

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
JANUARY 13, 2025**

Z-24-12-003: A rezoning request from R-3 (Residential Single-family – 3) to CD-RM-18 (Conditional District - Residential Multi-family – 18) for the properties identified as 414 West Vandalia Road and 2940 Randleman Road, generally described as north of West Vandalia Road and west of Randleman Road (4.76 acres). (APPROVED)

Mr. Nelson reviewed the summary information for the subject properties and surrounding properties. He advised that the applicant proposed the following conditions:

- 1) Uses shall be limited to a maximum of 72 dwelling units.
- 2) Maximum building height shall not exceed 50 feet.
- 3) Any new principal residential building must be set back at least 30 feet from any property line abutting single family residential zoning.
- 4) There shall be a 7-foot-tall opaque fence along the eastern property boundary. (added during meeting)***

Mr. Nelson stated that the GSO2040 Comprehensive Plan currently designates the subject property as Urban General on the Future Built Form Map and Residential on the Future Land Use Map. This request also lies within the Randleman Road Corridor Plan Phase 2 which recommends denser development be concentrated along the corridor. The site is also directly adjacent to a District Scaled Activity Center. Staff determined the proposed rezoning request supports the Comprehensive Plan's Filling in Our Framework goal to arrange land uses for a more vibrant and livable Greensboro and the Creating Great Places goal to expand Greensboro's citywide network of unique neighborhoods offering residents of all walks of life a variety of quality housing choices. The proposed CD-RM-18 zoning district, as conditioned, would allow for residential uses that offer an appropriate transition from the higher intensity commercial uses located along Randleman Road to the lower intensity residential uses located further away from the corridor. The proposed development will not have adverse impacts on adjacent neighborhoods while also complimenting the existing uses along Randleman Road. Staff recommended approval of the request.

Chair Magid asked the applicant and anyone wishing to speak in favor of the request to come to the podium. She reminded that a total of ten minutes is allocated to speak on the request.

In support of:

Patrick Theismann, 408 Battleground Avenue, said he represented Beacon Management Corporation. He mentioned that staff should have submitted copies of the conceptual site plans, elevations and related documents to the Commissioners. He mentioned Beacon Management has a long history, 45 years of development and management in Greensboro developing multifamily communities. He noted that the company owned/managed over 40 properties in and around Greensboro including Connecticut and South Carolina. He stated that Beacon Management would

be the developer and management for the request. Mr. Theismann stated the request consisted of 72 units with 1, 2 and 3 bedrooms in 2 buildings. He stated that the development would include a community center comprised of a computer center, multi-purpose room and community laundry facilities. He also noted there would be site amenities such as playground, picnic shelters and gazebos.

Mr. Theismann stated that as a result from community outreach the density was reduced from the original plan of 84 units to the proposed 72 units having 15.1 units per acre. He noted reducing the number of units also led to the removal of 34 parking spaces. He thanked staff for their assistance on the request. He pointed out that the request directly correlated with the GSO 2040 Comprehensive Plan and the recently adopted Randleman Road Corridor Plan Phase 2. He said the request addressed mobility, modernization, safety and wellbeing which are elements of the Corridor Plan Phase 2. He also stated the request would specifically provide quality and attainable housing. He mentioned the request would be good quality housing like the Terrace of Rocky Knoll, adjacent to the subject properties and also operated by Beacon Management. He referenced pages 8 and 11 of the GSO 2040 Plan regarding housing affordability and he emphasized the request would satisfy this requirement. He noted that the request also incorporated the six big ideas of the Plan. He listed some of the properties owned and managed by Beacon Management highlighting the high quality housing and maintenance.

Mr. Theismann reiterated that the request would provide affordable housing and attract investments in the area. He also stated the request would allow potential buyers to stay in the area they love. He noted the Plan provided the framework through consistency statements to guide the Commissioners in determining the suitability of this request. He said that if answering the consistency statements was positive then more than likely the request would be supported by the Comprehensive Plan. He stated the request was in accordance with the GSO 2040 Comprehensive Plan. He mentioned examples of how the request aligned with the Plan.

Mr. Theismann spoke on the conceptual site plan and said the buildings were located away from the neighboring single-family residences. He stated they planned to have little disturbance to the natural environment. He noted that during the community outreach residents expressed concerns regarding stormwater runoff. He mentioned he was working with environmental engineers to address the stormwater runoff issues. He said they agreed to protect the relevant stream buffers and any areas of water retention on the site.

Mr. Theismann asked to add another condition to the request which he said would address concerns he received the same afternoon of the meeting. The condition would be *“to have an 8 feet tall fence along the property boundary, lengthwise the adjoining shopping center”*.

Commission Discussion:

Mr. Kirkman asked Mr. Theismann to clarify the subject property boundary. He then advised the fence would be along the eastern property boundary. Mr. Kirkman restated the condition, *“There shall be an 8 foot tall opaque fence along the eastern property boundary.”* He later advised to amend the condition to a 7ft tall fence in accordance with the allowable fence height per the LDO.

Mr. Theismann agreed to the condition as read by Mr. Kirkman.

Ms. O'Connor made a motion to accept the condition to have *"7ft tall opaque fence along the eastern property boundary"*. Ms. Skenes seconded the motion. The Commission voted 9-0, (Ayes: Chair Magid, Vice Chair Skenes, O'Connor, Gilmer Sr., Glass, Turner, Downing, Nichols and Peterson). Nays: (None).

Chair Magid asked for questions or comments from the Commissioners.

Mr. Peterson noted that from site visits and looking at the GIS maps the site had easements, cleanout pipes, streams and storm drains which were not shown on the maps submitted by the applicant. He asked staff is that something we should consider?

Mr. Kirkman advised what the applicant gives you is conceptual and there in nothing in the conditions for that. As far as TRC, if there are dedicated easements, utility easements, stormwater issues, those would be addressed as part of the site plan review process. He added that should there be streams on the site, the stream buffer would be identified as part of the site plan review process.

Chair Magid noted that the site plan review process would follow the Commission's decision.

Mr. Ducharme, I Underscore the first part of what he just said, obviously there are conditions in place here, the site plan is illustrious. You don't want to be wedded to it, it's for illustrious purposes only.

Mr. Peterson pointed to the illustration and sought clarification on the location of the playground. He indicated the location was shown north of the site.

Mr. Ducharme reminded Commissioners the conceptual site plan was not tangible without relevant conditions. He caution the commissioners on getting too focused with the conceptual drawings.

Chair Magid noted the commission was not concerned with the proposed playground, the pavilion. This may change in the technical review meeting and be moved to a different location, depending on what happens during technical review and finalization -correct?

Patrick Theismann said working with a civil engineering group, they have environmental engineers the location shown on the conceptual plan was the best location. However, he agreed with Chair Magid. The locations could change. Mr. Theismann added the bioretention facility could also be underground. They planned to have a dry pond similar to the residential development at their Rocky Knoll property. He further explained that in addition to the natural site issues the playground was located away from the parking area and close to the community center.

Mr. Peterson noted that his concerns with the location of the playground as indicated on the conceptual plan was its proximity to a bar on the adjacent property. He noted the commission should not be considering the site layout. Mr. Peterson indicated he was satisfied that the location could change.

Ms. Skenes said to reiterate and confirm with our attorney. I'm hearing all about stormwater and trees and. We are only concerned with land uses. Any sort of stormwater or runoff issue is a TRC issue that comes after our decision based on the land use.

Mr. Ducharme agreed with Ms. Skenes.

Chair Magid asked the applicant if the clubhouse was added after the community outreach.

Patrick Theismann said it was part of the original site plan.

Mr. Peterson asked the applicant if they owned property adjacent to the site.

Patrick Theismann said they owned the adjacent property known as The Terrace at Rocky Knoll.

Mr. Nichols inquired about the condition regarding the fence along the eastern property boundary. He wanted to know if the decision of the fence was in response to feedback from surrounding property owners. He pointed out that on the eastern side of the site is the shopping center.

Patrick Theismann confirmed the shopping center is on the eastern side of the site.

Mr. Nichols wanted to know if the shopping center owners asked for the privacy fence.

Patrick Theismann clarified that he recently received correspondence from the neighborhood group requesting the fence. He explained he was being sensitive to the neighborhood's concerns.

Chair Magid asked for further clarification on the location of the "7- foot tall fence" whether it would extend along the northern boundary did that include the 4 houses on the residential properties.

Patrick Theismann said the fence would not be extended along the 4 houses since the proposed homes were setback far enough.

Chair Magid asked for persons speaking in opposition to the request to come to the podium. She reminded that as a group they had total of 10 minutes to speak.

In opposition of:

Cheryl McIvor, 404 West Montcastle Drive, stated the Randleman Road community reviewed the request on the perspective of understanding housing need. She stated any request for residential development would satisfy the goal of the GSO 2040 Comprehensive Plan and the Randleman Road Corridor Phase 2 Plan. She said that the Comprehensive Plan had a clause that the request should not negatively impact the community. She noted no RM-18 was in the area and the R-5 zoning district there only allows single story dwellings. She continued to say there were no duplexes or RM-12 in the area. She stated the community talked about the request having 2 stories instead of the proposed 3 stories. She felt that while the Commission should focus on land use suitability there was the concern of the "blue line" streams. She referenced another apartment development dumping 3,000 gallons of sewer into nearby Buffalo Creek, which also traversed the

subject site. She emphasized the blue line streams which passed through the site were the reason the subject property was undeveloped. Ms. McIvor pointed to a photograph and noted a storm drain on the site. She said looking at the land use without taking into consideration the creek was like “putting the carriage before the horse.” With this much environmental concern TRC should come first before the commission’s decision.

She stated the Commission wanted the community to approve the rezoning request for RM-18 when there was uncertainty that the site could accommodate such development or even be developed. She pointed to another photograph highlighting a clean out pipe and others showing 3 streams on the property. She said you don’t know if you can even do this. There are 3 streams under the bed headed toward Rocky Knoll. It all flows down behind the shopping center. She said even though the proposed building would be 3 story- 50 feet, given the water on the site it may need to be raised higher than 3 story. Having such high buildings would be towering over the single-story dwellings, invading the surrounding properties privacy. Ms. McIvor commended Beacon Management on their properties. She noted most of their 40 properties they managed are for seniors (55 years and older) and not as dense as this request. She said the community perused and understood the request. However, after receiving the drone photographs she displayed, she noted TRC review should take place before the Commission decided on the request. Ms. McIvor said Let TRC say what can be done. She referenced 106 w Vandalia that can’t be built on. And said TRC should come first.

Crystal Black, 1120 Highstone Drive, said she met with the Water Resources Department regarding brown water they are currently experiencing in the larger area. She said that Water was adding water lines to the Toyota Mega Site and changing the flow source resulting in the brown water. She stated that as of last month there had not been a resolution.

She stated the community was not opposed to development but wanted smart development. She pointed out that southern Greensboro had significant amount of blue line streams and water in the area. She stated we can’t keep building on top because it’s causing flooding. When you put the hard surface down, we are dealing with flooding in another part. She emphasized the community was asking for TRC review before the commission decided on the request. She said the tire on the site as shown in the photography was an indication of the water flow in the area. She stated the concerns were not only about the blue line streams but the rate of water flow in the area. She felt the site was not developable.

Ms. Black also stated a traffic study should be required for the request and referenced previous traffic studies done for the intersection of Randleman Road and West Vandalia Road. She noted the community was also advocating for traffic cameras. She stated the access to the site was sited at a blind spot and showed photographs to that regard. Ms. Black said that access to the site should be a concern to be talked through at the community outreach. She expressed concerns that the applicant adding the condition during the meeting regarding the fence should have been done earlier. She said the community had asked for the fence because of activities such as a plasma center, gambling spot and a bar in the shopping center. She noted such activities would be within 15 feet of the request. She said the fence would provide security, limiting access to the site and for the wellbeing of the neighbors who would have to endure the other uses. Ms. Black mentioned the community wanted wrought iron fence to surround the site.

Opposition Questions to Staff & Attorney:

Cheryl McIvor Does the commission have the authority to request a technical review prior to approving this rezoning?

Chair Magid: Mr. Kirkman

Mr. Kirkman advised the city offers sketch plan reviews. They identify any potential development issues in terms of infrastructure and site constraints. He stated he was unaware of any action the commission could take to require the city technical staff to review a potential project.

Crystal Black Question to City Attorney: Is there a law that states that the City cannot ask developers to go through ~~the~~ technical review before they go thru their development process. She stated that the community can't know what project can be developed on that land. She noted cause today we are asking to approve a project that even in his proposal says I'm not even sure I can do that. I've got to go through technical review. She felt I find that that an injustice to the community. She reiterated so I am asking you, Is there a law that keeps Greensboro from doing that or is it something that they are being bound to do.

Mr. Ducharme advised the Commission is bound to take a look at the application as presented by the applicant. If they sufficiently condition an item to give the commission guarantees that is one thing. But to be able to require the technical analysis on the front end rather than let the policy decision to be made. He stated to engage the technical analysis after is the general practice of the City, decision and then proceed through the technical review process.

Crystal Black Question to Attorney: Is that the practice not the law.

Mr. Ducharme advised, I would say we would be engaged in contract zoning at that point unfortunately. He reiterated that the Commission has to look at the application as presented at the meeting.

Crystal Black Question to Attorney: Before it gets to them, they get a choice between two options. She stated the standard application process and one to go through the technical review. We know from the last commission meeting they have an option. So as a developer you tend to naturally go thru the one that is not as expensive to be honest. She asked the question, "Does the City have; are they bound by law to not follow that procedure and ask them to go thru technical review? Because, I think it does the citizens an injustice to ask them to approve something that's not a solid plan."

Mr. Ducharme explained that, "Ultimately, I believe you're looking at imposing conditions effectively at the front-end which would be contract zoning. He emphasized that such action constituted contract zoning." He restated the Commission has to take a look at what they are presented with. If it's a heavily detailed set of conditioned for a project on the front-end application, they take that route.

Ms. O'Connor indicated to the residents she understood their concerns. She then directed to staff that looking at the situation from a different perspective. She asked should the request be approved then go before the TRC and for some reason it's just impossible to fix then what happens?

Mr. Kirkman stated we can't approve plans that don't meet the LDO standards then they would not be approved. He said approving the rezoning request was just granting use rights to the site.

Crystal Black said the zoning still remains.

Chair Magid stated This is the process we have. She asked staff whether the persons speaking in opposition could attend the technical review meeting.

Mr. Kirkman clarified the application question first. When applicants come to us with zoning request one of the things we want to do is that encourage applicants to go to a technical review committee meeting, do a sketch plan review so they can flag any peculiar issues. He noted that the applicant did not pursue the sketch plan review option with this request. He then noted that this request would not take away the current use rights. He noted that the under the current zoning, R-3, the site could be developed as single-family residential development. Mr. Kirkman indicated he understood the residents' concerns and noted it's part of the city's role to ensure public safety and safeguarding public infrastructure and will not prevent a burden. He clarified that the process for rezoning would be the same whether the application went through the technical review process or not.

Cheryl McIvor Question to staff: Are blue line streams not in the purview of land use?

Mr. Kirkman advised that the stream buffers would fall under the purview of the Water Resources staff and would be part of the technical review process. He mentioned that development activities, such as grading, would be restricted within the stream buffers. He reiterated this analysis would be part of the technical review process.

Cheryl McIvor emphasized that the residents were not against the development. She pointed out there were 3 creeks on a four acre site. She restated that the community was being asked to commit to the request with uncertainty of what could be built on the site. She noted the community was taking into consideration the creeks, the buffer streams and the reference to the 3,000 gallon sewage leak. She stated the community wanted to have a better understanding of what would happen at the site for better discussions with the applicant. She expressed concerns that in the event apartments could not be built the applicant could use the site as a cemetery or other uses not requiring a special use permit. She mentioned she understood the need for affordable housing.

Crystal Black noted the Commission should take into consideration that the community was accustomed to working closely with developers in the past negotiating conditions. She said the applicant did not work well with the residents in formulating conditions for the request. She stated what the community really wanted was not accepted. The conditions for the request were preconceived and standard ones.

Rebuttal

Chair Magid inquired if the applicant would come to the podium to respond to the residents' concerns. She noted the applicant had five minutes of rebuttal time.

In support of:

Patrick Theismann acknowledged the residents' concerns. He said the conceptual designs were not haphazardly prepared. He stated he worked with environmental and civil engineers on the conceptual plans. He noted they had discussions with the Department of Environmental Quality and crossed referenced FEMA maps to ensure that the environmental sensitivity of the site were considered. Mr. Theismann said it would not be beneficial for him to rezone the subject properties and not be able to build the proposed development. He emphasized that he worked on the conceptual plans for several months to ensure the proposal could be built with the least possible impacts. He stated that 0.3 acre buffers would be provided along the streams. He said the location of the buildings were determined with grading considered. He pointed out owning the development adjacent to the subject properties confirmed he understood the residents' concerns regarding grading of the site. He noted the buildings, parking areas and the water retention areas were strategically located with consideration given to the environmental sensitivity of the site. He mentioned that the retention areas would be built in accordance with the city's standards and would contain significant runoff from the site. Mr. Theismann restated the conceptual plans were designed by reputable engineers who designed the site with the least possible impacts and cross referencing with the appropriate agencies. He pointed out that developing the site would have facilities to retain water as opposed to the current state of not having any water control and management facilities.

Mr. Theismann stated that the buildings would be placed further away from West Vandalia Road to address the traffic concerns expressed by the residents. He expressed that the revised setback would allow for more visibility. He noted GDOT did not require a traffic impact study. He emphasized that he was very sensitive to the residents' concerns in reducing the density from 84 units to 72 units and providing the fence along the eastern property boundary. He noted the appropriate buffers would be provided and development would be outside the wetland and stream buffers. He said he did due diligence in making sure the site could be developed in the best possible way. He stated the proposal was at its early stage and he was looking forward to working with TRC and the relevant agencies to ensure the site would be designed and developed correctly.

Chair Magid inquired if anyone wished to speak further in opposition to the request and noted they had five minutes for rebuttal.

In opposition of:

Crystal Black noted concerns that the residents were not treated well by the Commission. She pointed out that Mr. Theismann was new to the area, though Beacon Management was in the area for some time. She noted that the applicant expressed due diligence was done, however, the residents provided evidence of the streams on the site. She stated the Commission should do due diligence on deciding whether the site was suitable for the request. She emphasized that the residents lived in the area and experienced the rate of water flowing through the area. She mentioned another development she felt had similar concerns and said the residents were looking for the correct land use to be assigned to this site.

Cheryl McIvor restated that making decision on the request would be putting “the carriage before the horse”. She said the resident would prefer the option of the request going through the sketch plan review. She mentioned this option would allow for constructive dialogue on what conditions could be applied and what could be built at the site. She noted the request would be an 18 million dollar development for affordable housing through the relevant federal agencies. She noted that the residents are prepared to take their concerns to their Senator and political representatives.

Oppositions Questions to Staff:

Cheryl McIvor asked staff What is the reason for not requiring a traffic impact study?

Mr. Noland advised that the unit count for the proposed development did not meet the threshold to trigger the need for a traffic impact study. He explained that multi-family development with 145 unit count would usually trigger the need for a traffic impact study. Mr. Noland noted that the traffic impact study would not look at speed or traffic safety issues, instead, the study would examine traffic volume. He explained the city usually conducts traffic safety studies while the developer would prepare the formal traffic impact study.

Cheryl McIvor asked for more clarification on how the count was obtained for the traffic impact study.

Mr. Noland explained that consideration would be given to developments that generate about 1000 trips per day under the am or pm hours. He further explained the formula used to calculate the traffic volume and trips generations.

Cheryl McIvor asked if the database used for the determination for conducting traffic study was current.

Mr. Noland confirmed the database was current and was constantly being updated.

Cheryl McIvor wanted to know the date for the database for the West Vandalia Road stretch.

Mr. Noland explained that the focus would be on the apartment complex and not the West Vandalia stretch. He advised the focus would be on the traffic volume to be generated by the 72 units and not the traffic volume on West Vandalia.

Cheryl McIvor restated that the traffic impact study would consider the traffic volume just for the number of units and without consideration to traffic accidents at the intersection, traffic sightline or such concerns.

Mr. Noland advised that sightline for the driveway access would be considered as part of the technical review process.

Cheryl McIvor stated that the request would be the perfect case for a technical review so that the traffic sight line and the water on the site could be examined. She felt the request should be highly recommended for the technical review before the rezoning decision.

Chair Magid closed the public hearing having no further comments and without further opposition.

Chair Magid asked for any questions or comments from the Commissioners.

Commission Discussion & Motion:

Mr. Gilmer, Sr. acknowledged the residents' concerns and noted the Commission had a process to follow. He mentioned that at the beginning of the meeting the assistant City Attorney outlined the process for the Planning and Zoning Commission. He emphasized that because of the process the Commission needed to decide on the rezoning request, then site plan review at the TRC to follow. He stated that should a rezoning request encountered issues at the technical review process the applicant had the option to pursue another rezoning request. He recommended the residents could discuss with the respective City Council member regarding changing the rezoning review process.

Mr. Ducharme advised that should the Commission impose conditions of any sort to the rezoning request it would constitute contract zoning. He said that contract zoning would be considered illegal.

Mr. Gilmer, Sr. noted that should the Commission allow the process to change in this instance it should be the same for all rezoning requests to be fair. He felt that asking the applicant to partake in the technical review process prior to rezoning request could turn into a lawsuit.

Mr. Nichols stated that the example brought forth by the community for 106 West Vandalia not being able to be built showed how well the system worked. He said the first determination made was regarding the land use, however, at the technical review stage it was determined there could not be any development and so nothing was built. He felt that such occurrence was not an indication that the process should be changed but rather that the process worked the way it should.

Chair Magid referenced the apartment development (The Terrace at Rocky Knoll) on adjacent property had 45 units with a retention pond. She stated that the site layout for the referenced apartment development came at a later stage at the technical review process.

Patrick Theismann confirmed that that was the case for the apartment development on the adjacent property.

Mr. Ducharme reminded the Commission the public hearing has been closed.

Mr. Downing noted he appreciated the applicant and the residents whom he thought were very detailed in the analysis of the site. He felt the process was unclear, and the concerns of the blue line streams could be better addressed. He stated that considering the process and the systematic approach of the neighborhood there were too many unanswered questions. He did not support the request. He mentioned the applicant might have done well for other properties at other locations, however, he felt this process was confusing. He emphasized that communication with the residents of Greensboro was paramount as well as the GSO 2040 Comprehensive Plan. He stated looking at the details of the request was important part of deciding on the request. He reiterated the process appeared messy.

Vice Chair Skenes said the Commission had a process to follow. She stated they were going through the process and were not skilled in engineering. She noted the Commission could not talk about blue line streams or measure stormwater runoff. She stated the Commission could not consider the technical issues; they could only address land use matter. She said the Commission needed to consider matters such as “would this property be suited for multi-family” and she felt it was. She stated, “would the development be at a location that would be walkable”, again she felt it would be. She said the request met all the Plan’s conditions as pointed out by the staff report. She restated that the Commissioners are following the process, and the request was before them to make land use decision. She noted that the residents’ concerns would be dealt with at the technical review stage. She mentioned that having the request approved would provide rooftops in an area that needed housing. She supported the request.

Chair Magid asked the Commissioners online if they had questions or comments and they did not.

Mr. Gilmer, Sr added that there were several properties throughout the city that were left undeveloped because of the difficulty of developing. He believed most developers who embarked on developing infill sites understood there would be challenges. He noted the applicant demonstrated he could make development happen at the site. He thanked the applicant for a great presentation, and connecting the request to the GSO 2040 Comprehensive Plan.

Chair Magid concurred with Mr. Gilmer, Sr and said the applicant did a great presentation in referencing the Comprehensive Plan. She read from the Plan “increases of range of choices, that were missing middle housing, mid-rise multi-family”. She stated we need more housing. She said the Urban General Future Land Use Plan supported the development. And felt the request considered building setbacks, height, reduced density from 84 units to 72 units and considered separation fencing. She said the request was an infill and the applicant would be managing the development. She felt that from a land use standpoint the request was appropriate. She supported the request.

Mr. Nichols then stated regarding item Z-24-12-003, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the properties at 414 West Vandalia Road and 2940 Randleman Road from R-3 (Residential Single-family – 3) to CD-RM-18 (Conditional District - Residential Multi-family – 18) 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 CD-RM-18 zoning district, as conditioned, permits uses that 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. Gilmer, Sr. seconded the motion.

The Commission voted 6-3, (Ayes: Chair Magid, Vice Chair Skenes, O’Connor, Gilmer Sr., Turner and Nichols). Nays: (Glass, Downing and Peterson).

Chair Magid advised the vote constituted a final action, unless appealed in writing and the appeal fee paid within 10 days. Anyone may file such an appeal. All such appeals would be subject to a

public hearing at the Tuesday, February 18, 2025 City Council Meeting. All adjoining property owners will be notified of any such appeal.