

**MEETING OF THE
ZONING COMMISSION
October 19, 2015**

Z-15-09-003(A) 102 and a portion of 104 East Vandalia Road (south of East Vandalia Road and east of South Elm-Eugene Street) – A rezoning request from R-3 (Residential Single-Family) to CD-C-H (Conditional District-Commercial-High) with the following conditions: (1) All uses permitted in the C-H district **except** bus and rail terminals, pawnshops and recycling collection centers. – For property located at 102 and 104 East Vandalia Road, generally described as south of East Vandalia Road and east of South Elm-Eugene Street (8.21 Acres) – Jeff Nimmer on behalf of Tim McGehee.
(APPROVED)

Chair Pinto stated that there will be one presentation for companion cases **Z-15-09-003(A)** and **Z-15-09-003(B)**; however, two separate votes will be required.

Ms. Smith described the subject properties, as well as surrounding properties, and noted issues in the staff report.

Jeff Nimmer, Kotis Properties, was present on behalf of Tim McGehee. Mr. McGehee is representing the family and currently owns the subject property. Mr. Nimmer stated that the property currently has an unoccupied house on a small portion of the property but is otherwise undeveloped. Property located across the street from the subject property is already zoned commercial, as well as another adjacent property and there is a church across Elm-Eugene Street. Mr. Nimmer further noted that there are no residential uses on any of the corners of the intersection where the property is located except the one he is hoping to rezone tonight. They have removed potentially noxious uses from the request through the proposed condition. The requested rezoning is to give flexibility to the estate to find users for the property while protecting surrounding areas from some uses that might not fit in with the rest of the area. Mr. Nimmer noted that there is no specific plan associated with this request.

Mr. Nimmer noted letters were sent to neighbors 600 feet from the project highlighting what the owners are intending to do. They met with the Bethany Woods Neighborhood Association on Saturday, July 18, 2015 where information was distributed. At that meeting very few neighbors voiced any opposition to the request and everyone he spoke with who called in response to the letters were in favor of the request.

A Traffic Study was also conducted by Davenport Engineering that concluded there is adequate capacity to accommodate future traffic.

In Opposition:

Eric Lamb, 112 and 118 East Vandalia Road, is Pastor at Greater Christian Fellowship Church and he stated they were not contacted by Kotis Properties. The Church abuts the subject property and Pastor Lamb stated that anything that happens on the adjacent land will have a direct effect on the Church. He expressed concerns about water drainage and flooding on his property coming from the subject property in three different areas. He also mentioned concerns with traffic on East Vandalia Road if this project is built.

Members of the Greater Christian Fellowship Church congregation stood to be recognized and Pastor Lamb's request.

Pastor Lamb asked the Commission to consider tabling the item so that Church representatives could meet with Kotis Properties to discuss the request. He also commented that the Church has discussed buying the property from the owner on several occasions; however, the owner did not want to sell. Pastor Lamb and the congregation would like to keep the area residential.

Mr. Gilmer disclosed that he may have a possible conflict with this case because he has family members that attend the church and several relatives are in attendance at this meeting but he does not have a financial interest in this case. Counsel Jones clarified that a member would be prohibited in voting on the matter if there is a fixed opinion prior to the hearing not susceptible to change, when undisclosed ex-parte communication with the applicant or those in opposition has occurred, if there is a close business or family or other associational relationship with the applicant or the opposition, or if there is a direct or indirect financial interest in the case. She noted that the church has not exercised an offer to purchase the property that is the subject of the zoning request. Mr. Gilmer answered “no” to these issues and it was determined that he did not have a conflict.

Mr. Kirkman responded to questions about the drainage issues. As part of the site development plan, the matter will go before the Technical Review Committee who will determine the impact from construction on the development. Projects are bound by various local and state requirements to effectively contain and treat the water run-off and he noted that some developments have actually helped reduce existing site drainage issues.

In response to another question, Ms. Smith confirmed that notice of the zoning hearing was sent by the City to Greater Christian Fellowship at 118 East Vandalia Road. Pastor Lamb clarified that the only notice he received was from the City and not from the applicant.

Mr. Lester asked about the type of zoning in surrounding areas. Mr. Kirkman pointed out surrounding single-family residential zoning and noting the existing commercial zoning at the intersection.

Pastor Lamb stated the area has a need for a physician’s office or an Urgent Care Center. He felt that Commercial-High uses would open up types of development that would be problematic.

Rebuttal in Support:

Jeff Nimmer reiterated that a letter was sent to the Church and surrounding neighbors. He also explained how the drainage issues might be addressed by the Technical Review Committee through the site plan review process. Addressing the concern about traffic, he pointed out that the City is expanding Vandalia Road with additional lanes and South-Elm Eugene is already a major four-lane corridor in the City. He also addressed uses allowed in a Commercial High district, noting they could include an Urgent Care Center.

Rebuttal in Opposition:

Pastor Lamb asked for a continuance so that discussions can be held with Kotis Properties and the property owner. He wants the neighborhood to grow and maintain its character but this rezoning opens up some problematic uses.

Chair Pinto asked Mr. Nimmer if the applicant would consider a continuation of this matter. Mr. Nimmer said that the applicant prefers to proceed versus continuing for another 30 days. They will be happy to talk to the Church in the meantime. He was concerned that the continuance comes with the knowledge the Church has wanted to purchase the property in the past but was unable to come to an agreement. He felt the request might be a result of the Church having an interest in purchasing the property.

Pastor Lamb asked the Commission not to zone this property Commercial High, not because they want to buy the property, but because whatever is developed on this land will change the character of the location.

There being no other speakers, Chair Pinto closed the Public Hearing.

In the matters of **Z-15-09-003(A)** and **Z-15-09-003(B)**, Chair Pinto stated that there has been a motion to continue the matter for 30 days by the opponents. The Commission voted 3-5 and the motion failed. (Ayes: Griffin, Lester, Blackstock. Nays: Marshall, Bachmann, Gilmer, Parmele, Pinto.)

Staff Report:

Mr. Kirkman stated that this is designated as **Moderate Residential** on the Generalized Future Land Use Map (GFLUM). In conjunction with the rezoning request, a Generalized Future Land Use map amendment was required to revise the designation to Mixed Use Commercial. The Mixed Use Commercial designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service and other uses are complementary. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy and diversified economy. This proposed CD-C-H request supports a wide range of high intensity retail and service developments and staff recommends approval of this request.

Comments:

Mr. Ortega clarified for Mr. Gilmer that the additional lanes being added to Vandalia Street are scheduled for construction in 2018.

Mr. Gilmer the stated he will be supporting this request. As staff has stated, there is an opportunity for the case to be heard before City Council if they wish to appeal the decision. The drainage concern is on the public record and the flooding issue could be made better for the Church. A quality development in this area would enhance the neighborhood. The adjacent corners of the intersection are commercial and this rezoning request will be a good fit.

Mr. Parmele felt that some level of commercial application is the best and highest use of the land. He did not feel a residential component would be a good fit on that corner. This request provides the most flexibility for the owner in the future.

Ms. Bachmann commented that this area is becoming more commercial and she is supportive of the request. There will be a significant opportunity for residents and church members to discuss concerns with Mr. Nimmer and the property owners after the zoning hearing this evening.

In the matter of **Z-15-09-003(A)**, Mr. Marshall moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment located at 102 and a portion of 104 East Vandalia Road from R-3 (Residential Single-Family) to CD-C-H (Conditional District-Commercial-High) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because it is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas; it does implement measures to protect neighborhoods from potential negative impacts of development; it promotes new patterns of use to implement economic competitiveness and enhance quality of life in urban areas; seconded by Mr. Parmele. The Commission voted 8-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Bachmann, Blackstock, Lester, Griffin, Marshall. Nays: None.)

Z-15-09-003(B) A portion of 104 East Vandalia Road (south of East Vandalia Road and east of South Elm-Eugene Street) – An original zoning from County-RS-30 (Residential Single-Family) to City-CD-C-H (Conditional District-Commercial-High) with the following conditions: (1) All uses permitted in the C-H district **except** bus and rail terminals, pawnshops and recycling collection centers. – For the

property located at 102 and 104 East Vandalia Road, generally described as south of East Vandalia Road and east of South Elm-Eugene Street (0.29 Acres) – Jeff Nimmer on behalf of Tim McGehee.
(FAVORABLE RECOMMENDATION)

In the matter of **Z-15-09-003(B)**, Mr. Marshall moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment for a portion of 104 East Vandalia Road from County RS-30 (Residential Single-Family) to City CD-C-H (Conditional District-Commercial-High) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because it is consistent with the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas; it does implement measures to protect neighborhoods from potential negative impacts of development; it promotes new patterns of intensity of use to increase economic competitiveness and enhance quality of life in urban areas; seconded by Mr. Parmele. The Commission voted 8-0 in favor of the motion. (Ayes: Pinto, Parmele, Gilmer, Bachmann, Blackstock, Lester, Griffin, Marshall. Nays: None.)