

**PARTIAL MINUTES OF THE
ZONING COMMISSION
October 19, 2020**

Z-20-09-011: A rezoning from R-3 (Residential Single Family-3) and R-5 (Residential Single Family-5) to CD-RM-26 (Conditional District Residential Multifamily-26) for the properties identified as 1414, 1509, 1511, and 1515 West Cone Boulevard and 2111 through 2117 Cleburne Street, generally described as south of West Cone Boulevard and west of Cleburne Street, (23.30 Acres). (Approved)

Mr. Kirkman reviewed the zoning map and other summary information for the subject properties and surrounding properties. Mr. Kirkman advised of the new conditions provided by the applicant for the request. Mr. Engle stated in looking at the diagram and new conditions if he was correct that item 1 would equate to 3 stories, 2 would equate to 4 stores, and 3 would be equated to 5 stories. Mr. Kirkman responded that was not an exact comparison as building height depends on both the elevation of the land, the height of each individual floor and the pitch of the roof to determine max height. He further noted that the height of the building is measured from the base of the structure to the top of the roof. Ms. O'Connor asked if some of the construction below grade would be considered a story. Mr. Kirkman responded unless that was specified separately, maximum height would be measured from the finished grade to the top of the structure and if there is a variation in the grade, the average is used to calculate the base number. Mr. Engle stated these conditions are always enforced by the city and he was trying to understand how the city evaluates it more so than the applicant, because the City will ultimately be the ones responsible for enforcement. Mr. Kirkman responded the current language was a result of staff's evaluation because the applicant had originally offered different wording for building height. Mr. Engle then moved to accept the new conditions, seconded by Mr. Trapp. The Commission voted 9-0 to accept the new conditions. (Ayes: Chair Holston, Collins, Jones, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None.) Chair Holston then requested everyone wishing to speak on the case to provide their name and address for the record. Chair Holston also advised that the Commission had been presented with information outlining the preferred order of speakers for each side and stated each side would have a combined 15 minutes to present their case to the Commission.

Donald Vaughan, Attorney for some of the opposition, requested the record be noted that many opponents did not have a chance to speak on the new conditions and he had raised his hand and there was no opportunity to speak for them. He noted that the new conditions were submitted shortly before the meeting and that was not fair to those who did not have an opportunity to read the conditions or a chance to speak on the conditions. Chair Holston stated the Commission had voted to accept the conditions. Mr. Engle stated normally conditions have to be offered by the applicant. They can bring them in and opposition can speak on them during the time you speaking for or against the request. Mr. Vaughan reiterated the opponents received the new conditions at 3 minutes to 4:00 that afternoon and they have not been looked at or evaluated. There are many people not on the Zoom meeting he is representing and he would have liked to have had the opportunity to speak on the additional conditions and time to evaluate them. Mr. Vaughn stated it was not fair to those who opposed this request.

Michael S. Fox, Attorney for applicant, responded what was said was a misstatement. Mr. Vaughan was advocating for his clients, but these conditions were presented to them over two weeks prior to the meeting. What was sent this afternoon were revisions after feedback was received regarding better ways to word the conditions do staff could enforce them. The substance of the conditions was essentially the same as what had been provided to Mr. Vaughan two weeks

prior. Mr. Fox stated he agreed with Commissioner Engle regarding the process. It is not true that Mr. Vaughan has not seen these conditions before this meeting. Mr. Vaughn responded they were received officially from City staff 4 minutes before 4:00 that day and he spoke to Mr. Kirkman regarding this. Many people in opposition did not receive the new conditions and he requested consideration from the Chairman.

Chair Holston responded historically the Commission has accepted conditions at the beginning of cases. In this case, unless there is direction from City staff, the Commission would go ahead and accept the conditions as approved by the Commission, move forward with the case and hear comments or disagreements during the case presentations. Mr. Kirkman advised it was the purview of the Commission to accept the conditions provided by the applicant. The Commission is welcome to have that discussion and decide if that would be appropriate. If the Commission is comfortable with moving forward, Mr. Vaughn could state his objections as part of the opposition time. Attorney Harrell concurred with Mr. Kirkman. Chair Holston inquired of the Commissioners if they wanted to move forward. Mr. Engle stated if the opposition is requesting a continuance, it could be requested if they feel they are not prepared. Mr. Vaughan responded that at 4 minutes to 4:00 he was sent 5 pages of conditions. He would not be doing his job as a lawyer if he did not object. Chair Holston responded the options placed on the table were for the Commission to make a decision to move forward or not. Chair Holston asked Mr. Vaughan if he was requesting a continuance. Mr. Fox asked Mr. Kirkman if he had the email the applicant sent to both staff and Mr. Vaughan with the draft conditions that are 98% the same as of a couple of weeks ago. Mr. Fox stated it would be a miscarriage of justice to not go ahead and hear this case tonight. Mr. Vaughan stated by Mr. Fox's own admission, the conditions were revised and he did not know which version they received. Chair Holston then stated there was a request for a continuance from Mr. Vaughan for the Commission to consider. Mr. Vaughan requested an opportunity to review whatever was presented before the meeting, in fairness to the neighborhood. Chair Holston inquired if there was anyone else wishing to speak in favor of the request for a continuance.

Mr. Kirkman asked Mr. Vaughan to clarify if he was asking for a 30 day continuance. Mr. Vaughan responded it could be two weeks, he only wanted to read what was presented and was trying to do his job for his clients. Mr. Kirkman advised the Commissioners the next Zoning Commission meeting was scheduled for November 16, 2020. Chair Holston advised there was no one else to speak in favor of the request to continue if there was anyone to speak in opposition to the request. Mr. Fox stated that immediately after the last continuance of this request, Mr. Fox and his clients reached out to Mr. Vaughan and to a number of individual neighbors. Koury Corporation wanted to work with Mr. Vaughan and the neighbors on developing conditions that would address all concerns. The original draft of the conditions was substantially the same as what was presented to the Commission tonight; the only difference is wording to address concerns from City staff. Mr. Fox stated they were sent to Mr. Vaughan and a meeting was requested with Mr. Vaughan and his clients. The meeting was cancelled and to date there has not been any further feedback from Mr. Vaughan on those original conditions sent to him two weeks prior. In contrast, his clients had approximately 20 individual calls from neighbors who provided feedback and explained to those neighbors what the conditions were that were offered. The only changes made from what was originally submitted and what was shown now was wording at the behest of City staff or setbacks increased at the request of the neighbors. His clients did not go backward at all and went forward in terms of making the conditions more restrictive. Mr. Fox stated he did not know of any reason Mr. Vaughan needed more time as nothing substantially changed. This case should be heard and is likely headed to Council regardless of the outcome from this meeting. To add another 30 days to this timeframe Mr. Fox felt was a stall tactic being

employed by the opposition. His client's presentation is ready and nothing would be changed based on the minor wording adjustments with these conditions. Mr. Vaughan reiterated the time he received the document before this meeting. He noted he and his clients had not seen the document. He was not trying to stall, but only to read the documents presented to the Commissioners in fairness to his clients.

Chair Holston asked Mr. Kirkman and Attorney Harrell if the conditions were subject to the public hearing law stating they must be published 30 days in advance. Attorney Harrell responded no, not that she was aware of and Mr. Kirkman concurred with Attorney Harrell. The conditional process allows for conditions to be added up through the public hearing as long as those conditions are more restrictive than what was publicly advertised and do not duplicate any requirement of the Land Development Ordinance. Chair Holston inquired if there were any additional questions from the Commissioners. Mr. Collins stated because there could be conditions added through the course of the meeting, the applicant can make changes as long as they are more restrictive. Mr. Kirkman stated staff does try not to have any conditions added during the meeting itself as staff needs the opportunity to make sure whatever conditions are offered can be applied equally and enforced. Staff does try to turn around information to all parties as quickly as they can once they have the final agreed upon wording. Mr. Vaughan was correct that he did not receive the final version until late this afternoon and it was forwarded to Mr. Vaughan as soon as staff had the final approved version from the applicant. Mr. Vaughan stated he did not fault City staff because they received the new conditions late, but again stated it was not fair. Mr. Fox advised he has practiced before the Zoning Commission for 20 years. If a continuance was granted because a condition was modified at the meeting, Zoning would be going against 20 years of precedent that he has experienced. While not preferred by the staff, it is not prohibited for applicants to add a condition during the meeting. The Commission could choose to accept them or not. The process Mr. Vaughan is trying to impose is not required, is not the normal process, and is outside the practice of the Zoning Commission. Mr. Fox requested the Commission to deny the continuance. Mr. Vaughan responded fairness is being able to read the black letters on the white paper and is important to his clients. Chair Holston closed the public input on the continuance request and sought discussion from the Commission.

Mr. Trapp advised he was not comfortable with the way the continuance was brought up. Attorney Vaughan said that he wanted it noted that they objected but did not ask for a continuance and he was comfortable with moving forward. Chair Holston stated he asked Mr. Vaughan if he was requesting a continuance to which he replied yes. Mr. Engle advised it had been allowed in the past. However, Mr. Engle moved to deny the continuance request and move forward with the case, seconded by Mr. Alford. The Commission voted 9-0. (Ayes: Chair Holston, Collins, Jones, Bryson, Rosa, Trapp, Engle, Alford, and O'Connor. Nays: None). Chair Holden advised again of the 15 minute combined time for both sides.

Michael Fox, Tuggle Duggins representing the Koury Corporation, introduced Richard Vanore, of Koury Corporation; John Davenport, Davenport Engineering; Kelly Harrill, Grandover; Nathan Duggins, Tuggle Duggins; and Luke Dickey with Stimmel. Mr. Fox stated Mr. Beard, Ms. Saunders, and Mr. Brown, neighbors to the project, would also be speaking. Mr. Fox stated Koury would like to develop a high end signature multi-family community on the 23 undeveloped acres owned by them for over 60 years. The anticipated investment would be around 80 million dollars and increase the local tax base, provide while also providing infill and density on a major thoroughfare. Mr. Fox stated this is the right project for this location due to the sloping terrain and natural buffers that allow Koury to comply with the Comprehensive Plan

and make this denser project fit into the surrounding residential neighborhood. Koury will use neighborhood sensitive architecture to build buildings in keeping with the residential style in the area. Most of the parking would be located underground and will improve the environmental aspects of the project. Slides were presented depicting what the project may look like and what Koury is looking to build. Photographs of existing buildings and interior entrances were also shown that may be a design inspiration for Koury. A draft site plan was shown for illustrative purposes and Mr. Fox noted the conditions submitted reduced the site plan from what could be built and required smaller buildings on the site plan. Significant buffers and scaled building heights would also be implemented.

Mr. Fox noted approximately 8 acres of the 23 acre site would be protected woodlands and buffers. Koury plans to place the tallest building on the lowest end of the property at Cone Boulevard and use the lower building heights nearer to adjacent single family residences. The topography will ensure building heights are similar to the heights of the surrounding residences. A slide was presented depicting the amount of buffering with the pink areas being undisturbed areas, and the different widths of the green area were buffers specific to the needs for those neighbors that Koury has worked with. On the north end of the site was approximately a 42 foot elevation drop from the homes currently there to the ground level near Cone Boulevard which would help Koury build a community that would fit in with the neighborhood. A slide was shown depicting the required city setbacks for different building heights. The setbacks are not huge but are what the city code calls for. A slide was shown depicting the setbacks pursuant to the conditions that were submitted. Mr. Fox stated it is Koury's intention that 60 feet will correlate to up to 3 stories, 70 feet to up to 4 stories and 80 feet up to 5 stories. Koury may not build to those heights, they are the maximum. Mr. Fox referred to a square box in the middle of the drawing and stated that was the only place 5 story buildings could be built, toward Cone Boulevard and the center of the property. Mr. Engle asked how big the box was. Mr. Fox responded he did not have the specific acreage but would guess it could be up to 6 acres out of the total 23. Mr. Fox stated the next ring could be up to 4 stories. A slide was then presented that combined the previous two slides displaying the setbacks that are larger than what is required which came about by having productive conversations with the neighbors to accommodate their concerns. A slide was presented representing all that has been accomplished. Koury Corporation has worked hard to listen to the concerns and focused on those closest to the site as they may be the most impacted. As a result of those talks, 9 new conditions were introduced. Mr. Fox also noted Zoom meetings were held with approximately 80 plus attendees. Individual calls and meetings were also conducted with approximately 100 neighbors. Mr. Fox presented a slide depicting the result of the conversations which included increasing buffers, reduced and scaled building heights, greater setbacks than are required, limited access to Cone Boulevard, and significantly reduced density from potentially 600 units to 480, a 20% decrease. The 480 units translates to around RM-20 or closer to RM-19 as opposed to RM-26. Koury Corporation feels the Comprehensive Plan supports infill development such as this and works with the surrounding neighborhoods to do appropriate setbacks, buffers, and the right scale.

John Davenport, John Davenport Engineering, 119 Brookstown Avenue, Winston-Salem, stated his firm was retained to conduct a traffic impact analysis for this site in collaboration with the City transportation staff. Staff identified the intersections they felt could be impacted by the project, Davenport performed the analysis and City staff reviewed the analysis, all of which was done for the project. There are two proposed entrances, a right in/right out only western entrance and a full access eastern entrance. There would also be an emergency vehicle access which was not considered in this analysis because it will not be open to the public. Seven off site intersections were analyzed and he indicated that when the new development's traffic was added,

the overall level of service would not be significantly impacted. With the right in/right out, a right turn lane will be placed on Cone. Additionally, the full access on Cone would allow the traffic to go through Cone and not affect neighborhoods.

Richard Vanore, President of Koury Corporation, 1807 Nottingham Road, stated Koury Corporation has owned and paid taxes on this property for 60 years. Numerous offers were declined by developers for the property. Koury Corporation held on to this land poised for the right opportunity to bring an outstanding development to Greensboro when they felt it was needed by the city. Koury is proud of what they have accomplished in Guilford County over the last 68 years. Mr. Vanore stated 100% of Koury Corporation development activities have occurred in Guilford County, specifically Greensboro. Mr. Vanore pointed this out to highlight their commitment and dedication to Greensboro. Koury is passionate about their developments and how the company is run. Koury is confident they have made a positive mark on Greensboro and fully intend to create another landmark property with this proposed development. Given its location to downtown Greensboro and many local conveniences, Koury Corporation believes this particular development tract could be an outstanding infill location for the proposed upscale community, which is exactly what they intend to build. He stated this is planned to be a top tier multi-family project and aimed to attract all age levels. It will have all the amenities, and a gated community with one, two, and three bedroom dwelling units ranging from 600 square feet to over 1,500 square feet. The buildings will be fully commissioned with elevators and state of the art features. Rent rates are expected to range from \$1.70 a square foot to north of \$2.00 per square foot. Rough estimates on development cost falls in the 80 million dollar range and would be a substantial investment. Mr. Vanore stated they hold Greensboro's best interests at heart and are proud they did not rush into building on this land with a lesser development and one that would not serve the growing needs of the community. Koury Corporation is confident in their ability to pioneer this infill site with a first class project that would be an asset to the surrounding neighborhoods, increases Greensboro's tax base and provides Greensboro with an asset for luring companies and industry.

Richard Beard, 2908 Round Hill Road. Mr. Beard lives in the neighborhood and has many friends, neighbors, and former neighbors listening and watching this meeting. Mr. Beard stated he lived on Rockford Road when many were opposed to the Philadelphia Lake townhouse development across Cone Boulevard from the subject property. The 23 acre site is also located in a very affluent area with superior access to an underutilized major thoroughfare, Cone Boulevard. This property will be developed at some point. It is not a matter of if, but when. Its location and access could accommodate many uses including commercial uses that would be more detrimental to the surrounding neighborhood. Plans for an upscale apartment complex would be a good infill development for the community and a major goal of Greensboro's Planning Department. Mr. Beard would much rather have a local developer with a track record of creating and operating successful attractive developments than this property being controlled by a developer with no local ties and not knowing what type of development would be on the property. Mr. Beard stated he had no doubt Koury Corporation would deliver a great development that compliments the surrounding neighborhood. Mr. Beard hoped this rezoning request would be supported.

Vicky Vanstory Saunders, has worked as a realtor for years and is in support of the Koury project. The area is underdeveloped and the addition of new apartments will unite Browntown, New Irving Park, and Irving Park. It will be a visual transition and a luxury addition to the neighborhood. The traffic proposal, the new lane across Cone, and signage enforcement of the

35MPH speed limit are also components. As stated previously, it is not a question of whether this property would be developed but when and how. This project will be a true asset for everyone.

Mr. Engle asked Mr. Davenport if he agreed with the recommendation to not have a traffic signal with the development and what would the benefit or attractions if there was a traffic signal. Mr. Davenport stated they did look to see if the volume from the development would warrant a traffic signal. In this particular case the traffic volumes are low enough where Davenport did not recommend the installation of a traffic signal. The turn lanes are sufficient to provide safety and sight distance. A lot of time was spent in looking at sight distance in this particular area. This development is intended to be gated and the flow of traffic in and out would not be the same as a typical intersection. Usually you would not signalize a gated intersection because of interrupted flow and traffic could likely back out in the roadway if there was a signal there. Chair Holston inquired if there were additional questions for the applicant from the Commissioners. Hearing none, Chair Holston moved to the opposition led by Attorney Vaughan.

Don Vaughan, 612 West Friendly Avenue, representing neighbors and others in the city opposed to this development as presented. He noted there is a petition with 2,922 names on that was circulated among the neighbors around this site. This proposal is too dense, too tall, and not enough buffers for this particular neighborhood that is one of Greensboro's most established neighborhoods. Mr. Vaughan advised Gayle Fripp would be their first speaker.

Gayle Fripp, 1400 Colonial Avenue, stated her and her husband moved to this neighborhood because of its charm, affordability, wooded lots, nearby schools, and a child friendly park. The medium listing price of houses in the Kirkwood area is \$249,000, a large increase over the \$7,000 the first houses sold for in 1947. Ms. Fripp stated she had learned much about the amenities that would be offered to the development's residents, but little regarding the impact on adjacent properties. The Koury Corporation could have shown the elevation, photographs of proposed buffer areas, fencing and lighting instead of conceptual sketches and the photographs shown to the Commission. The topography was described as flat in the staff report, when it is filled with ravines and the slope along Colonial Avenue is approximately 18 feet. Her lot is almost level with the Koury land behind her. Under the impact policy analysis, it states that rezoning would allow land uses compatible with the general character of the area. The Koury site is surrounded on three sides with R-3 and R-5 zoning districts. One side of the site faces Cone Boulevard, and according to the 2040 Future Lane Use Map, development should be oriented to the corridor to avoid negative impact to adjacent residences. This project is simply too big for the site and must be scaled back. The proposed large building is located closest to Colonial Avenue and Medford Lane with other large story buildings on Colonial. The buffer behind her house is deceptive because it includes a Duke Power utility easement that must be kept clear of trees. Ms. Fripp made several comparisons of the Koury project to the 2040 Comprehensive Plan and advised the out of scale housing development proposed by Koury does not meet the goals of the 2040 Comprehensive plan and would not be complimentary to the surrounding area. Ms. Fripp stated the housing built should not be detrimental to the surrounding area. This project is not compatible with the existing neighborhood.

Wendy Heise, 2109 Cleburne Street, stated her side and rear property lines border the proposed Koury development. Her family relocated from out of state to the Cleburne address and her home was purchased on May 19, 2020. Renovations were completed at a cost of over \$70,000 plus for exterior and interior improvements before learning of the Koury project. If the project proceeds, there will be little chance of recovering their investment. The feel, privacy, and the value of their

property are uncertain. Ms. Heise has met with many of her neighbors who shared their history and memories of living in this neighborhood. Ms. Heise was impressed by how fast the neighborhood pulled together to face this challenge, gathering information, taking action, and seeking comfort from one another. There is a universal fear and alarm on how this proposed development will forever change the character of this neighborhood which many have lived in for years. Ms. Heise stated there was consideration in making this development more compatible in scale with the neighborhood and is aware Koury has been a quality developer in this area for many decades.

Douglas Stone, 308 Timberly Drive, referred to the larger Browntown neighborhood map and stated the area highlighted in blue included an area of 500 acres with 1,000 individual residential units. The Koury project is proposing 50% of that number in just 23 acres and does not fit with the area. Mr. Stone advised they have lived in their house for 32 years. It has no sidewalks but was a safe place for walking and children to ride their bikes in the street. Mr. Stone was very concerned it will change if Koury is allowed to develop 500 apartments nearby. The Zoning Commission is considering whether it makes sense to rezone 23 acres from R-3 to R-26 and increase the current density by a multiple exceeding 8 times. It is radical, drastic, and unprecedented in Greensboro. The Koury proposal is building 500 living units in an area currently zoned for 69 and could result in an additional 800 to 1,000 residents in close proximity to their neighborhood. This project would completely change the character of the neighborhood and was not consistent with many aspects of the 2040 Land Use Plan. Those living on Cleburne Street, Colonial Avenue, Medford Lane, and Berkshire Lane will have imposing 4-5 story buildings rising as high as 80 feet to look at. Koury is proposing 20 foot setbacks for a 60 foot building and 70 feet of setback for four story buildings that are 75 feet high. Any semblance of privacy will disappear from the neighborhood. There will be increased traffic, parking lots, and noise levels and home values will drop. This proposed project infringes on the rights of the existing homeowners to enjoy their property.

Mr. Stone then noted he had obtained the 309 page Davenport traffic report. The negative impact on traffic in their area will be significant. Davenport predicted in their summary there will be nearly 4,000 daily trips generated by the development. The capacity analysis stated due to high volume of additional traffic turning east on Cone Boulevard they recommended a 100 foot storage lane. The study also indicated with higher traffic volume, drivers on Cleburne may be prevented from turning onto Cone Boulevard to go west and be forced to make a right turn on Cone and then do a U-turn at the traffic signal. Since the traffic on Cone is close to 50 miles an hour it does not make sense to make people do that. The Davenport report does not adequately address additional cut through traffic that would occur on Kimberly Drive and Lafayette Avenue, which is already a problem. A significant number of the 8,000 additional new drivers in the area would discover the time saved of cutting through on these streets. People and children will be at significantly higher risks with the probability of a serious accident increasing substantially. One of six big ideas from the 2040 plan is becoming car optional. The City plans to install sidewalks on Cone Boulevard but there are no grocery stores, restaurants or shops within a mile and a half of the proposed project. Cycling on Cone Boulevard is currently dangerous with the high volume of fast traffic. There is no bus service. The only option would be cars. There is passionate and universal opposition to this proposed project due to the extremely high density and the scale of the buildings. City Publication subtitle 71 states that the purpose of zoning is to balance the rights of property owners to use the properties desired while not infringing on rights of adjacent property owners to do the same. This proposed project infringes on the rights of property owners in numerous ways and fails to address key goals in the Comprehensive Land Use Map. Mr. Stone urged the Zoning Commission to deny the rezoning request.

Chair Holston inquired if there were any questions for Attorney Vaughan or the others who had spoken in opposition. Hearing no questions for the opposition, he advised there is a 5 minute rebuttal period for each, side, starting first with Mr. Fox. Mr. Fox requested for Chester Brown to speak in rebuttal.

Chester Brown, 1211 Hill Street, speaking in favor of the zoning. Mr. Brown stated higher density infill development should be encouraged as it is a useful tool in City Planning by leveraging existing infill infrastructure to limit suburban sprawl. The Urban Land Institute, American Institute of Architects, National Multi-Housing Council, and the Sierra Club asserts “ample evidence suggests that well designed, high density development property integrated into an existing community can become a significant community asset that adds to the quality of life and property values for existing residents, while addressing the needs of a growing and changing population.” The multifamily market is increasingly being driven by renters of choice who desire higher end finishes and amenities. The Koury development will do just that and add to the quality of life and property values while addressing the needs of a growing and changing population. The Koury Corporation has been instrumental in the growth of Greensboro and the proposed development will follow the standard the Koury family has set over the past 60 years. The Koury family lives in the community, works in the community and invests their capital in the community and should be commended for the quality developments and commitment to Greensboro. Mr. Brown asked the Zoning Commission to vote in favor of the zoning request.

Mr. Fox then referred to the map Mr. Stone had shown. Mr. Fox pointed out the top left hand corner indicates a little jag which is multi-family apartments. Mr. Fox found it interesting that the neighborhood chose to base their analysis on only single-family homes and specifically excluded that multifamily development. Mr. Fox stated on Cone Boulevard east and west of the site are multi-family units and commercial development. The Koury development is entirely focused on Cone Boulevard. There is no connection to any of the neighborhoods, no entrances, and there will not be a negative traffic impact on the neighborhood as a result of the project. In responding to the Duke easement there, that is something controlled by Duke Energy and the intention is to plant the buffer just on the Koury side of that easement so it would effectively buffer Ms. Fripp’s home from the development. Mr. Fox stated there are many neighbors in support of this project, a few have been heard but there were many others. Mr. Fox requested the Commission to be aware there were a lot of other voices in support and this is a project that meets the Comprehensive Plan. The Comprehensive Plan says setbacks, building orientations, building materials, height, and the scale are to be considered within the existing neighborhood context and diversity of housing should be promoted. The way this site sits with the topography the way it is, the natural buffer that is there, and the conditions Koury has agreed to, meets the criteria and would allow this particular development to peacefully coexist on Cone Boulevard with the surrounding neighborhoods and be an asset to the neighborhoods. It will provide an opportunity for people who want to continue living in the neighborhoods but may not want to maintain a yard and a single family house anymore, a chance to move close and rent instead of having a commitment of home ownership in the event they decide they want to move or are transferred with their job. There could be more flexibility in doing that. This project fulfills a need and is promoted by the City’s Comprehensive Plan for infill development.

Chair Holston stated the Commission heard in opposition from Ms. Fripp who lives at 1400 Colonial and asked where her property was on the map and what the fall is from her property down toward the 5 story buildings. Mr. Fox responded in looking at the bottom left corner of the Koury property, there is a large parcel there owned by the City. Going up Colonial toward Cone,

Ms. Fripp is the first house on the right. There is not very much of a slope there and is about 18 feet, not flat but sloped. The concerns Ms. Fripp stated in what she would see is reflected on the buffer exhibit. The largest buffer shown was in the south west corner and will remain undisturbed on the other side of the creek. There are some topography issues and there is no interest in developing that area and will remain undisturbed. As part of a condition, a thicker buffer could be placed to address Ms. Fripp's concerns about what she might see. Chair Holston asked what kind of buffer was proposed for there. Mr. Fox responded it would be a 50 foot average width type C buffer. Chair Holston asked if that was with Evergreens. Mr. Fox responded Evergreens are not there currently but is something Koury would be happy to talk with Ms. Fripp about, if she would like. Chair Holston asked what type of buffering would be on the Cleburne side. Mr. Fox responded there will be an enhanced 25 foot wide Type B buffer yard with Evergreens planted 10' on center to create a continuous screen, resulting in a screen of evergreens in addition to the required buffer plantings that a Type B requires. The normal setback on a street like that would be 10 foot and the buffer will be 25'.

Chair Holston asked with the way the buildings have now been sited and planned, it appears closer to a 20 units per acre density project. Mr. Fox responded that was correct. The 480 units round out the math to 20.8 units per acre. The reality is that would be the maximum that could ever be built and is likely to be less even if approved at that amount because that number does not reflect some of the changes that were made to the heights of the building. Realistically to what can be built is very close to RM-18. There was not enough time to work with their engineers to determine exactly what the number was and obtain a new site plan to show that. Chair Holston asked what would RM-18 be. Mr. Fox responded RM-18 is 414 units on 23 acres. Chair Holston asked if currently it was 486. Mr. Fox responded that was correct. The project cannot be 486 units with the conditions they imposed on themselves as they limit the height of the buildings. There is a large stream going through and each side of the stream has required mandatory buffers limiting what can be developed. Chair Holston asked if they were closer to RM-18 but not ready to make a condition for RM-18. Mr. Fox responded not at this time because they want to talk with their civil engineers and site planners to determine fully what can be built. Chair Holston inquired if the other Commissioners had any questions.

Mr. Engle referred to a height restriction slide and stated he hiked through the property. In the center section, it is above Cone Boulevard and appears to be where the highest amount of buildings will be built and asked Mr. Fox if that was correct. Mr. Fox responded Mr. Engle was correct. Mr. Engle asked if the intention was the building heights would be essentially at level with Cone Boulevard. Mr. Fox responded they would be slightly below. When building begins the site will have to be leveled somewhat and the 80' would be the maximum built within that square area and would be the 5 story portion of the development. Mr. Engle stated he tried to find other 80' buildings around the area and could not find them. Mr. Engle asked Mr. Fox to speak to why Koury feels it would fit in this area when the neighborhood has a great concern about it. Mr. Fox responded the key is Cone Boulevard which is a major thoroughfare, a four lane divided road, and capable of handling more traffic than is on it. It is on both types of thoroughfare that you see denser development typically. There are denser developments, more commercial. They are not proposing commercial for this project, but there is an opportunity to do something special on this site. This a challenging site from the topography and developers are unable to get the numbers in there that would be needed. The consequences of that would make the various neighbors unhappy as well. If single family homes were placed there, the city would require to connect to Medford, and Kimberly, and possibly through the city land to Colonial. For all those reasons this site requires more density and at the same time achieve minimum impact on the surrounding homes. To achieve that requires more density and more height up toward the

front of Cone Boulevard. Thus a Cone Boulevard focused development and is not a neighborhood development. Some of the challenges are actually beneficial to use as a buffer for the neighbors. The key is to have the right area and make it fit with buffers and setbacks.

In response to the critical question of why you need this type of development the simple answer is North Carolina is growing. In 2010 there was about 7 ½ million people living in the state and now roughly 10 ½ million and is projected to go up approximately 4 million more people in the next 15 years. It would be good for Greensboro to offer this type of product appropriately done in a high quality fashion to be able to fill that market. Chair Holston inquired if the Commissioners had any more questions.. Ms. O'Connor stated she heard concerns from neighbors about water and flooding problems and asked how the water would be managed when there were downpours. Mr. Fox responded that is another good reason for heavier density as it helps manage the storm water. It is required by federal, state, and local law to manage and control their storm water. There cannot be any more water put off from their property than what is already currently located there and is the standard they are held to. Engineers will determine how to achieve that. It is planned to have the water runoff underground and build structures that contain the water when the flow is more than normal. The structures will collect the water and then slowly release it out in a normal fashion so it does not cause flooding anywhere else. Water cannot be put on any other person's property. It is Koury's obligation to deal with the storm water. Chair Holston inquired if there were any further questions for Mr. Fox or those in favor of the request. Seeing none, Chair Holston advised Mr. Vaughan of the 5 minute rebuttal period.

Mr. Vaughan referred to Mr. Stone's map and asked Mr. Stone if there were any 5 story buildings anywhere near the proposed development. Mr. Stone responded not that he was aware of. The apartments near the intersection of Cone and Lawndale are 4 story buildings and over a mile away. Mr. Stone stated it is at least 1 ½ miles from the proposed site to the shopping center. Mr. Vaughn asked if there were any multi-family apartments close by. Mr. Stone responded there are at the intersection of Lawndale and Cone which is at least a mile away. Attorney Vaughn asked if a person could walk to a grocery store or anywhere else. Mr. Stone responded it is at least 1 ½ miles to the shopping centers at Lawndale or Golden Gate. There is a proposed sidewalk with this development but no one would use it. Attorney Vaughn asked Mr. Stone if his opinion was this would not be a good place for a 5 story multi-family apartment complex. Mr. Stone responded no; it is completely out of character with the whole area and does not fit. All of the neighbors would be looking at 60, 70, and 80 foot walls Attorney Vaughn asked Ms. Tripp how long she has lived in the neighborhood. Ms. Tripp responded since 1965. Attorney Vaughn asked in her opinion was this site a good place for 500 apartments. Ms. Tripp responded she did not think so. There are problems in Kirkwood with the apartments at Lawndale and Cone. This gated community would not be like that but would have more residents in the neighborhood and in a district that cannot accommodate it. Mr. Vaughan asked if there were any 5 story buildings in her neighborhood. Ms. Tripp responded absolutely not. Mr. Vaughan stated they would argue this development is not compatible with the rest of the neighborhood. There is no walkability to services and it is way too dense. The current zoning is R-3 and R-5 at 3-5 units per acre. It is not compatible with one of Greensboro's most established neighborhoods and will certainly change the character of the neighborhood. Attorney Vaughn, on behalf of the neighborhood, asked the Commission to vote no to the proposal. Chair Holston inquired if there was anyone else wishing to speak in rebuttal opposition. Mr. Stone stated in addition to the cut through traffic on Kimberly Drive, Lafayette Avenue extends between Cone and Cornwallis Drive and experiences tremendous amounts of cut through traffic. There are no sidewalks in that area whatsoever with foot and bike traffic. It is unsafe now and will only become worse. Ms. Tripp stated her house has 3 stop signs at the intersection.

Mr. Carter advised Chair Holston there were people who had their hand raised the entire time and did not have an opportunity to speak in opposition. Chair Holston asked staff if there were options or if they were confined by the rebuttal periods that have already expired. Mr. Kirkman responded it was the purview of the Commission to take additional information. The time periods are used to make sure there is equitable time between the two parties for a zoning case. Chair Holston asked the Commissioners if anyone was in favor of allowing additional time for the hands that were missed. Mr. Collins suggested time could be extended but those speaking need to understand the Commission needs to hear new information and does not need to rehash what has been said by previous speakers. Mr. Engle agreed with Mr. Collins

Elliot Voelker, 1510 Colonial Avenue, stated there are three RM-18 zonings one mile away and a RM-26 is 1/ ½ plus miles away. Ones that are 5 stories or higher are beyond the 2 mile radius of the proposed site. Mr. Voelker asked why the plans were not dropped from RM-26 to RM-18.

Caitlyn Mahoney, 1510 Colonia Avenue, stated they bought this property in May because of the nature of the neighborhood. Dr. Mahoney expressed concerns that an apartment building could look into her bedroom window. Dr. Mahoney stated the area behind Ms. Fripp's house is different from the area behind her home and requested to know exactly what is planned for the border and the distance of that.

Chair Holston asked city staff to reiterate relative to the buffer question what the buffer would look like that is proposed by the applicant. Mr. Kirkman stated based on the conditions, it references properties along Colonial Avenue from 1506 through and including 1514 would be a 25 foot average width, type C buffer planting. Mr. Fox referenced the buffer slide and indicated where it became narrower but where the greatest topography change is. From the first floor of those properties, it was 42 feet higher than the ground under the hill near Cone Boulevard.

Nancy Lamb Cranford, 2605 Dellwood Drive, stated she has lived there 62 years and had apartments go up and half of them are empty because they are not affordable. The last group of high rise apartments, possibly 3 stories, are at the corner of Lawndale and Independence. Ms. Cranford asked how these apartments would be filled and why are there so many. Something beneficial is needed for the people who have lived generations and raised children here. Ms. Cranford asked if it did not matter and only people who have never been here are important.

Paul Polakowski, 1507 Lafayette Court, stated he purchased his property in 2019 because of the mature trees, established neighborhood, and the ability to walk on the streets, kids riding bikes, and is a quiet residential area. Mr. Polakowski expressed his concern with not having an environmental impact statement, a soil erosion form, a water runoff plan and associated impact, and especially a habitat study. Mr. Polakowski asked about the established species of either plant and wildlife within this 23.3 acre property that has been there for years and has heard nothing regarding a habitat study.

Chair Holston asked if the Commissioners had questions for Attorney Vaughn and others in opposition. Ms. O'Connor asked if there was any kind of middle ground in speaking with the neighbors to see if residential multi-family 12 or 18 would be more acceptable or if there was so much objection it could not be entertained. Attorney Vaughn stated they have not seen the

revised conditions. If they had had time, possibly something could have been done. Attorney Vaughan stated this was a very vocal and diverse neighborhood and needed to see all the conditions associated as there are four different neighborhoods around this project. Mr. Stone responded they were not opposed to all builders but were opposed to this particular R-26 with 5 story buildings. The neighborhood would entertain conversations of density significantly lower. Two-story buildings and something in the range of townhomes, smaller and lower scale. Mr. Stone expressed concern regarding children on bicycles and the cut through traffic. A 25 foot buffer does very little behind an 80 foot building. Ms. Tripp stated Koury does have the right to develop this property and have a certain financial gain. The neighbors likely would be very much in favor of reduced density.

Chair Holston inquired if there were additional questions from Commissioners. Hearing none, Chair Holston closed the public hearing and requested to hear from staff for a recommendation. Mr. Trapp asked since there was more time added to opposition, was more time needed to be added for the applicant. Mr. Kirkman advised Attorney Harrell would speak to that but part of the issue was there had been people who wished to speak and all happened to be in opposition. Attorney Harrell stated there was not a requirement and was set up to be equitable in the essence of time. If the Commission felt they heard from additional opposition and wanted to hear more from those in favor, there was no requirement not to hear them. Mr. Collins asked if as Commissioners can still ask questions of people that were presented even though the public hearing was closed. Chair Holston responded that was correct. Chair Holston closed the public portion and requested to hear from staff.

Mr. Kirkman stated the GSO 2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. The request is consistent with the Comprehensive Plan because proposed development is compatible with the scale and design of the adjacent road and can accommodate a satisfactory transition to the existing scale and intensity of existing uses. The proposed CD-RM-26, as conditioned includes measures to decrease the negative impacts on the surrounding neighborhood. The zoning request is consistent with surrounding uses and staff recommended approval of this request.

Chair Holston inquired if there were questions for city staff. Seeing none, Chair Holston inquired if there comments, or thought from the Commissioners. Mr. Collins asked Chris Spencer attached to the traffic study for clarification if the entrance at Cleburne Street was part of this rezoning. Mr. Spencer of the City's Transportation Department responded they did ask the consultant to study that intersection but it was not a recommended improvement. The developer would not be required to build that. City Transportation wanted the study if in the future there would be a need for some type of access management there. If it is decided to do a study on access management there, there would be further follow-up and public involvement. There are no plans to require the developer to build that in association with this primarily because of full access and the way things are designed in the traffic study will handle the traffic going in and out of the site and put a negligible amount of traffic through the existing intersection. Chair Holston requested clarification on the western and eastern entrances and adjoining roads. Mr. Spencer responded the western entrance is a right in/right out access with a right turn lane. The eastern entrance is a full access allowing left turns both in and out, also potentially with a right turn lane and left turn lane westbound. Because there is a wide median, there would be a section built in the median, a two lane section between eastbound and westbound lanes. Similar to what is seen at other intersections along Cone and Lafayette. Mr. Collins asked if there was any chance that if this was approved and the applicant placed a condition of an emergency entrance only on

Cleburne, would there be any chance the city would add an entrance off of Cleburne. Mr. Spencer if it is a condition, it would not be allowed to have a driveway. Chair Holston asked how the emergency only access on Cleburne would be controlled. Mr. Spencer responded typically it is with a gate, a Knox box and be worked out at the site plan stage. Fire would have access to unlock the gate but no one else would.

Mr. Collins stated one of the concerns appears to be the possibility of traffic being re-routed through other areas and asked Mr. Davenport if there was anything he looked at or any comments regarding that. Mr. Davenport responded one of the main reasons why the site entrances were all on Cone was to minimize cut through traffic. Cone is the major facility in the area that goes both east and west and to the major roads that go north and south. Going downtown to all the retail and points of interest are along Cone and the reason why the site was designed to have those two access points. There are other streets in the area but do not provide primary connection to the points of interest. Mr. Engle stated when he googled how to get to Target or the Lawndale shopping center from 1515 Cone Boulevard, it told him to make a right onto Cleburne and asked Mr. Davenport if he thought that would change or would it be an issue because Cleburne is a street that has no sidewalks and would be used as a cut through. Mr. Engle understood what Mr. Davenport said of people going north or out towards Brian Boulevard but asked about the areas of Lawndale Shopping Center, Target, Panera, Harris Teeter. Mr. Davenport stated Cleburne was analyzed and it was assumed that there would be some traffic. They are not saying there will not be any traffic, just not the primary route. Out of four or five trips in a day, the grocery store may be a couple of times a week but you would be going to work every day, there are schools, other trips associated with the development. They have looked at all of that and there will be some traffic on Cleburne and some traffic in the area overall. A development cannot be built of any size and restrict where people would go without giving them no access to a public street. A lot of traffic will not be added to the residential streets because of the way this development is designed. The City asked Davenport to look at eliminating the potential for traffic to cut through on Cleburne. Chair Holston inquired if there were any additional questions. Mr. Collins stated there appeared to be quite a bit of sidewalk going on in the City of Greensboro and asked Mr. Spencer if any of that was slated for the Cone Boulevard corridor at any time in the future. Mr. Spencer responded there is a section of sidewalk under design for Cone Boulevard and scheduled for 2022. East of Elm street a sidewalk is scheduled.

Chair Holston asked for any additional questions. Mr. Trapp stated they have heard about height of the buildings; Kirkwood Commons is across from the Target and asked if city staff or someone could advise how tall that structure was. Mr. Engle responded he did not know how tall it was but it was 4 stories. Mr. Trapp asked if the multi-family or structures in the area are over 2 or 3 stories. Chair Holston asked if the 4 stories included retail to which Mr. Engle responded that was correct. Mr. Trapp stated they have heard about multi-family in transition and multi-family that was empty and asked if anyone, staff or Koury, knew what the occupancy rate was in the city for multi-family developments. Mr. Vanore responded Greensboro ranked 18th nationally for quarterly growth, 30th nationally for second quarter 2020 growth. The market dropped in occupancy a little bit in the first quarter of 2020. The average over the second quarter since 1996 was 93% occupancy and is very strong. Mr. Trapp stated for him this was infill development and is the way of the future. Infill development combats urban sprawl. The Zoning Commission likes to see transition of land use and this provides that. The number of conditions on this are by far the most conditions he has ever seen on any zoning application. Mr. Trapp felt for the neighbors and surrounding neighborhoods and thought there was time to still talk and see where they are going. As presented, Mr. Trapp could not find a reason not to support this. That is

what Zoning is here for, to discuss land use. Mr. Trapp stated he could not see a land use reason to deny the request and would be in favor.

Mr. Engle stated this is one of the more difficult cases that he has looked at during his 2 year term. Mr. Engle was also a fan of infill development. Koury Corporation has owned the land since 1959. They have paid property taxes on the land. Looking at this and having spent time in the Kirkwood neighborhood, the neighborhood would be very unhappy with single family homes if they were built in that area. They are not going to be what the neighborhood is today and Koury is correct that basketball goal at the end of Medford would probably be torn down to build a road. One way or another trees and wildlife cannot be saved. That was all decided years ago when the land was purchased by the Koury Corporation or its predecessor and zoned for residential. Mr. Engle differed with Mr. Trapp with the traffic concerns and in looking at RM-26 would like to see that from a transitional land use perspective something with less density. Mr. Engle stated from his perspective, this is a multi-family. It's not 20 units an acre and Mr. Engle had definite concerns about the height. If there was less density and was not 5 stories, he could support it. Mr. Engle provided this feedback as it will go on to City Council and stated he was not in support of the request. Ms. O'Connor agreed with Mr. Engle. To have a developer the caliber of Koury and the thoughtfulness put into this with the buffers, the turning zones, the underground water retention, all of that struck many chords and checked a lot of boxes, but she could not get pass the two obstacles of height and density. Ms. O'Connor agreed it should be infill but there needed to be a different solution. Five stories were a bit much even in a restricted area and the density was a lot for that small piece of land compared to the rest of the neighborhood. Ms. O'Connor's hope was to find a solution that is slightly different and was not in support.

Chair Holston inquired if there were any further comments from Commissioners. Chair Holston stated this was a very tough decision and really struggled with it. There are pros and cons on both sides. Chair Holston went through the neighborhood itself and appreciated the bonding the neighborhood has done and whether they win or lose, it was very impressive to see that type of commitment and perseverance in a neighborhood. Chair Holston stated his concern was the density. If this application was an RM-18, he would be very open to it, but with RM-26, he was not in support of the property. Mr. Collins agreed with what was said but his concern was does the Commission strive for mediocre in what will be done for a special site like this. Greensboro does not need regular apartments there and would not benefit anyone. Mr. Collins is a developer/builder and developers have been trying to look at things that other cities have done. In looking at Sharon Road in Charlotte, high density is on the main road and residential behind it, but this project does not have walkability. Mr. Collins did not want to see these as regular apartments. Koury does not want to sell it and will do something there to have income producing property and that is the reality. They will not sell as single-family home, lots, or as condos. Mr. Koury had a long view on everything and a long view on this property. The family is attempting to bring in a high quality development. Mr. Collins was opposed to this until recently. There is a lot to be sorted out between now and the Council date. Mr. Collins shared the same concerns with density. The applicant was not asking for RM-26, it has to be asked for to allow for flexibility. Mr. Collins did not want to see 3 story apartment buildings on this lot at regular market rate because this is a special piece of property. It should be thought of as Cone facing and not thinking neighborhood facing. Mr. Collins stated he thinks of the need for the corridor there. For that reason, Mr. Collins was in support.

Mr. Rosa agreed with Mr. Collins and with Mr. Trapp. Mr. Rosa walked the property. This still has to go to City Council and there is 30 days to continue working on this between the communities and Koury. Mr. Rosa stated he was in support of the application. Mr. Alford stated he thought this was a slam dunk and there was no way that this property should be used as proposed until seeing the conditions. These conditions indicated to him the developer does want to help the community and listened to the community in what they were saying. Mr. Alford stated he was in support. Mr. Bryson stated he listened to both sides speaking and walked on the property. Mr. Bryson stated he heard the concessions but on the opposition end, the only concession heard was they didn't like it. Mr. Bryson advised he is a real estate appraiser dealing with facts only and basing their opinion on what the facts say. Mr. Bryson stated he was in favor of the proposal due to the willingness of Koury Corporation to have so many concessions and reaching out to the community. They did say RM-26 but it was because of the statute rules. Chair Holston responded if Koury wanted to go to a less intensive zoning, they could do that without having to reapply and Mr. Bryson's point was well taken. Mr. Bryson stated this is a process, a give and take, and the opposition side is not giving anything. Mr. Bryson received a lot of letters and emails, read through most of them and understands the angst and lives in this area. There was talk about growth in the city and now we're talking about stopping growth. It cannot be both ways. Mr. Bryson is in support of the proposal. Mr. Engle stated there is another option here that was not taken that was available and that was PUD. There are different ways to lay this out that would have been different for the people around it and without having to do all these conditions because it would have been on the site plan. Mr. Jones echoed and felt the amount of conditions that the applicants were willing to make, supported his decision to approve the proposal.

Chair Holston asked if there was a motion. Mr. Trapp stated that in regards to agenda item Z-20-09-011, the Greensboro Zoning Commission believes that its action to recommend approval of the rezoning request for the properties described as 1414, 1509, 1511 and 1515 West Cone Boulevard and 2111, 2113, 2115 and 2117 Cleburne Street from R-3 (Residential Single Family-3) and R-5 (Residential Single Family-5) to CD-RM-26 (Conditional District Residential Multi-family-26) 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 Comprehensive Plan's Future Built Form Map and Future Land Use map. The property proposed for rezoning can accommodate a satisfactory transition to the existing scale and intensity of existing adjacent uses. The CD-RM-26, as conditioned, would permit uses that are complimentary to those existing in 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. Approval was in the public interest. Seconded by Mr. Rosa. The Commission voted 6-3. (Ayes: Trapp, Rosa, Alford, Collins, Bryson, and Jones. Nays: Chair Holston, Engle, and O'Connor.) Chair Holston stated this approval constitutes final action unless appealed in writing to the Planning Department within 10 days. Anyone may file such an appeal. All such appeals will be subject to a public hearing at the November 17, 2020, City Council Meeting. All adjoining property owners will be notified of any such appeal.