

**PARTIAL MINUTES OF THE
ZONING COMMISSION
July 20, 2020**

Z-20-07-002: An original zoning request from County AG (Agricultural) to CD-R-5 (Conditional District – Residential Single-Family-5) for the properties identified as 1898 Cude Road and 8005 Leabourne Road, generally described as east of Cude Road and south of Leabourne Road, (43.7 Acres). (Recommended Approval)

Mr. Kirkman reviewed the zoning map for Z-19-07-002 and other summary information for the subject property and surrounding properties. Mr. Kirkman advised of the condition related to the request. Chair Marshall inquired if there were any questions for city staff. Seeing none, Chair Marshall requested the applicant to state their name, address, and present their case.

Amanda Williams and Barry Siegal of BSC Holdings stated they are requesting the original zoning request to build a single family subdivision. GTCC north campus is located on the corner of Leabourne Road and 68. Across from the campus new apartments are being graded with new retail pads. On the same side of the road, across from Leabourne, is a commercial development and some industrial development. On Cude Road and Pleasant Ridge Road, an apartment community. BSC feels their request is a logical transition from commercial and industrial down to single-family use. The I-73 intersection at 68 has created this new mixed use neighborhood. The schools are very good and a lot of families are interested in living in this area as it convenient to I-73 going into Greensboro, Kernersville or High Point. The plan is for a single-family subdivision and are looking to go County AG to City R-5 and the builder would be Royal Homes of North Carolina. There would be two different lot sizes within the development. The homes would be approximately 3,000 square feet and 2,200 square feet. Currently the options to live in that area are the nearby apartment dwelling units or to buy a single family dwelling on a large lot along Cude Road. Families would like to be nearer to Oak Ridge and be within that school district but may not be able to purchase or have the time to take care of larger lots. BSC had discussions with the neighbors and due to Covid suggested the neighbors call BSC. Letters were sent out to the neighbors within 600 feet and approximately 8 neighbors asked what are the lot sizes, who is the builder, and expressed concerns regarding the City taking over their property. A neighbor asked if BSC brought the water line down would it provide water to their neighborhood and was advised they would have to deal with the City on that issue. Ms. Williams referred to Mr. Siegal to speak regarding site specific issues.

Barry Siegal also advised the site consists of approximately 43 acres. The topography of the site from Curd Road and Leabourne Road flows in an eastern direction down to Saddle Club. One of the challenges for this site was obtaining sewer to the site. There is an existing City of Greensboro sanitary sewer liner just east of the property that serves the college campus and would be serving the commercial, industrial, and multi-family developments. There is a water line down Cude Road currently. One of the questions heard was if they were tying into other neighborhoods. In particular there have been discussions with those living on Sanford Creek Court, a county single-family subdivision south of the proposed development. Consistent with the City's guidelines, this development would probably have two access points to Cude and Leabourne Road. One would tie in directly across from Briarwood Drive and another access point on to Cude Road with the exact position to be determined.

Mr. Engle asked if there were any illustrative drawings that could be shown. Mr. Siegal advised they were in the development stage of planning and are waiting for final guidance from NCDOT and the utility departments so they do not have any site drawings yet. Mr. Engle asked with regards to the distribution of the homes on the property, it appears what is being said is R-5 but the zoning condition makes it closer to an R-3 zoning. Mr. Engle asked if they were planning on it being an even distribution, or would there be a retention pond, or something that would take up

space. Mr. Siegal responded there would be a retention pond. At this time, the retention pond would be on the lower side of the property and adjoin the Saddle Club property. There was a question from those in Stafford Creek Court if the retention pond would be right next to Ross. Based upon preliminary engineering and the evaluation of the topography, the answer is no. The retention pond will probably be two football fields from the closest lot in Stafford Creek Court. Another question was would the new residential lots adjoin the existing residential lots. In looking at Sanford Creek Court, they do have common areas consisting of septic fields, wells, and things like that around that particular cul de sac. The common area appears to be over 100 feet in width between the rear of those lots to the back of the proposed BSC property. BSC would like to provide a site plan that has been approved by NCDOT and GDOT and the final engineering would indicate the storm water pond being in the conceptual plans currently in place. BSC knows Leabourne and Cude need to connect. There has been a great deal of discussion regarding Saddle Club. BSC will provide connectivity to the Saddle Club. Saddle Club has frontage directly on Leabourne and then very steep topography between the upper half of the property and the rear half of the property. This site has a great deal of limitations as a result of being filled with concrete over many years. The southern portion of the property would be residential. In the concept plan a road is depicted that will tie into Saddle Club on the southern portion of the property. This site, if approved, will be annexed into the City of Greensboro with water and sewer. The home builder would be Roth Homes of North Carolina and home prices may start at \$250,000 up to \$370,000. It is fully expected that the City of Greensboro will require improvements along Cude Road, to include sidewalks and other things the city typically requires, possibly curbs, gutters, and a widening of the road. If approved, the site would be graded and decisions would be made regarding what sections of the site infrastructure would begin. Mr. Siegal stated in today's economy, this site could be built out in approximately 3 years after the first lots are built out. Everything is dependent on the economy.

Chair Marshall inquired if there were any questions for the applicant. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition.

Trish Dell, 3508 Sanford's Creek Court, expressed concerns regarding the density of the R-5 being incompatible with the general character of the area due to the established neighborhoods being low density. Surrounding neighborhoods include Rural Preservation District RS-40 and Agricultural zoning designations. Surrounding neighborhoods are single family dwellings. If the R-5 zoning is approved for this parcel it would set a precedent for other parcels of similar size in the area that could be sold to developers. This particular request is conditioned at 150, there is an unknown regarding other parcels in the area being conditioned and allowing it to be developed to the full density of R-5. The land off Cude Road would not be able to be served by the City of Greensboro Sewer. The subject property would be sandwiched in-between low density of Sanford's Creek and then the land on the opposite side of Cude Road would remain as low density due to the lack of sewer availability. Ms. Dell asked as it appears there may just be a limited loss of 10 or 12 lots using the R-3 designation, if that could be considered for this parcel instead of the R-5 zoning designation. It would be a fair concession for all parties. It would allow the current land owner to still sell the property and allow the developer to develop with nearly the same number of lots as proposed. That would protect the properties of current property owners in nearby neighborhoods. Ms. Dell stated she agreed with the applicant regarding single family-residential is the most desirable use of this parcel. It appears Royal Home Developments are nice neighborhoods and would be a good neighbor. The R-3 zoning would be consistent with and protect the character of the established residential neighborhoods that preserves the overall quality of life for residents, and protects the property rights of the neighbors that are located in that area.

Chair Marshall inquired if there were any questions for Ms. Dell. Mr. Holston asked to clarify Ms. Dell's assertions and agreed single family residences would be a good highest and best use,

but the density is too much. Ms. Dell responded the applicant is limited to 150 dwelling units but in speaking with Ms. Williams, would actually be seeking 141 units. Her concern in accepting the R-5 for this particular parcel is it would set a precedent for other potential projects in the future which may not be limited to the condition of 150 units and would be developed to a greater density. Since the applicant is so close to the R-3 designation, it appears that would be a more consistent and compatible zoning designation for this parcel and also setting a precedent that would be more amenable to the existing residential neighborhoods.

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

Jeff Melton, 3503 Sanfords Creek Court stated the R-5 high density zoning does not mirror anything in the surrounding area whatsoever. It appears to be spot zoning as there is nothing similar to the R-5 zoning this in the area and fits the definition of spot zoning. It will increase traffic and Cude Road would need to be widened. Placing 141 homes will over crowd even more the already over-crowded schools. The homes in the neighborhood are about \$450,000 and a concern is these single family homes could potentially decrease the values of their homes and potentially lead to annexation by the city.

Chair Marshall inquired if there were any questions for Mr. Melton. Mr. Engle requested from staff from an annexation perspective, if state law required someone who was not in the city to request an annexation. Zoning cannot force annexing anyone, correct?. Mr. Kirkman responded that was correct. A petition would need to be signed requesting annexation into the City of Greensboro. Chair Marshall inquired if there were any further questions for Mr. Melton. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition.

Robb Anderson, 8179 Sanfords Creek Drive, expressed appreciation to the builders in choosing 141 versus 150 lots. Part of the subdivision in Sanfords Creek is zoned rural preservation and is also a green energy subdivision. Mr. Anderson appreciated the idea that the subdivision would have only 150 or less and would be able to maintain some of the green space. Mr. Anderson understood for green energy and an energy efficient sub-division may not be important or on everyone's mind, but the neighborhood appreciates that preservation. Mr. Anderson was in favor of rezoning to less density and allow more of the green belt to remain.

Chair Marshall inquired if there were any questions for Mr. Anderson. Seeing none, Chair Marshall inquired if there was anyone else to speak in opposition to this request. Seeing none, Chair Marshall closed the opposition and provided the applicant an additional 5 minutes for rebuttal to address the opposition.

Barry Siegal, stated he appreciated the comments regarding the difference between R-5 and R-3. This request is R-5 with conditional use and a specific limitation on the number of residential lots. If this request were to be approved, the stipulation associated with the R-5 is basically 3 ½ units per acre. The City would impose certain requirements for developments and those requirements would be improvements along Leabourne and Cude Road with regards to possible widening, curbing, gutters, and sidewalks which are very expensive. The additional units help to offset some of that expense. Sanitary sewer would need to be expanded in order to service this property which adds to the expense, as does the topography. If and when additional zoning requests are received and are able to service adjoining or adjacent properties, or properties further down Cude Road, staff and City Council would make a decision at that time to determine the appropriateness and if the City could provide services. Royal Homes had a traffic impact study done and completed. The study was reviewed by GDOT and is in process of being reviewed by NCDOT. Mr. Siegal felt the conclusions of the traffic study would be Leabourne and Cude Road are more than capable of handling the traffic without causing any change in the efficiency of the traffic. Based upon the am peak and pm peak there is basically no change. Improvements that are being undertaken are not to handle addition traffic or warranted by

additional traffic. The improvements are in compliance with the City of Greensboro's requirements for development. Mr. Siegal appreciated the comments from the neighbors and have always tried to be good neighbors and feel the additional 15 or so units with regard to the entire development will be insignificant from a traffic impact point of view but does make a difference in terms of economics and viability.

Ms. Williams stated she appreciated the thought process of having a home of \$250,000 to \$350,000 in a neighborhood range of \$450,000 providing better affordable housing in the area. The City's plan has always been to have diversity in housing and provide housing in the areas that some may not be able to afford to live in. The average starting price now for a single family house is a minimum \$200,000 to \$220,000. Royal Homes is hoping to provide housing for those that would love to live in this area and now may have the ability to live in an area that was previously unavailable.

Chair Marshall inquired if there were any further questions for the applicant from the Commissioners. Seeing none, Chair Marshall advised the opposition of an additional 5 minutes to speak.

Trish Dell stated her concern is a precedent for the R-5 zoning and she did not understand why the 150 condition applied to this project may or may not be applied to future requests. Mr. Engle stated the Zoning Commission has straight zoning cases and conditional zoning cases. At this meeting, the Commission will decide on the land use to build single family homes. In looking at trying to make something fit into an area, applicants will sometimes say straight R-5 doesn't fit the way the neighborhood would see it, so they will condition it down to a lower density by limiting the number of units that will be built in that area. This case is an example of that type of request. There are a lot of other conditions that can come into play. Without straight zoning definitions and uses, a person trying to get a property to fit within an area will use conditional zoning to make it more palatable to the neighbors or to fit better within the current surrounding zoning. The Zoning Commission cannot impose conditions. The land owner or the applicant seeking the rezoning has to offer them up. In this case, the condition is not to building up to 200 homes and but to only build up to 150 homes. Ms. Dell responded this case provides more flexibility to have the R-5 with the condition. Mr. Engle stated he was not speaking for the applicants but was looking at the zoning as presented.

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

Ms. O'Connor requested to hear more about the rural preservation area mentioned by the opponents. Mr. Kirkman responded he was unable to provide a lot of detail as it is a county zoning designation. Mr. Kirkman believed the idea in a rural preservation district is somewhat akin to what the city does with cluster subdivisions where only portions of the property are developed and then this allows other portions to remain in a natural state. Mr. Kirkman stated one of the speakers spoke to where there are areas when it was developed originally that are designated specifically not to be developed and therefore keep that green space. Chair Marshall inquired if there were any other questions for staff. Seeing none, Chair Marshall requested to hear staff's recommendation on the request.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this particular site as Urban General on the Future Built Form Map. The Western Area Plan designates this site as Rural Residential in support of the Agriculture Planning Area. The request is consistent with the Comprehensive Plan because the uses requested are of a similar scale, intensity, or off-site impact as existing nearby uses. The proposed CD-R-5 request, as conditioned, limits the total number of dwellings to not exceed 150, which fits the context of the surrounding area and is consistent with the GSO 2040 Comprehensive Plan. Staff recommended approval of the request.

Chair Marshall inquired if there was any discussion from the Commissioners. Mr. Trapp stated this is a good transition project. One of the things the Commission looks at is a mix of housing stock which this project definitely provides as a much needed mix of housing stock in that particular area and he was in support of the request. Mr. Engle stated he also was in support. There were great conversations that should continue between the applicant and the neighbors as it becomes more definitive. This area will benefit from the conditioned density proposed. Mr. Holston stated he was in support of the application and echoed the thoughts of Mr. Trapp. Ms. O'Connor advised she was in agreement and would make the motion. Ms. O'Connor stated in regard to agenda item Z-20-07-002, the Greensboro Zoning Commission believes that its action to recommend approval of the original zoning request for the property located at 1898 Cude Road and 8005 Leabourne Road from County AG (Agricultural) to CD-R-5 (Conditional District – Residential Single-Family-5) to be consistent with the adopted GSO 2040 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 Western Area Plan. The uses requested are of a similar scale, intensity, or off-site impact, as existing nearby uses. The proposed CD-R-5 request, as conditioned, fits the context of the surrounding area. The request is reasonable due to the size, physical conditions, and other attributes of the area. It will benefit the property owner and surrounding community and approval is in the public interest. Seconded by Mr. Trapp. The Commission voted 7-0. (Ayes: Chair Marshall, Holston, Alford, Engle, Rosa, O'Connor, and Trapp. Nays: 0). Chair Marshall advised this approval constituted a favorable recommendation and is subject to a public hearing at the August 18, 2020 City Council meeting.