pavement, traffic, and stormwater management that will channel contaminated water toward the City's reservoirs. She noted concerns that the developer is asking to be made exempt from the existing watershed protections.

Melinda Waegerle, 2013 Trosper Road, expressed her opposition to the request. She commented on the good schools and neighbors in the area and felt the area should remain residential as it is.

Rebuttal in Support:

Marc Isaacson, Attorney, felt that commercial was compatible with the residential in this area. A mix of uses has worked well elsewhere in the City. The Comprehensive Plan should be the test the Commission bases its decision on and not emotion, speculation or the number of people in favor or against any project. The developer shares the traffic concern but he noted that if property in the area was developed for straight

single-family use, the traffic situation would not necessarily improve and may actually be worse. This is a well-balanced plan with neighborhood-serving commercial uses that are complementary to the area. Mr. Isaacson clarified that the developer is not asking for an exception from the watershed protection regulations. This plan complies with those watershed regulations. Only 30 percent of this property would be developed leaving 70 percent undeveloped, undisturbed open space. Responding to another comment made by the opposition, he explained that there were challenging issues with one of Mr. Miller's other developments and recommendations were made to remove some trees.

Rebuttal in Opposition:

Melinda Waegerle shared a message from Dr. Angela Houser, Principal at Jesse Wharton Elementary School. Dr. Houser indicated in an email that she has concerns about the evacuation of 500 students off-site in an emergency situation as well as unsafe conditions for pedestrians, teachers and walkers. Ms. Waegerle said that all entrances and exits to this commercial development are on Trospers Road. She was concerned that the high-volume restaurant and coffee shop drive-through have only one entrance and exit and they are located on Trospers Road.

Rebecca Vandergert, 1530 Trospers Road, said that this proposal is not substantially different from the previous one except for the fact that there is more residential which creates its own issues. Trospers Road is a narrow two-lane entrance into a residential area. The total distance from the only outlet out of Troxler Road from Lake Brandt to Oak Tree is 560 feet. This entire development as it fronts on Trospers Road is about 400 feet. There are two accesses on either side of Trospers Road into the development on the north side, which is the restaurant access, and the development itself. There are two private driveways within a short distance of the proposed accesses. There is a cut-through to Lake Brandt Road across Trospers Road that comes in behind the commercial building proposed as a medical office. She felt that the number of accesses being shown to the Commission is incorrect. All the access from Oak Tree Road onto Trospers Road which comes off the main artery of Air Harbor Road cuts through the neighborhood every day causing particular problems during school hours. She noted numerous additional problems with vehicles using Trospers Road into the proposed developments. She felt that the traffic problem that would be created will be a disaster waiting to happen and not even a traffic light will improve the problem.

Ken Waegerle said that the restaurant is being proposed at this site because it will be on a corner lot. He felt this was a misrepresentation because access is not on two streets; rather, access is only on Trospers Road which is a residential street.

Craig Lawrence, 5726 Oak Tree Road, was present in opposition to the request.

Adam Marshall asked to be recused from this matter due to a conflict that he had just identified. His law firm represents the owners association for one of the homeowners who spoke in opposition to the request. Ms. Mazzurco moved to recuse Mr. Marshall, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Bachmann, Gilmer, Mazzurco, Lester, Pinto, Duggins, Griffin, Blackstock, Marshall. Nays: None.)

There being no other speakers, the public hearing was closed.

Staff Recommendations:

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Mr. Kirkman stated that this site is currently designated as Interim Residential on the Generalized Future Land Use Map (GFLUM). The Interim Residential designation pertains to areas with a mix of all types of residential densities and uses (single-family detached, single-family attached and multifamily) with some limited local-serving non-residential uses (schools, churches and convenience services). In conjunction with the zoning application, the applicant filed a Comprehensive Plan amendment to revise the designation to Mixed-Use Residential. The Mixed-Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving non-residential uses may be introduced. The proposal supports the Comprehensive Plan's Economic Development goal to promote a

healthy and diversified economy and 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 that offer security, quality of life, and the necessary array of services and facilities. The request is also consistent with the Growth at the Fringe goal to promote sound and sustainable patterns of land use. This PUD request as conditioned is intended to promote residential and commercial uses that function as a cohesive and unified project. Staff is recommending in favor of approval of this request.

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Additionally, Mr. Kirkman noted that if annexation of the PUD property is approved there is also a portion of Lake Brandt Road right-of-way that would also automatically be annexed per the provisions of State law. That request is also designated as Interim Residential on the Future Land Use Map. The request supports the Growth at the Fringe goal to promote sound and sustainable patterns of land use and the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns. The requested PNR (Parks and Natural Resources) district generally accommodates parks, nature trails, and public facilities. Staff recommends approval of the requested PNR zoning district.

Comments:

Chair Bachmann asked staff for clarifications on changes that would be occurring relative to traffic with the proposed project on either Lake Brandt or Trosper Road.

Royal Hinshaw, Davenport Engineering, explained that there is a 125-foot northbound left turn into the school and then a combination through-right. The recommendation they have agreed to is the addition of a northbound turn lane with 100 feet of storage. In addition, for traffic approaching the intersection of Lake Brandt Road and Trosper Road, there is currently a single lane approach with a combination left-through and right turn lane. The recommendation is that they construct an additional lane from the access points for the café and the medical office to the intersection with Lake Brandt Road that would allow a separate left turn lane and then a combination through-right. They looked at needs for auxiliary turn lanes at the other site access points and found that changes were not warranted.

John Davenport, Davenport Engineering, clarified that actual traffic is used to determine if a traffic signal is warranted. Because the development has not been built yet, they had to project traffic into the future to estimate when traffic would be occurring at the intersection. It is difficult to tell whether or not a traffic signal will be warranted because only a projected use is evaluated when the actual development has not been built yet. The number of people who will go to the medical building and the café/coffee shop will determine if a signal is ultimately warranted. The City and NCDOT are saying they do not want to install a signal based on projections, but when a signal is actually warranted.

Mr. Gilmer stated that he plans to support the request. He saw no problem with the request and was pleased with the residential part of the development and the turning lanes. He noted that only 30 percent of the site will be built upon and agreed with Mr. Isaacson that the request is a reasonable and balanced use.

Mr. Griffin said that the City's PUD designation is very useful zoning and gives a balance of residential, commercial and mixed-use developments within the community. It is a well thought out project and mixed-use is a good idea. He plans to support the request.

Mr. Lester also plans to support the proposal. He indicated that he was in opposition to the previous request made by the same developer because he shared a lot of the concerns voiced by the community regarding an exclusively commercial development in the neighborhood. He feels that the plan the developer is now presenting is consistent not only with the City's long-term plan with some changes but also with the existing uses of the community. He shares concerns that the community has on traffic but it seems the developer has done all he can at this point to try to address those concerns.

Ms. Mazzurco indicated her support of this request and agreed with comments made by Mr. Lester. She would not have supported the all commercial use of the previous proposal had she been serving on the

Commission at that time. However, this proposal is a very accommodating compromise. She does have serious concerns about traffic and hoped that the situation would be monitored moving forward. She encouraged neighbors to contact GDOT should they have with any concerns with traffic after the property has been developed.

Mr. Pinto agreed with his fellow Commissioners and felt this represents a reasonable compromise with what was previously proposed. He supports the request.

Chair Bachmann commented that that she voted in opposition to the request that came before the Commission last year because she felt the intensity was too high for that area. She felt at that time that the request was not the most appropriate use for that land. She believes the developer has made significant modifications this time in that the request is much less intense than the original request. There is less commercial use and significant residential use in the proposed development. She is also concerned about the traffic but the City is watching traffic flow and will take action when changes are warranted. She plans to support the request.

In the matter of **Z-17-05-006**, Ms. Mazzurco moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 5908, 5910 and 5812 Lake Brandt Road and 2000, 2018 and 2020 Trooper Road from County AG (Agricultural), LB (Limited Business) and RS-40 (Residential Single-Family) to PUD (Planned Unit Development) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1) It is consistent with the Growth at the Fringe goal to promote sound investment and sustainable patterns of land use; (2) The request is consistent with the Economic Development goal to promote a healthy, diversified economy; (3) The request does implement measures to protect neighborhoods from potential negative impacts; seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Bachmann, Gilmer, Lester, Pinto, Duggins, Griffin, Blackstock, Mazzurco. Nays: None. Abstain: Marshall.)

In the matter of **Z-17-05-007**, Ms. Mazzurco moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment for a portion of Lake Brandt Road right-of-way from County LB (Limited Business), County AG (Agricultural) and County RS-40 (Residential Single-Family) to City PNR

(Parks and Natural Resources) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1) It is consistent with the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns; and (2) It is consistent with the Growth at the Fringe goal to promote sound investment and sustainable patterns of land use, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Bachmann, Gilmer, Lester, Pinto, Duggins, Griffin, Blackstock, Mazzurco. Nays: None. Abstain: Marshall.)