

**PARTIAL MINUTES OF THE  
ZONING COMMISSION  
September 16, 2019**

**Z-19-09-003: An original zoning request from County AG (Agricultural) to City PUD (Planned Unit Development), for the property located at 3617 through 3635 McConnell Road, generally described as north of McConnell Road and west of Clapp Farm Road, (33.83 acres). (RECOMMENDED DENIAL)**

Mr. Carter provided the zoning map for Z-19-09-003 and other summary information for the subject property and surrounding properties. Mr. Carter noted there the conditions.

Mr. Carter advised these are two cases in one basically. The cross hatched area identified as Z-19-09-003 is the original zoning requested from County AG, Agricultural to City Planned Unit Development. State law notes that if there is a property in the county that wishes to be annexed and there is public property, such as a road right of way, between that property and the existing primary corporate limits, the public property can also come into the City's jurisdiction. That is why a portion of road right of way is being considered with this request. So whatever happens with the private property, the vote should be the same for the road right of way.

**Z-19-09-004: An original zoning request from County AG (Agricultural) to City RM-18 (Residential Multi-family-18), for a portion of McConnell Road, west of Clapp Farm Road, generally described as McConnell road from the western right-of-way line of Clapp Farm Road extending westward approximately 800 feet. (1.10 acres). (RECOMMENDED DENIAL)**

Mr. Carter provided the zoning map for Z-19-09-004 and other summary information for the subject property and surrounding properties. Mr. Carter advised there are no conditions. Chair Marshall inquired of questions for Mr. Carter. There were none and Chair Marshall requested the applicant to come forward.

Ms. Amanda Hodierne, 804 Green Valley Road, Suite 200, on behalf of the property owner William Causey and the contract purchaser Evolve Companies. Ms. Hodierne presented materials to the Commissioners and provided the background of Evolve Companies who deal in all facets of real estate, including construction, development, financing, and management. Their core specialty is multi-family communities and named several local projects. Ms. Hodierne stated the request for the subject property is for a PUD zoning with conditions. The conditions limit the property to residential only and cap the number of units at 150 with a building height of 30 feet. Ms. Hodierne referred to Tab 1 and presented materials to the Commissioners indicating the conditions and concept plan for their PUD submittal. Ms. Hodierne stated the intent is to create a specific type of multi-family community. Evolve has developed this concept and call this type of project a Hip Community. It is a modernized take on work force housing and described the units and amenities that would be available. Ms. Hodierne stated the PUD zoning designation will allow for smaller lot size and setback dimensions needed to create this type of detached multi-family project. Ms. Hodierne referred to Tab 3, an illustrative rendering of how the project may lay out if approved by Zoning and Council. Ms. Hodierne stated Evolve is excited about the project in Greensboro and at this specific location. She did acknowledge there are some concerns related to this project as it relates to the Comprehensive Plan and the long-term policies and goals for the City.

Ms. Hodierne referred to Tab 4, a map depicting the Comprehensive Plan designations overlaid on an aerial image. Ms. Hodierne indicated the pattern of vacant and underdeveloped properties in that area with the corporate business park starting to come to fruition with the McConnell Distribution Center on the other side of I-40 near the Evolve site. Evolve wants to be part of an emerging employment center in close proximity to the I-40 and I-85 corridors and are drawn to this site because of the circumstances. They see the proposed plan as compatible and synergistic with the Mixed-Use Corporate Park definition and goals. The designation of Mixed-Use – Corporate Park is appropriate as this is a vast fringe area of undeveloped land with an undetermined pattern of development. The designation is flexible and inclusive by its very definition. The Comp Plan calls for a large scale business employment park with supporting uses such as hotel, retail, and residential. This area is intended for the industrial uses to be supported and made more vibrant with supporting uses that people who come to the park to do business or work have available to support and establish that park. Ms. Hodierne noted in 2015 planners and government officials decided to revamp the Research Triangle Park plan to the tune of 20 million dollars to infuse retail and residential uses into RTP. It makes sense to have people live and work and have their services

in one place. Ms. Hoderne stated this is an opportunity at this site to infuse those uses from the beginning and not have to go back 60 years later for what is a clear demand and need for today. Ms. Hoderne advised this property has been actively for sale and marketed by a broker for many years. This past spring a zoning request nearby for Light Industrial was not approved. It was telling that even in a large corporate park area there are some places that are more appropriate for the supporting uses. Ms. Hoderne believes the line of demarcation has started with the development of Innisbrook Village and the denial of Light-Industrial on the other side of that as to where the appropriate locations might be and seeing it in the market place. This property was sought after very enthusiastically by a multi-family developer which brought them to Zoning. Ms. Hoderne stated the demand is here. Evolve is here and ready to invest in this site and build on the growing momentum of the Mixed-Use Corporate Park. Ms. Hoderne believes her client and the City of Greensboro want the same thing here which is a thriving and successful east Greensboro corporate park in this location. There is not another user in the wings waiting that would be Industrial. Those users have not sought this site out. Ms. Hoderne advised the neighborhood was sent notifications and they had reached out to numerous stakeholders and other corporate leaders in the neighborhood, as well as NC A&T University. Mr. Frank Ford of Evolve was present and identified.

Chair Marshall inquired if there were any questions. No questions. Chair Marshall asked if anyone else wished to speak in favor.

Ms. Madison Carroll, 201 North Elm Street, Suite 201, spoke on behalf of the Carroll Companies in support of this application. Ms. Carroll stated Carroll Companies owns and operates Innisbrook Apartments located directly across the street from the proposed apartment community. They are supportive of the application as they feel it fits within the adopted Greensboro Connections 2025 Future Land Use Plan for the area which calls for Mixed-Use Corporate-Park. This area is a gateway to the community and has the potential to be a successful mixed-use center with businesses being located near retail, hotels, and residential development. The business park uses in this location need supporting uses like residential in order to make the location as attractive and viable as possible for large scale employers. Carroll Companies have been very successful with the Innisbrook project and believe this area has unmet demands for multi-family development. Evolve Companies has a portfolio full of attractive, high quality, apartment communities and would love to have them as neighbors.

Chair Marshall inquired if there were any questions for Ms. Carroll. There were none. Chair Marshall asked if there was anyone else wishing to speak in favor of the application. Seeing none, Chair Marshall asked if there was anyone in opposition.

Ms. Gladys Clapp, 310 Clapp Farms Road, stated their family farm joins this tract of land. The farm has been in the family since 1845 and seven generations have lived on the farm with four generations currently living at the farm. Since the apartment complex was built there has been a lot of traffic on Clapp Farm Road. Tractors and farm equipment are on the road every day. They farm land east and west on McConnell Road. She noted there was an accident involving a tractor and a car on Clapp Farms Road where the car came off of McConnell Road and failed to slow up for the tractor resulting in an accident. There are numerous times when cars speed even though the speed limit is 45 mph on Clapp Farms Road. Car speed in excess of 50 and running into farm equipment possibly going 5 or 10 miles an hour. The family grows approximately 300 acres of grain. This summer there was an ATV in one of their fields planted with a crop and were going around and round in the field. There are trespassers on the farm and when asked where they live, they said Innisbrook Village. They advise them to leave and that the farm is off limits. Ms. Clapp stated she has six pages of calls to the police department for crime at McConnell Crossing and three pages of calls for Innisbrook involving rape, robberies, domestic abuse and more. Her family from ages 1 to 83 want to keep this farm a safe and happy place for generations to come and enjoy farm life. Ms. Clapp requested the Zoning Commission to please deny the request for rezoning so the farm can stay a family farm for more generations.

Mr. Randall Clapp, 315 Clapp Farms Road, stated the subject property request is a zoning change from agriculture to residential use. The surrounding area along McConnell Road already had plans for 856 housing units. There are other available sites in the eastern corridor better suited for residential use, including 45 acres at McConnell Road and I-40, 52 acres on Burlington Road, 100-acre site on the north side of Burlington Road that are for sale. West of the subject property the Teague farm had been slated for residential development previously. The subject property is contiguous to a parcel of land that is the second largest tract of land currently being used for agricultural purposes inside the eastern loop. The only tract of land being used for AG production that is larger are the acres owned by A&T State University

research farm. The residents of Clapp Farms Road have historically and currently wish to preserve the agricultural character of the second largest tract of land within the loop and would appreciate the Zoning Commission's consideration. Mr. Clapp provided photographs to the Board depicting the Clapp homes and provided the dates they were built.

Chair Marshall inquired of anyone else wishing to speak in opposition to the application. Seeing none, Chair Marshall inquired if the applicant would like 5 minutes of rebuttal.

Ms. Amanda Hodierne responded she understands this is a homestead and farming operation for the Clapp family and understands that it has been important to this area. A traffic study analysis was completed by Davenport Engineering with recommended improvements on McConnell Road with a 100-foot right lane for cars traveling and turning right into the project. And a 100-foot storage lane for cars traveling and turning left into the project. Evolve Companies would be prepared to make both of those improvements. As required on developments like this for any access onto McConnell Road they would have to get a NCDOT driveway permit and that will involve a review by DOT's engineers. Any concerns or requirements that they have would also be requirements for the development to go forward. They are in the land use phase but do want to offer an appropriate transition. Regarding safety and security and on-site management, Evolve would take care of the street lighting and the landscaped areas. There is security in the notion that there is someone around and local with the means and investment as a stakeholder who wants to keep everything up and make sure safety is met, not only for their residents but the surrounding area as well. The project will not be a success if it is not safe.

Chair Marshall inquired if there was anyone else wishing to speak in favor. The opposition has five minutes as well.

Mr. John Clapp, 310 Clapp Farms Road, stated traffic is really a problem in a farming community. The speed limit for McConnell Road and Clapp Farms Road is 45 miles an hour. They operate equipment on Clapp Farms Road and on east and west of McConnell Road because they rent land. Combines are difficult and the header is about the width of both Clapp Farms Road and McConnell Road. When cars are on you before they realize it and the combine is going maybe 10 miles an hour it is hazardous. Mr. Clapp stated he hoped the Zoning Commission will deny this request.

Chair Marshall inquired if there was anyone else in opposition who wished to speak.

Janet Darnell, 195 Dickens Drive, stated her husband, sister and her own property directly north of the property being discussed. Clapp Farms Road is all agricultural and residential. This would be a really big change for this particular road. There is not much agricultural land left and rapidly disappearing. Ms. Darnell requested the Zoning Commission to think about that.

Mr. John Clapp then requested those in opposition to stand to be recognized.

Chair Marshall inquired if there was anyone else to speak in opposition. Seeing none, Chair Marshall closed the public portion of the hearing and requested staff's recommendation.

Mr. Kirkman stated the Comprehensive Plan's Future Land Use Map designates this area as Mixed Use Corporate Park. This designation is generally intended for larger tracts of undeveloped land near the City's fringe that are appropriate for well planned and larger scale business/employment parks that can include other supporting uses such as retail, hotels, and residential. Staff's analysis for this request is that it is inconsistent with the Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. It is also inconsistent with the Economic Development goal to promote a healthy and diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro; and inconsistent with the Housing and Neighborhood's goal in that the proposed request are not supported by nearby services and facilities. The proposed PUD zoning is inconsistent with the desired industrial development as reflected in the Comprehensive Plan in this area based on the proximity to the highway interchange as well as public investments in infrastructure in this area. Staff is recommending denial of this request.

Chair Marshall inquired if there was any discussion among the Commission members. Mr. Holston asked Mr. Kirkman if the large tracts of undeveloped land near the city's fringe and supporting uses such as retail, hotels, and residential was meant to say this tract of land along with the other that is designated, would be the mixed-use and the residential, or retail or hotels would be near this. Mr. Kirkman responded the emphasis here was the industrial/corporate park functions are the primary focus but that it would make sense to include some other supportive components such as residential and service uses. This has

been a question staff has been grappling with and it is a question of timing in terms of the emphasis of getting the industrial corporate park style developments in this area first and then having some of these services come in after those uses are established.

Mr. Engle stated a lot of time has been spent on McConnell Road. Most of the Commissioners currently serving now have been out there and this is the third request this year so the concerns are understood. He was struggling because he knows everyone who lives there now would like it to remain agricultural. He noted this area is near a major interchange on the highway and would struggle to remain agricultural. Mr. Engle referenced Penske which was approved and another request before them this year was light industrial and was narrowly approved by the Commission but City Council denied the request. Mr. Engle stated he was supportive of this request because this will go to City Council and he felt this is an opportunity for City Council to chime in. He was willing to support it knowing there is another round where people will look at this. From a land use perspective, he was comfortable with the PUD and was looking at things around it.

Mr. Trapp stated this was another tough one. He heard investment in east Greensboro which he loves to hear but does know it is not the only consideration. The other struggle was the timing aspect and are they jumping the gun with another residential project out here when looking at mixed-use. He really struggles with those two things. Mr. Trapp stated all of Evolves other projects are great jobs that he would love for east Greensboro, but is this the particular spot for this use. He thought this will get another round and will have City Council representation. Mr. Trapp thought he would not be in support, knowing there will be another time to be heard.

Chair Marshall inquired if there was any other Commissioners who wished to speak. Mr. Holston stated Mr. Trapp and Mr. Engle encapsulated the conversation. He could push this to City Council as it will be going there anyway. Mr. Holston stated he does put a lot of emphasis on the Future Land Use Map. If this is going to be the mixed-use corporate park with supporting facilities around and the Commission jumps the gun and start loading in with residential now, difficulties may be created down the road. Hearing both sides of the argument, he will not be supportive of the request. Chair Marshall inquired if there was anyone else to speak on this matter. With no further discussion Chair Marshall requested a motion.

Mr. Trapp stated in agenda item Z-19-09-003, The Greensboro Zoning Commission believes that its action to deny the original zoning request, for properties located at 3617-3635 McConnell Road from County AG (Agricultural) to City PUD (Planned Unit Development) to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is inconsistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. The request is inconsistent with the Housing and Neighborhood's goal in that the proposed residential uses are not supported by nearby services and facilities.

Motion by Mr. Trapp, seconded by Mr. Holston. The Commission voted 4-3. (Ayes: Trapp, Dansby-Byrd, Holston and Rosa. Nays: Marshall Alford and Engle). Chair Marshall stated this was an unfavorable recommendation and subject to a public hearing at the October 15, 2019 City Council meeting. Mr. Trapp stated in agenda item Z-19-09-004, the Greensboro Zoning Commission believes that its action to recommend denial of the original zoning request for the portion of McConnell Road from the western right-of-way line of Clapp Farm Road extending westward approximately 800 feet from County AG (Agricultural) to City RM-18 (Residential Multi-family-18) to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons. The request is inconsistent with the Comprehensive Plan's Growth at the Fringe goal to promote sound and sustainable patterns of land use at the City's fringe. The request is inconsistent with the Community Facilities goal to provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns. The request is inconsistent with the Economic Development goal to promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

Motion by Mr. Trapp, seconded by Mr. Holston. The Commission voted 5-2. (Ayes: Holston, Dansby-Byrd, Trapp, Alford and Rosa. Nays: Marshall and Engle). Chair Marshall stated this was an unfavorable recommendation and subject to a public hearing at the October 15, 2019 City Council meeting.