



Z-17-01-002

**City of Greensboro Planning Department
Zoning Staff Report and Plan Amendment Evaluation**

Zoning Commission Hearing Date: January 18, 2017

GENERAL INFORMATION

APPLICANT Karen Kemerait on behalf of Skateland of Greensboro, Inc.
HEARING TYPE Special Use Permit
REQUEST **Request to allow a wireless telecommunication facility in addition to all uses permitted in the C-M (Commercial Medium) zoning district, with the following condition:**
1. The wireless telecommunication facility shall not exceed 115 feet in height and will be designed as a flagpole.
CONDITIONS N/A
LOCATION **3801 North Church Street**
PARCEL ID NUMBER(S) **0047467**
PUBLIC NOTIFICATION The notification area for this public hearing was 600 feet (Chapter 30-4-1.4 of the Land Development Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). **30** notices were mailed to those property owners in the mailing area.
TRACT SIZE 2.73 Acres
TOPOGRAPHY Relatively flat
VEGETATION Commercial

SITE DATA

Existing Use Indoor recreation (skating rink).

Adjacent Zoning

Adjacent Land Uses

N C-M (Commercial Medium)

Retail and services uses

| | | |
|---|--|--|
| E | CD-C-H (Conditional District Commercial High) CD-C-M (Conditional District Commercial Medium) | Retail uses |
| W | PUD (Planned Unit Development) | Credit Union |
| S | CD-C-M (Conditional District Commercial Medium) | Undeveloped and single family dwelling |

Zoning History

| Case # | Date | Request Summary |
|--------|------|--|
| N/A | N/A | The subject property is currently zoned C-M (Commercial Medium) and has been since the adoption of the Land Development Ordinance (LDO) in July 2010. Prior to the adoption of the LDO, the property was zoned GB (General Business) |

ZONING DISTRICT STANDARDS

District Summary *

| | | |
|------------------------------|--|--|
| Zoning District Designation: | Existing (C-M) | Requested (A special Use Permit is requested to allow a wireless telecommunication facility club in a C-M Commercial Medium zoning district.) |
| Max. Density: | N/A | N/A |
| Typical Uses | Primarily intended to accommodate a wide range of retail, service and office uses. | A Special Use Permit is requested to allow a Wireless Telecommunications Facility with a max height of 115 feet and designed as a flagpole in the C-M zoning district. |

**These regulations may not reflect all requirements for all situations; see the City of Greensboro Land Development Ordinance for all applicable regulations for site requirements for this zoning district.*

SPECIAL INFORMATION

Overlay District Ordinance/Historic Preservation

n/a

Environmental/Soils

Water Supply N/A

Watershed

Floodplains > 2000 FT

Streams N/A

Other: If disturbance is greater than 1 acre and the impervious are is increased the site must meet Water Quality requirements.

Utilities

Potable Water Available

Waste Water Available

Airport Overlay District & Noise Cone
n/a

Landscaping & Tree Conservation Requirements

Landscaping Landscaping will only be applicable to new development. For Wireless Transmission Facilities the development ordinance requires a 15’ wide Type C buffer yard on all sides of the tower enclosure. An Alternate Method of Compliance would allow installation of the required street and buffer yards at property lines opposite the location of the new tower.

Street Yards: Street planting yards must be installed abutting public street rights-of-way. The required street planting yard must have a minimum width of 10 feet (as measured from the outside edge of the right-of-way or the back of the sidewalk, whichever is further from the street centerline) and include at least 2 canopy trees and 17 shrubs per 100 linear feet of required street planting yard, not including allowed driveways.

Buffer Yards: Adjacent to vacant property or commercial uses: Vehicular Use Area buffer yard (see below) between any parking lot or drive aisle and the adjacent property.

When a parking lot or other vehicular use area abuts a vacant site or a site with the same land use classification as the subject site, a planting yard with a minimum width of 5 feet must be provided between the parking lot/vehicular use area and the abutting (interior) property line. This required planting area must be landscaped with at least 2 understory trees and 18 evergreen shrubs per 100 linear feet.

Tree Conservation: The proposed expansion of use will disturb an area of less than 3,000 sq. ft., therefore Tree Conservation is not applicable.

Transportation

Street Classification: N Church Street – Major Thoroughfare.
Pisgah Church Road – Major Thoroughfare.

Site Access: All access(es) must be designed and constructed to the City of Greensboro standards.

Traffic Counts: None Available.

Trip Generation: N/A.

| | |
|-----------------------------|---|
| Sidewalks: | Sidewalks are a requirement of the Development Ordinance. 5' sidewalk with a 5' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. Sidewalk does exist along the frontage of this property. |
| Transit in Vicinity: | Yes, GTA Route 2 (North Elm Street) is adjacent to subject site, along N Church Street. |
| Traffic Impact Study: (TIS) | No TIS required per TIS Ordinance. |
| Street Connectivity: | N/A. |
| Other: | N/A. |

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The requested SUP (Special Use Permit) to allow a wireless telecommunication facility in addition to all uses permitted in the C-M (Commercial Medium) zoning district, (with the following condition: 1. The wireless telecommunication facility shall not exceed 115 feet in height and will be designed as a flagpole) would allow land uses that are compatible with the general character of the area.

Connections 2025 Comprehensive Plan Policies

The Generalized Future Land Use Map designates this location as **Mixed Use Commercial**. The requested SUP (Special Use Permit) to allow a wireless telecommunication facility in addition to all uses permitted in the C-M (Commercial Medium) zoning district, (with the following condition: 1. The wireless telecommunication facility shall not exceed 115 feet in height and will be designed as a flagpole) is generally consistent with the **Mixed Use Commercial** GFLUM designation. The Growth Strategy Map designates the subject site as being within the **North Elm Street / Pisgah Church Road Activity Center**.

Connections 2025 Written Policies

Land Use Goal 4.1 – Growth Strategy: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

Policy 4A: Remove present impediments to infill and investment in urban areas.

Policy 4B: Target capital investments to leverage private investment in urban areas.

Policy 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

Policy 4D: Identify potential opportunities and selectively target, plan and promote development/reuse initiatives.

Community Character, Goal 5.2 – Man-Made Environment: Preserve and enhance the character and visual quality of Greensboro's built environment, including historic resources, private developments, and public landscapes.

Policy 5E: Improve the aesthetic quality of publicly owned and maintained landscapes.

Policy 5F: Implement and improve design standards governing the appearance of development from public roadways.

Economic Development, Goal 7: 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.

Policy 7A: Target city investment and regulatory policies for economic development.

Policy 7C: Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

Transportation, Goal 8: Develop and maintain a safe, efficient, and environmentally sound transportation system that provides convenient choices for accessing destinations throughout Greensboro and the Triad, including a range of well-integrated transit, pedestrian, and bicycle linkages.

Policy 8A: Maintain a roadway network that safely and efficiently accommodates vehicular traffic while supporting other community objectives defined in the Comprehensive Plan.

Connections 2025 Map Policies

Mixed Use Commercial: This 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. Where applied to older highway corridors characterized by “strip” commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner. New “strip” commercial development is discouraged.

Activity Center: Activity Centers are existing or anticipated future concentrations of uses that function as destinations or hubs of activity for the surrounding area. Typically located in areas of mixed use shown on the Generalized Future Land Use Map, such centers are intended to include features such as a mix of higher intensity uses (housing, retail, office, etc.), compact development patterns, and pedestrian and transit linkages. A one-half mile radius (considered the limit of a comfortable walk) is shown around each activity center except for the Downtown, which functions as an activity center for the entire City. It should be noted that the locations shown on the Generalized Future Land Use Map are conceptual and do not preclude the development of Activity Centers in other locations where they would support the goals and policies of the Comprehensive Plan.

CONFORMITY WITH OTHER PLANS

City Plans

Sustainability Action Plan

Element 1) Transportation and Land Use:

Policy 1) Encourage increased density, a mix of land uses and more integrated links between transportation and land use through changes to Greensboro’s Comprehensive Plan, Development Ordinance and other related plans.

Element 2) Green Jobs and Buildings:

Policy 3) Develop a coordinated City program to provide technical support, energy audits and education and outreach to increase energy efficiency and conservation in commercial and residential buildings.

Policy 4) Use a combination of code changes, incentives, partnerships and education to promote green building in Greensboro.

Policy 6) Promote more efficient use of water through education, partnerships and pilot projects.

Element 3) Waste Reduction and Recycling:

Policy 7) Employ a combination of expanded recycling infrastructure, regulations and incentives to increase Greensboro's solid waste diversion and recycling rates.

Element 6) Education and Outreach:

Policy 11) Provide technical support, awards and recognition to individuals and organizations furthering Greensboro's energy and sustainability efforts.

Other Plans

n/a

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is strongly encouraged to discuss this proposed SUP (Special Use Permit) to allow a wireless telecommunication facility in addition to all uses permitted in the C-M (Commercial Medium) zoning district, (with the following condition: 1. The wireless telecommunication facility shall not exceed 115 feet in height and will be designed as a flagpole) with owners of adjacent properties.

Staff Analysis

This analysis is based on factual information provided to staff as indicated in this report. The recommendation of staff below is only to be considered to the degree that this information is determined to be consistent with the competent evidence presented at the Special Use Permit hearing before the Zoning Commission. It is not intended to replace the objective fact finding role of the Commission at this hearing.

The subject property contains 2.73 acres and is currently developed as an indoor recreation use (skating rink) The applicant is interested in placing a wireless telecommunications tower on this property. Per Section 30-8-10.2 K of the Land Development Ordinance the height of this tower can only be a maximum of 100 feet by right. However the tower height can be increased to a maximum of 150 feet if a Special Use Permit is approved. The applicant has condition this Special Use Permit request to limit the maximum height for this tower to 115 feet and also require it to be designed as a flag pole to limit potential impacts on surrounding areas.

Properties to the north, east and south of the request are zoned a variety of commercial districts (some with and some without conditions) with various retail and service uses. Zoning to the west is PUD, with the immediately adjacent use being a credit union.

To get approval for a Special Use Permit, the Zoning Commission must determine that this request conforms to the intent and purpose of the Zoning Ordinance and the Comprehensive Plan in:

- 1. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- 2. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the adjacent and nearby residential properties.
- 3. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Wireless Telecommunications Facilities are also regulated in Section 30-8-10.2(K) of the Land Development Ordinance. Applicable regulations include:

K. Wireless Telecommunication Facilities (WTFs)

1. Co-Location

The applicant is encouraged to lease space on a planned or existing WTF. The Technical Review Committee may require the applicant to co-locate or provide evidence that reasonable efforts have been made to co-locate on such a planned or existing WTF, or that no planned or existing WTFs will technically satisfy the applicant’s needs.

2. Dimensions

a. Setback and Height of Attached Concealed WTFs

Any WTF that is to be attached to a building devoted to another use in such a manner that the Technical Review Committee finds that the tower will be effectively concealed or disguised must observe the minimum setbacks and maximum height of that building.

b. Setback of Other WTFs

- i. At a minimum, Wireless Telecommunication Towers (that are not attached concealed WTFs) must be setback a distance equal to the height of the tower from all property lines.
- ii. Wireless Telecommunication Towers (that are not attached concealed WTFs) must be setback from a property line abutting residentially zoned property a distance equal to the height of the tower or 100 feet, whichever is greater; and be setback from a building containing a residential use a distance equal to two-times (2X) the height of the tower.
- iii. All related WTF appurtenances including any other structures on the site and the limits of the associated compound must meet the minimum district setback requirements.
- iv. All supporting cables and anchors must be contained within the site.

c. Height of Other WTFs

In all residential, O, PUD, TN, mixed use districts, and commercial districts that are within 1,500 feet of a residential use the maximum Wireless Telecommunication Tower (other than attached concealed WTFs) height permitted is 100 feet. The maximum permitted height may be increased to 150 feet with approval of a Special Use Permit

(see 30-4-10).

d. Minimum Lot Size

A lot of at least two acres is required for a WTF that is not an attached concealed WTF in all residential, TN, O, NS, and CN districts. In all other districts, the minimum lot size requirement applies.

3. Principal Use of Land

- a. In all residential, TN, O, NS and C-N districts the property upon which a WTF is located must be primarily developed with governmental, institutional and recreational uses or right-of-way for a cross-country utility transmission distribution structure. Examples include: fire stations, schools, religious assembly uses, parks with recreational facilities, libraries, water tanks, 911 facilities, athletic fields, golf courses, clubs or lodges, swim and tennis clubs and cemeteries/mausoleums. WTFs are not permitted on vacant land in these districts.
- b. In all RM- districts the property upon which a WTF is located must have a minimum of 100 dwelling units, or the property must be primarily used for a land use listed in a) above. WTFs are not permitted on vacant land in these RM districts.

4. Aesthetics

New WTFs in residential, O, PUD, mixed use districts (including AO, UMU, and NS), and new WTFs in commercial districts that are within 1,500 feet of a residential use, must be made unobtrusive in accordance with the following.

a. Concealment

To the maximum extent possible, antennas and poles must be camouflaged in an effort to conceal them from public view. Concealment may be in the form of building antennas into lighting fixtures, blending antennas into hidden rooftop mounts, or locating antennas inside wall-mounted signs,. Examples include flagpoles; steeples; monopoles and/or lattice towers disguised as clock and/or bell towers, trees, signs, public art and/or other camouflaged structures available to the industry.

b. Placement

In order to fulfill the requirements of subsection 4, Aesthetics, WTFs may be required to be located on top of or behind the principal building unless a different location is approved by the Technical Review Committee.

c. Roof Mounting

Roof-mounted antennas extending less than 5 feet above the principal building must be painted to match the color of the façade of the principal building. Roof-mounted antennas extending 5 feet or more above the principal building must be located behind a façade or parapet wall that blends with the principal building.

d. Equipment Building or Shelter

A pitched roof is required for any such building or shelter that extends more than one foot above the height of fencing required by subsection 5)c), below.

e. Application Information

In addition to any other application requirements, the applicant must submit photographs of a similar WTF and use photo imagery to superimpose the WTF onto the existing site for review and approval by the Technical Review Committee. Once the site plan and photographs or photo renderings of the facility are approved, the WTF must be constructed in compliance with the approved application. If not so constructed, the Planning Director shall order that the facility be altered to achieve compliance with the approved application. If the applicant fails to achieve compliance within 60 days, the Planning Director shall issue a Notice of Violation directing that the WTF be removed within 60 days of the date of notification.

5. Buffers and Screening

- a. A landscaped buffer is required around the base of the WTF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning and Community Development Director. Grading must be minimized and limited only to the area necessary for the new WTF.
- b. If the proposed WTF is the principal use of the property then landscaping is required in accordance with [Article 10](#). Additionally a Type C landscape buffer (See [30-10-2.3](#)) must be provided around the WTF equipment compound for freestanding nonconcealed WTFs.
- c. A 6-foot tall, opaque fence is required around the WTF compound in conformance with [30-9-4](#). In the industrial districts, this fence may be chain link with slats inserted.
- d. When located within or adjacent to property that is residentially zoned or used for residential purposes, a 6-foot high brick wall must be provided around the compound if the façade of the principal building is brick. If the façade of the principal building is not brick or if there is no principal building, shadowbox fencing 6-foot high may be substituted.

6. Access

Access to the compound must be from the interior of the site and not from a separate driveway connection to a public or private street. For all facilities within or adjacent to residentially zoned or residentially occupied property, the gated drive to the compound must be located to minimize the effect on adjoining property and the gate may not face any lot line that is within 100 feet of the gate. Access may be constructed with gravel or other comparable all-weather surface.

7. Termination of Use

A WTF that is no longer used for communication purposes must be removed within 90 days of the date it is taken out of service.

Staff Recommendation

Staff recommends **approval** of the requested **Special Use Permit**.