

**PARTIAL MINUTES OF THE
ZONING COMMISSION
March 18, 2019**

Z-19-03-013: A rezoning request from CD-RM-18 (Conditional District Residential Multi-Family -18) and R-3 (Residential Single-Family-3) to CD-RM-18 (Conditional District Residential Multi-Family) for the property located at 449 through 451 Guilford College Road, generally described as east of Guilford College Road and north of Bridford Parkway, approximately 3.46 acres. (Approved)

Mr. Carter provided the zoning and background information on the property and surrounding properties and noted the conditions associated with the request. Mr. Cater noted the applicant intended to offer an additional condition with the request.

Speakers From the Floor

Davis Ray, with Wynnefield Properties at 5614 Riverdale Road, Jamestown, NC, requested to add a new zoning condition 3, which stated a Type C landscape buffer be provided along the northern and eastern property lines with any new development.

Chair Lester inquired if there was any discussion regarding the condition. Chair Lester made a motion to add this condition to the application. Second by Mr. Marshall. Commission voted 8-0. (Ayes: Lester, Marshall, Dansby-Byrd, Holston, Alford, Engle, Blackstock, Mazzurco, Nays: 0). Chair Lester stated the motion passed and the condition is added and requested of Mr. Ray to hear about his case.

Mr. Ray stated Wynnefield Properties is proposing at 56-unit multi-family development on the 3.48 acres. The property with the current conditions restricts their proposed use to a lesser number of units. What they are asking is to increase that density to allow for the proposed 56 units that are planned. Provided background information as to who they are and have been working in the area, including Greensboro and High Point. He then showed a schematic of what they are proposing to illustrate and why the third condition was added.

Mr. Ray noted they have reached out to approximately 14 neighbors based on the list provided from the Planning Department. They received no feedback other than one person who called, representing the owners of an adjacent property to see if there was any interest in purchasing their parcel. He noted that at this time there is no interest, but advised will contact if plans change. He did receive an email from a representative of the Ashley Oaks Apartments basically expressing some concerns about what was proposed. Based on correspondence with Ashley Oaks there was a concern over the buffering behind the building and to the east of the building against their property line. In talking to Planning Department staff, it was decided it was in Ashley Oaks best interest and theirs to add some additional screening and that was why they requested the new condition.

Ms. Mazzurco questioned the condition of "building shall not exceed 60' in height. Mr. Ray stated that was correct. Ms. Mazzurco stated typically they see stories so how many stories were being considered? Mr. Ray responded they are considering four stories. Ms. Mazzurco asked if the request could then be conditioned to four stories. Mr. Ray responded his original application was to put a four-story max on this property but was advised height should be stated in feet and not stories.

Mr. Kirkman responded this is something that staff has been working with over the last six months. Trying to move away from stories because of the fact that a story itself can vary greatly depending upon the type of construction. There have also been issues about whether you do flat roofs versus pitched roofs, old buildings where the back is taller and issues with expectations of what was approved in zoning conditions and what was approved in through site plan review process. There was concern at staff level, which was brought up at the City Council also, that we need a more objective number in terms of building height and so have been trying to encourage applicants to get to a height based upon a maximum design for what they are thinking they could do. These are maximum numbers, so they are not required to build to this

height and that is why they are getting away from the stories for the zoning conditions. A story can vary greatly. In many cases from 10 to 15 feet which is a great variation in building height.

Mr. Alford asked if that height to the ridge or to the eve? Mr. Kirkman responded that would be to the highest point of the structure. It would be to the top of the roof line. Ms. Mazzurco asked if there is any type of preliminary site plan with what is being presented. Mr. Ray responded this is the first time that City staff has seen this site plan as it was advised to not submit the site plan with their application packet. Mr. Kirkman responded this is illustrative in nature and it is not tied to any specific condition.

Chair Lester inquired if anyone else wished to speak in favor of the application and no one came forward. Chair Lester then inquired if there was anyone who wished to speak in opposition of the request and no one came forward. Chair Lester closed the public portion of the meeting and asked staff for their recommendation.

Mr. Kirkman stated this site is designated as Moderate-Residential on the Generalized Future Land Use Map of the Comprehensive Plan. The Moderate Residential designation applies to housing types ranging from small lot, single-family detached and attached single-family dwellings such as townhomes to more moderate density, low-rise apartment dwellings. Generally a density of 5 to 12 dwellings per acre. As part of this request, the applicant has requested a change to the Future Land Use Map to the High Residential designation. This designation applies to higher density apartment dwellings, condominiums, life care, and similar housing types of 12 units per acre or greater.

The proposed request does support the Comprehensive Plan's 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 that offers security, quality of life and the necessary of service to support the residential uses. It also supports the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. The CD-RM-18 District, as conditioned, limits the maximum number of multi-family dwelling units to 60 and the general height of those to a maximum of 60 feet. Staff is recommending approval of the request.

Zoning Commission Discussion and Action

Chair Lester inquired if there was any discussion or comments. Mr. Alford stated the height was one of the questions that was asked in the email they received from an opponent. Normally they see a ridge in valleys and so forth. Would it be possible to have a flat roof with a parapet? And in that case, the top of the parapet would be the 60-foot height in which case there would be a block reaching 60 feet reaching all the way around. Is that possible? Mr. Kirkman stated yes. This would be based on the highest point of the roof, whatever the configuration would be. This is maximum height, not a requirement to build to that height. Mr. Holston asked if staff knew the heights of adjacent multi-family properties. Mr. Kirkman advised he did not have the information. Ms. Mazzurco responded she believed them to be around 25 to 30-feet. Mr. Engle stated the land is very difficult to build on due to the pitch going down. Buffalo Creek is there and would need help with the drainage issue which is what he noticed. The height if sloping down, would be difficult for them to build anything that would tower down on the apartment complex in the back. The buffer was the main thing Mr. Engle looked for. It's been answered and it's appreciated. The other big thing for him was this location is on a bus route and is fully in support of this request.

Ms. Mazzurco asked staff why would they recommend that a developer or an applicant not provide a site plan as she thought that was encouraged. Mr. Kirkman responded the issue with the site plan is that it is illustrative in nature and if there was not going to be a condition tied to it, staff wants it to be very clear it's not necessary to bring a site plan. Conditional Zoning does not require any type of plan to be provided to the City and that was what they were advising. If the applicant was not going to tie the request specifically to that plan, there was no expectation that any site plan needed to be submitted to the City and the Commission. It's

Counsel Jones stated the Commission is approving a range of uses generally. If they are not conditioned down to one specific use, it may be misleading or the Commission might focus on a particular illustrative site plan and forget about all the other uses that might be a potential. Once it's rezoned, it could be sold to another property owner who decides to do something completely different. Unlike a planned unit development which does have certain requirements, all of the others zoning districts can have a myriad of uses and this is not the time in the process to be requiring conditions as to actual building or a specific use.

Ms. Mazzurco stated another concern for her is they have some opposition to this case. Unfortunately based on the email and the discussion with the opposition, they are in Quebec, Canada and could not get a flight for today, but they had sent staff email asking to add a condition to the number of stories and the height to be 55, which is more consistent to her with anything else on that road. She understands the topography of the land but that's definitely going to be a water resource challenge. She is concerned regarding the lack of conditions or the clarity in the condition and no site plan even for illustrative purposes. She's done this job for a very long time and most of the time encouraged people to bring something to show the Commission. Typically after following a few cases through the TRC process, those are the plans that show up in TRC and TRC are usually the ones that tweak it. But the plans usually go on from this chamber to the TRC process and is uncomfortable approving things or recommending an approval on things that she doesn't know what it is. She does not have enough facts to make this decision.

Chair Lester inquired if there was more discussion or a motion.

Mr. Marshall stated in agenda item Z-19-03-013, the Greensboro Zoning Commission believes that its action to approve the zoning amendment for the property located at 449 through 451 Guildford College Road from CD-RM-18 (Conditional District Multi-Family18) to CD-RM-18 (Conditional District Residential Multi-Family-18) to be consistent with the adopted 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons:

The request is consistent with the Comprehensive's Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro's 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 is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods. The request also includes conditions that limits potential negative impacts to the surrounding area.

Motion made by Mr. Marshall, second by Mr. Blackstock. Commission voted 6-2. (Ayes: Lester, Marshall, Dansby-Byrd, Alford, Engle, Blackstock, Nays: 2, Mazzurco and Holston).

Chair Lester announced this constitutes approval and is final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such appeal and all such appeals will be subject to a public hearing at the April 16, 2019 City Council Meeting.