

**PARTIAL MINUTES OF THE  
ZONING COMMISSION  
June 15, 2020**

**Z-20-06-001: An original zoning request from County AG (Agricultural) to City CD-RM-5 (Conditional District – Residential Multi-family – 5) for a portion of 5281 Mackay Road and a portion of 2005 Guilford College Road, generally described as north of Mackay Road and west of Renaissance Parkway, (16.43 acres). (Recommended Approval)**

Ms. O'Connor advised she had the same comment as the previous case. Ms. O'Connor had no direct relationship to the case and would not benefit positively or negatively in a financial way. Staff did not see any reason for her to recuse herself.

Mr. Kirkman advised this request is in conjunction with an annexation petition and the case will automatically go on to City Council after this hearing. Mr. Kirkman reviewed the zoning map and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request and stated the applicant also wished to add an additional condition; "a type C landscape buffer shall be installed along the eastern and western property lines between any existing residential development and any new development on site." Mr. Engle moved to accept the condition, seconded by Mr. Holston. The Commission voted 7-0. (Ayes: Chair Marshall, Alford, Trapp, O'Connor, Rosa, Engle and Trapp. Nays: 0). Chair Marshall requested the applicant to state their name, address, and present their case to the Commission.

Will Yearn, 532 Hillwood Court, stated he is the principal of WBY4, Inc., the entity seeking the annexation and original zoning and President of Granville Homes. They were seeking to rezone the property to Conditional District RM-5. The intent is to duplicate the patio homes of Devonshire at Lake Jeanette, Longview Avenue. The property on Mackay Road was listed for sale by the Lea family and the properties east and west have similar zoning classifications and contain town homes and patio homes. Due to the pandemic, modifications were made for community outreach. Brian Craven then spoke to the efforts for community notification. One owner expressed concerns regarding privacy and setbacks. Typically a buffer zone is not required between similar uses such as these. A condition was added to the zoning requiring a Type C buffer along the eastern and western property lines that would provide adequate separation and privacy. Mr. Yearn advised Rich Glover of Jamestown Engineering was available for questions. Mr. Yearn requested Mr. Craven to speak further in regards to community outreach.

Brian Craven, 101 Centerport Drive, stated 290 letters were sent to neighbors and residents. Within the letter was a link to Granville Homes website which contained a virtual presentation shared on You Tube and the Jamestown United Facebook page with approximately 1200 followers. Mr. Craven felt approximately 1200 people were aware of this particular development project. Detailed information related to the project and Granville Homes was included with the online presentation. There were 160 visitors to the Granville Home website and an additional 187 views of the online presentation. There have been approximately 3 calls from neighbors in the Bordeaux community and Jordan Creeks community expressing concern regarding buffering on the eastern and western property lines. A type C landscaping buffer was decided for both of the property lines. Mr. Craven felt both communities would be appeased and would add additional green life for this proposed community.

Chair Marshall inquired if there were questions from the Commissioners for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in favor of the application. Seeing none, Chair Marshall inquired if there was anyone to speak in opposition to the request.

Peter Rogaski, 224 Jordan Ridge Way, depicted photographs of his home and Mackay Road. The biggest concern of the neighborhood are privacy concerns. This property will be the dividing line between Jamestown and Greensboro. The development of Jordan Ridge is approximately 85% complete with 65 homes currently. The location of the new development could and would impact at least 6 homes negatively if the proposed project proceeds as projected. An overview was presented of the developments and communities. Buffer zones were shown along Mackay Road regarding Bordeaux homes on Brook Run, indicating 55 feet from building to building and a buffer zone providing significant privacy for those two communities. Mr. Rogaski depicted the buffer of 367 large mature trees between the communities of Kildare Woods and the apartment complex. Devonshire at Lake Jeanette photographs were shown depicting the setbacks from building to building within the Devonshire development. Photographs were noted indicating scarce foliage and only a wood fence as a buffer. Mr. Rogaski stated he is not opposed to Mackay Road development by Granville Homes overall. He is very concerned regarding the proposed layout and lack of specifics regarding the buffer zones. As a consequence of the new development the character of the property will change and the Lake Jeanette development that is noted as an example currently has undesirable buffer zones both in distance and type. The buffers are very close to the neighborhood and he believed most of the residents agreed. Cutting of the trees on the property was very alarming as it destroyed the character of the buffer zone and cut very close to property lines. Trees at the entrance of the property should be preserved, if possible, rather than cutting as it will aid in buffers and provided character. A significant barrier should be erected with large trees to at least create a private setting for separation between the properties. The distance should be set so no one can view into each development. The 6 foot wooden fence provides little privacy as most homes have a two-step elevation to their home and there are direct views into the living space that could easily be obtained over the structure. A minimum distance of the Jordan Creek property development line to any building on McKay Road should be maintained.

Mr. Rogaski stated within his development care has been taken for private purposes, with windows and property laid out to aid in enhancing the quality of life and creating a private setting. He did not feel these would be taken into consideration by the Granville Homes Development as the layouts would be independent. Once the zoning has been approved, the community will not have any say. Everyone who has property abutting the proposed development knew something would be built and expected a residential community which would take into consideration buffer zones between the developments for privacy purposes as seen in all of the developments along Mackay Road. Mr. Rogaski stated he expected far more and a better buffer zone of 30 feet. If the property becomes clear cut, he would be asking for significant privacy barriers as separation between the developments. Residents of Jordan Creek should not be responsible for significant investment in privacy fencing or planting of any type of foliage. It is the responsibility of the party asking for rezoning. The HOA dues could be impacted if barriers needed to be erected. This is the time to address all the issues if the zoning is approved, there may not be any recourse to affect any construction on the project. The developer used 6 foot fencing for the Jeanette property which would be completely unacceptable within his community. He did not believe any developer should be trusted to create buffer zone parameters impacting all the residents within his community and should be pre-determined in writing as a condition for rezoning. Mr. Rogaski contacted the owner regarding intentions for buffering between the communities and the response email was vague and non-committal regarding what was planned. The owner indicated no comment could be given as the site was not engineered. Mr. Rogaski feels the owner is aware of where the buildings would be located and the distances of buffer zones in the communities. If it is proposed to have buffer zones duplicated exactly as Lake Jeanette, Mr. Rogaski is fully opposed to the development as it would affect quality of life

and property values for all of the Jordan Ridge Way residents. After reviewing the zoning hearing for the Lake Jeanette properties on 10/19/2015, he was concerned with how his particular zoning process been handled. There was a neighborhood meeting prior to that rezoning hearing to address the issues regarding development of the property. Mr. Rogaski advised at the hearing, Mr. Yearns and his attorney, Mr. Fox, were present at the meeting attended by 35 to 40 residents and addressed the concerns. This request was not undertaken for the rezoning of the Mackay Road property due to Covid-19. Methods could have been taken to contact residents and interact. Mr. Yearns would have heard directly from a number of residents regarding the serious concerns of both privacy and building distances of this development. Many of the residents may have felt intimidated or unable to voice their concerns via the venue of Zoom. Mr. Rogaski stated this would benefit Granville Homes as there would be less opposition noted at the hearing. At the Lake Jeanette hearings, Mr. Yearns stated, quote, "I want to see the community grow and prosper by doing the right thing." So far from his perspective he did not believe this commitment has been fulfilled during this rezoning. Mr. Rogaski read into the record Mr. Fox's statement of "to work with the neighborhood to make sure it's consistent." It does seem to exist at this point and appears to be a significantly different process from Granville than the previous Lake Jeanette property. Mr. Rogaski would like to have full and upfront disclosure regarding the intentions for the site, layouts, setbacks, and privacy barriers.

Chair Marshall inquired if there were any questions for Mr. Rogaski. Mr. Holston asked if Mr. Rogaski had not seen any illustrative drawings indicating the potential siting of any structures or ingress, etcetera. Mr. Rogaski responded he had not. He only received an email from Mr. Yearns stating the site was not engineered yet and no details could be released. Chair Marshall inquired if there were any other questions from the Commissioners. Seeing no other questions, Chair Marshall inquired if there was anyone else to speak in opposition to the request.

Patricia Boyarizo, 870 Jarmon Drive, stated she is a member of the Bordeaux community and asked if there was a chance of the expansion or the development would go into Jarman Drive. There is a lot going on with letting Jamestown be Jamestown and she was concerned about the decisions made by the Zoning Committee affecting Jamestown. Mr. Engle responded the short answer is it's Greensboro. This project is not in Jamestown, it is Greensboro. Ms. Boyarizo responded the area across the street from this property will be annexed. Mr. Engle stated he understood that but there was no coordination outside of what is county and what is city. For purposes of this meeting, it is a city issue for Greensboro, not Jamestown. Ms. Boyarizo stated as a Jamestown resident with a Greensboro mailing address, they are looking at the area surrounding her area as making it a mini city which is not what the area is. Ms. Boyarizo stated the Commission needs to be sensitive to the areas being discussed.

Ben Saunders, 220 Jordan Ridge Way, stated his concern was with buffering and he did not know the buffering had been changed to using berms, shrubbery and trees. Mr. Saunders requested the Commission to consider the dwellings constructed on the property be a minimum of 80 feet from the Jordan Creek property line. Any developer of this property be required to construct earthen berms with trees/shrubbery planted to block the line of sight between Jordan Creek homes and any new construction by the developer. Any developer of this property should be denied the use of any type of fencing to include, but not limited to, wood, brick, metal, plastic or a resin composite as part of the berms. And any developer be required to leave a minimum of a 30 foot strip of existing trees along the Jordan Creek property where applicable.

Mr. Kirkman advised that time had expired. Chair Marshall inquired if the applicant would like an additional 5 minutes of rebuttal to address the concerns expressed by the opposition.

Will Yearns requested Mr. Kirkman to explain the City of Greensboro's definition of what a Type C buffer zone was. Mr. Kirkman advised the Type C landscape buffer is an average 15 foot buffer with a minimum planting rate of 2 canopy trees, 3 under storage trees, and 17 shrubs per

100 linear feet along the buffer. Mr. Yearns asked if Mr. Kirkman had knowledge regarding what sort of planting buffer zone is in the adjacent properties. Mr. Kirkman responded he did not have that information. Mr. Rogaski stated in looking at the buffer zones illustrated it appears to be full foliage and mature trees. The building to building distances is as important as the buffer. Mr. Yearns pointed out that the Devonshire community does not have Type C buffers but does have a planting density requirement. Addressing the concerns of tree conservation and clear cutting, Mr. Yearns stated they will preserve as many of the trees as possible which may come up to the property lines or not. There will be the exact same buffer, if not more buffers, than what is currently in the adjacent properties. Mr. Yearns asked Mr. Boyd and Mr. Craven if there was anything they wished to add regarding buffers.

Mr. Boyd stated he was curious if the other property was a Type C buffering. Mr. Craven responded Jordan Creek has a 15 foot building setback from the property line with a 5 foot Type D buffer yard, much less buffering than what the Type C offered was. Mr. Craven did know anything in regard to the Bordeaux community. Mr. Yearns stated not only are WBY4 being more consistent, they are going above what is consistent with the adjacent properties. Mr. Holston confirmed with Mr. Yearns a Type C buffer was being offered on the east on Bordeaux and west on Jordan Creek. Mr. Holston stated the opposition has spoken about urban berms, flip distances, 30 foot strips, no resins, plastics and asked if his offer could be conditioned. Mr. Yearns responded it was the first time he had heard about those concerns. Mr. Yearns said was very necessary to be in contact with the neighborhood. There could not be a meeting but a web site, phone numbers, email addresses were provided and they were available for discussion calls. This the first time he heard about 80 foot buffers and berms. They are offering the Type C at this time. Mr. Holston asked if he was saying regardless of how this goes, that conversation may still be a possibility between him and the neighbors. Mr. Yearns stated he was not ruling that out but he did not think it is reasonable to have an 80 foot setback on a multi-family site.

Chair Marshall asked if there was anything else from those wishing to speak in favor of the request or from Mr. Yearns.

Nicole Rabe, 6502 Woodmont Road, Jamestown, stated she did not live in one of the adjacent communities, but lives approximately a mile or so from there. She received the letter from the Yearns regarding the proposed rezoning of Mackay Road property. Ms. Rabe reviewed the letter and the website referenced within the letter and found it to be very informative and forthcoming with information. It appears that Granville does build high quality homes that would fit within the current neighborhoods and esthetics on Mackay Road, being Jordan Creek and Bordeaux. Ms. Rabe stated she liked the fact they have been open and available to talk with the residents about their development plan. They have provided price points. Ms. Rabe stated the comment made regarding let Jamestown be Jamestown site is a whole other animal and not relevant to this conversation. This is a development that Ms. Rabe felt was necessary. Ms. Rabe stated her support for this project and stated there is a need for this type of community and this type of development in this area.

Chair Marshall inquired if there was anyone else wishing to speak in favor. Mr. Engle stated it appeared through the center of the property there is an area that is undeveloped, a wetland, or something like and asked Mr. Yearns if that was correct. Mr. Yearns responded there is a creek running east to west. Mr. Engle stated what the Commission is seeing was what the Jordan Ridge community and also the other community on Renaissance Parkway is the same growth area but a lot of the issues had to do with the creek running through it. Mr. Yearns responded he thought Jordan's Crossing is probably called that because it crosses the creek and Granville is not proposing to cross the creek. Chair Marshall inquired if there was anyone else to speak. Seeing none, Chair Marshall inquired if there was anyone else in opposition who wished to speak.

Ben Saunders, 220 Jordan Ridge Way, stated he is not particularly opposed to the type of development that is proposed. His concerns were strictly with buffering and reducing line of sight between the back of his home with the back of whoever will be living in the other development. As long as Granville Homes puts in a berm, shrubbery, and trees providing privacy, he was not particularly opposed to this type of development and was very happy that the homes would be comparable to the townhomes in Jordan Creek. Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Patricia Boyarizo, 870 Jarman Drive, asked if there was a chance that development will connect to Jarman Drive in the Bordeaux community as she could not discern from the plan. Mr. Yearn responded Granville was not planning to connect to Bordeaux. There is a strip of land that the HOA owns between the end of that road and the Granville property.

Chair Marshall inquired if there were any further questions. Seeing none, Chair Marshall inquired if there was anyone else wishing to speak in opposition.

Ricky Boyd, 222 Jordan Ridge Way, stated he appreciated Mr. Yearn looking at Type C buffers. Mr. Boyd stated they needed the Zoning Commission's help in holding Mr. Yearn accountable to a buffer of approximately 80 feet and some type of natural tree density in the area between the properties providing the privacy for both areas. Everyone knew the property would be developed at some point and are asking for Jamestown neighbors and the developer to build the buffers in. Mr. Boyd asked the Commission to not approve to allow Mr. Yearn more time to come up with a better plan.

Chair Marshall inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall closed the public hearing and requested to hear from staff.

Mr. Kirkman stated The Comprehensive Plan's Future Land Use Map currently designates this particular area as Moderate Residential. The Moderate Residential designation accommodates 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 at a density of generally 5-12 dwelling units per acre. Staff did conclude that this request is consistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe as well as the Housing and Neighborhood's goal to meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods offering security, quality of life, and the necessary array of services and facilities. The proposed CD-RM-5 request, as conditioned, limits uses only to residential uses. There was an additional buffering requirement added at the meeting. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commissioners. Ms. O'Connor requested an explanation of how a portion of the property was on Guilford County Road. Mr. Kirkman responded the property at 2005 Guilford College Road was subdivided at some point and for unknown reasons, the back portion of the property that is adjacent to the property on Mackay Road was not separated into a separate parcel, primarily because it was an undeveloped at the time. While it has an address of 205 Guilford College Road, the zoning request does not actually touch Guilford College Road. It is a small square basically that is part of this request. Ms. O'Connor stated on the map it appears to be detached but she is clear now.

Mr. Engle stated the proposal meets the character of the area. Mr. Rogaski did a very good job presenting some of the distances and in part of it there appears to be a creek. Mr. Engle stated he went through Jordan Ridge Way but did not go through the back. Looking at the map, he did not see an 80 foot distance or a Type C between the single family homes behind that development and Jordan Creek Drive development. Mr. Engle feels the proposal is in keeping with the nature of the area. He suggested the groups could have some time between now and the City Council meeting where it will be discussed as it will be annexation. For those reasons, Mr. Engle

supported the proposal and was willing to make a motion. Chair Marshall inquired if there was any other discussion. Seeing none, Chair Marshall advised Mr. Engle to proceed with his motion. Mr. Engle stated in regard to agenda item Z-20-05-001, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located on a portion of 5281 Mackay Road and a portion of 2005 Guilford College Road from County AG (Agricultural) to City-CD-RM-5, (Conditional District Residential-Multi-family-5) 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. The request is consistent with the Comprehensive Plan's Growth at the Fringe Goal to promote sound and sustainable patterns of land use at the city's fringe. The request is consistent with the Comprehensive Plan's Housing and Neighborhoods goal to meet the needs of present and future Greensboro residents 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 proposed CD-RM-5 request, as conditioned, limits uses to only residential uses which fits the content of the surrounding area. Seconded by Ms. O'Connor. The Commission voted 7-0. (Chair Marshall, Holston, Alford, Trapp, Rosa, O'Connor, and Engle. Nays: 0). Chair Marshall advised this constituted a favorable recommendation and was subject to a public at the June 21, 2020, City Council meeting