

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
OCTOBER 17, 2022**

Z-22-10-006: A rezoning request from CD-PI (Conditional District – Public and Institutional) and R-3 (Residential Single-family – 3) to PUD (Planned Unit Development) and consideration of the required Unified Development Plan for the properties identified as a portion of 3216 and 3234 Horse Pen Creek Road, all of 3238 and 3240 Horse Pen Creek Road, and all of 4209 and 4213 Piermont Drive, generally described as south of Horse Pen Creek Road and west of Piermont Drive (9.37 acres). (RECOMMENDED DENIAL)

Z-22-10-007: A rezoning request from R-3 (Residential Single-family – 3) to PI (Public and Institutional) for the property identified as a portion of 3234 Horse Pen Creek Road, generally described as south of Horse Pen Creek Road and west of Piermont Drive (0.56 acres). (RECOMMENDED APPROVAL)

Mr. Kirkman reviewed the summary information for the subject properties and surrounding properties, and advised of the condition associated with the request. Mr. Kirkman stated the GSO2040 Comprehensive Plan designates this site as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports the Comprehensive Filling In Our Framework Big Idea goal to arrange our land uses for where we live, work, attend school, and enjoy our free time can create a more vibrant and livable Greensboro, and the Comprehensive Plan’s Creating Great Places Big Idea’s strategy of meeting housing needs and desires with a sufficient and diverse supply of housing products, prices and locations. The proposed PUD zoning district would permit a variety of uses inclusive of multi-family housing and recreational uses complementary to the existing recreational and residential uses on adjacent and nearby properties. Staff recommended approval of the request.

Vice Chair Bryson asked for any questions or comments from the Commissioners. Hearing none, Vice Chair Bryson inquired if the applicant was present to speak.

Amanda Williams, 4425 Monument Trace on behalf of BSC Holdings, stated that the applicant is requesting split zoning due to their work with the neighboring Spears YMCA. They are conducting a land swap to add parking for the YMCA. The development will not add access directly off Horse Pen Creek Road, but they will instead work with the YMCA to improve the traffic flow around the new signal at the existing intersection. She stated they feel this is a logical land use given the proximity of other multi-family residential and PI uses in the area. Their foreseen market segment is unlikely to create significant additional traffic as in some multi-family residential developments. Ms. Williams stated they spoke with neighbors and conducted a neighborhood meeting to hear the community’s concerns and that traffic on Horse Pen Creek Road was the primary concern. She introduced the applicant’s traffic engineer to discuss the project.

Ms. Skenes stated the TIA displayed three access points into the YMCA property for access to the existing intersection at Horse Pen Creek Road and asked Mr. Kirkman if the YMCA parking lot was a public street. He stated it was not, and that access would require a shared access easement. Ms. Skenes expressed concern about adding traffic to the YMCA property given that the intersection backs up in peak hours. She stated the density and vehicular access bothers her. Ms. Williams stated that their agreement with the YMCA states they will be improving the parking lot, and that their current plan moves the first entrance to the intersection under guidance

from GDOT. She stated that their anticipated density might be lower than the maximum required and that in their experience, the tenants they typically attract tend to drive less.

Ms. Skenes asked to confirm that the applicant did not present the request as an over-55 community, and Ms. Williams stated that was correct. Ms. Skenes stated the Commission has to consider the request as presented, and the density proposed in this request is almost double that of nearby developments.

Ms. Magid stated she was also concerned with the number of dwelling units per acre. Ms. Williams stated that they have done similar developments in Greensboro and that their final density would be below the theoretical maximum.

Dionne Brown, 4600 Marriott Drive, Raleigh on behalf of Davenport, stated that their TIA used traffic counts during peak hours according to GDOT standards. She stated that questions involving the intersection would require coordination with GDOT, but that their models use a worst-case scenario to determine level of service. She stated that if neighboring communities increase traffic flow, there would likely be a need for changes to the intersection.

Barry Siegal, 4425 Monument Trace, stated that they have negotiated access to Piermont Drive for the YMCA, which will create cross access from their parking lot. While they are adding additional trips, he believes they are improving the traffic situation in the area with these changes to the YMCA parking lot.

With the applicant's speaking time expired, Vice Chair Bryson inquired if there was anyone wishing to speak in opposition of the request.

Margaret Scott, 4703 Hanberry Drive on behalf of the Montebello Homeowners Association, stated that her neighborhood's concern is about the concentration of traffic at the intersection. The applicant's proposal would add significant traffic to the area, and the applicant's traffic engineer states the level of service in the area would be very low. She stated that while this level of service may be common, it is unacceptable to the residents in the area, and that they are requesting specific signalization improvements for safety to support any additional development like this.

Ron Kohler, 3231-35 Horse Pen Creek Road on behalf of Northwest Day School, stated his concern is also about density and the safety of the children at his school. He has been in discussion with the applicant and their traffic engineers, and that while he supports allowing rezoning for the subject properties, he finds the requested density unacceptable. Displaying a land use map of the area, he indicated the multi-family residential developments in the area, some of which are very dense and have yet to be open for lease. He then displayed a photograph of the YMCA and a full parking lot with more vehicles entering it, and stated that his understanding of the site plan is that it would tie into traffic of the YMCA, which is already unacceptable. U-Turns at the intersection require serious situational awareness given the complexity of traffic flow in the area, and given the speeds vehicles travel there, it is extremely difficult to maintain safety. Mr. Kohler stated he would be comfortable with 18 dwelling units per acre, but 325 units is unacceptable for this neighborhood, and asked for the applicant to prepare a new proposal which is mutually beneficial.

With opposition speaking time expired, Vice Chair Bryson advised the applicant had 5 minutes for rebuttal.

Amanda Williams stated that the density of their comparable projects they previously developed is 25 dwelling units per acre at New Garden Road and 39.2 dwelling units per acre in Winston-Salem, a property that has traffic access through an adjacent commercial property. She stated that the site plan calls for over 500 parking spots for the residents of the development in addition to the new parking for the YMCA.

Barry Segal stated that this project would create direct two-line access to Piermont Drive and ease into Horse Pen Creek Road with a right turn, which will reduce the traffic impact through the YMCA property. Other projects they have developed maintain reasonable traffic access with roughly this density level, and the TIA states this development will maintain current levels of service. He stated that they believe the density requested is reasonable given the improvements they intend to make and the work GDOT has done in the area.

Mr. Bryson asked if the other developments Ms. Williams had been referencing have similar arrangements of neighbors with dense activity and sensitive concerns about traffic. Ms. Williams stated that the New Garden development has adjacent office and medical uses, and the Winston-Salem development is in a heavily commercial area with a shared traffic flow and uses shared commercial parking lots with common access easements similar to what they are proposing here. Mr. Bryson asked Ms. Williams to confirm the level of traffic of neighboring parcels for the other developments she mentioned, and Ms. Williams stated there was substantial traffic around those areas but she did not have the traffic counts available.

Vice Chair Bryson then advised anyone speaking in opposition had 5 minutes for rebuttal.

Sophia de Vries, 3110 Horse Pen Creek Road on behalf of Noble Academy, stated that the requested density is unreasonable for this area. More multi-family residential housing in the area would be sensible, but not at this level of intensity. Adding traffic to Piermont Drive and turning it into a cut-through for YMCA traffic makes them concerned about the safety of their students. She stated the school is grade levels 1-12 and many of the students have learning disabilities, and asked the City to consider this and make changes to the flow of traffic in the area.

Ron Kohler displayed a photograph of Horse Pen Creek Road around his school during the evening and stated that he did not see how a cut-through of a highly dense multi-family development's parking lot would improve traffic flow. Davenport conducted the TIA in February and June during the widening of Horse Pen Creek Road, with workers limiting it to a one-way road, and this may make the results not indicative of the true state of traffic on Horse Pen Creek Road now. He stated that the density of this request would make traffic unmanageable in the community.

Ms. Skenes stated that the TIA material she had available shows a date of July and September and asked when the applicant conducted the TIA. Mr. Kohler stated he learned from conversations with Davenport that the studies happened in February and June and the facts compiled and presented in July and amended in September. Mr. Kohler asked the applicant to conduct a new TIA. Ms. Skenes asked Mr. Kirkman to confirm if that was accurate, and Mr. Kirkman stated that GDOT has specific information about the traffic counts.

Deniece Conway, on behalf of GDOT, confirmed that the engineers conducted TIA counts while construction was underway and that when a road is under construction they will sometimes add historical data with adjustment formulas but she is unsure of their use in this case. Ms. Skenes stated that if the TIA counts are from while Horse Pen Creek Road was under construction, the levels of service would be unacceptable.

Dionne Brown stated that they conducted the counts while school was in session in February for a different development, and in June. They completed the report in July and updated it in September after a request from GDOT regarding the planned access to the YMCA parking lot. She stated that to account for the construction on Horse Pen Creek, they applied adjustment factors based on historical data, and that a 2% or more growth rate is also always applied for future build volume scenarios.

Ms. Magid asked Mr. Segal if the plan called for the additional YMCA parking on the strip of land in request Z-10-007 and if it this would be complete before their project begins. Mr. Segal stated that the additional parking would be two additional rows down the length of the strip. Ms. Magid asked if the cars would be departing past the current rows of cars to turn right on Hanberry Drive and Horse Pen Creek. Mr. Segal stated that access from the YMCA's current drive would have access to their development and give the YMCA access to Piermont. Ms. Magid asked if all of the new parking for the YMCA would be on that new piece of land, and Mr. Segal stated that was correct. Ms. Magid asked if entry and egress from his development would be directly through the parking, and Mr. Segal stated that was correct, but they have not finalized the site plan yet. He stated that the development would not require all parking to go through the YMCA property, and that much of it would likely go through Piermont Drive. Ms. Magid asked about the applicant's development on New Garden Road, and Mr. Segal stated it would be very similar using the site's slope, but with additional access points.

Sophia de Vries stated that her school's students were not at school in June, so the TIA did not account for the full impact of their traffic.

Ms. Skenes asked about the plan associated with this request. Mr. Carter stated that staff distributed the UDP to Commissioners following TRC approval, and Mr. Kirkman displayed the UDP. Ms. Skenes stated the UDP showed the three access points on the parking lot side, very close to the traffic lanes around the YMCA parking.

Mr. Kohler stated that there has been no discussion of the impact on the schools in the area.

Mr. Buansi reminded the Commissioners that the Planning and Zoning Commission is required to make decisions solely based on land use and impact on surrounding properties. Ms. Magid asked if this would only be a recommendation given the number of Commissioners, and Mr. Buansi said that was correct. Ms. Magid asked if the Commission could offer a continuance. Mr. Kirkman stated that could not be offered by Staff, but the applicant could request a continuance.

Ms. Skenes asked to clarify that density applies to Commission decisions, and Mr. Buansi stated she was correct that density could always be a consideration of the Commission.

With opposition rebuttal time expired, Vice Chair Bryson closed the public meeting.

Mr. Bryson stated he was familiar with that area, and was uncomfortable with the proposed density given the variety of uses surrounding the subject property and new multi-family development in the area. He stated that given that neighbors were under a misconception during the applicant's outreach, more discussion should take place, and he cannot support the request as presented.

Mr. Egbert stated that he has lived on Horse Pen Creek Road and visited that YMCA regularly. The City has many busy streets, and the density proposed is reasonable given the sustained increased activity in the area. He stated he supports the request.

Ms. Skenes noted the density bothers her, and that she cannot remember the Commission approving anything with a “D”, “E” and “F” level of service. She also stated that the PUDs the Commission has approved in the area previously are of a much lower density than this request.

Ms. Magid then stated regarding agenda item Z-22-10-006, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties identified as a portion of 3216 and 3234 Horse Pen Creek Road; all of 3238 and 3240 Horse Pen Creek Road; and all of 4209 and 4213 Piermont Drive from CD-PI (Conditional District – Public and Institutional) and R-3 Residential Single-family – 3) to PUD (Planned Unit Development) to be consistent with the adopted GSO2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1.) The request is consistent with the Comprehensive Plan’s Future Built Form Map and Future Land Use Map; (2.) The proposed PUD zoning district, as conditioned, permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; (3.) 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. Mr. Egbert seconded the motion. The Commission began a vote, which Ms. Skenes and Ms. Magid voted against and Mr. Kirkman asked Ms. Magid to clarify if she meant to use the motion language to approve the request. Realizing the mistake the Commission abandoned this motion.

Ms. Magid then stated the request is inconsistent with the Comprehensive Plan’s Future Built Form Map and Future Land Use Map; (2.) The proposed PUD zoning district, as conditioned, does not limit negative impacts on the adjacent properties nor does it permit uses which fit the context of surrounding area; (3.) The request is not reasonable due to the size, physical conditions, and other attributes of the area, it will be a detriment to the neighbors and surrounding community, and denial is in the public interest. Ms. Skenes seconded the motion. The Commission voted 4-1, (Ayes: Skenes, Magid, Alford, Bryson; Nays: Egbert).

Mr. Buansi stated this was not a final action, and was a recommended denial for the City Council.

Ms. Magid then made a motion to deny the associated UDP. Ms. Skenes seconded the motion. The Commission voted 4-1, (Ayes: Skenes, Magid, Alford, Bryson; Nays: Egbert). Vice Chair Bryson advised the denial constituted a favorable recommendation and were subject to a public hearing at the Tuesday, November 15, 2022 City Council meeting.

Ms. Skenes asked if the Commission could vote on Z-22-10-007, given that they seem to be related. Mr. Buansi stated they were related, but separate requests.

Ms. Skenes then stated regarding agenda item Z-22-10-007, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the property identified as a portion of 3234 Horse Pen Creek Road from R-3 (Residential Single-family - 3) to PI (Public and Institutional) to be consistent with the adopted GSO2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1.) The request is consistent with the Comprehensive Plan’s Future Built Form Map and Future Land Use Map; (2.) The proposed PI zoning district permits uses which fit the context of surrounding area and limits negative impacts on the adjacent properties; (3.) 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. Mr. Alford seconded the motion. The Commission voted 5-0, (Ayes: Skenes, Magid, Alford, Egbert, Bryson; Nays: 0). Vice Chair Bryson advised the approval constituted a favorable recommendation and were subject to a public hearing at the Tuesday, November 15, 2022 City Council meeting.