



Z-17-05-004

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

Zoning Commission Hearing Date: May 15, 2017

GENERAL INFORMATION

APPLICANT Amanda Hodierne on behalf of Genuity Partners, LLC

HEARING TYPE Rezoning

REQUEST Rezoning from CD-O (Conditional District-Office) to PUD(Planned Unit Development)

CONDITIONS

1. Uses shall be limited to the following:
 - a. Professional and Personal Services-Offices
 - b. Medical and Dental Offices
 - c. Daycare Center
 - d. Educational Facility
 - e. Tourist House/Bed and Breakfast
 - f. Retreat Center
 - g. Townhouses, Twinhomes, Multifamily dwellings, Upper story residential, assisted living facility
 - h. Library, Museum and Art gallery
 - i. All government uses **except** correctional institutions and any use with a drive-thru
 - j. Neighborhood scale religious assembly
 - k. Group Care facility serving no more than 10 residents at a time
 - l. Physical Fitness Centers (**excluding** any outdoor activities or areas)
 - m. Office uses
 - n. Mobile food vendors
 - o. Special events Facility (subject to the requirements of Condition No. 9 below)
 - p. Clubs and Lodges; provided that no more than one club or lodge use shall exist on the property at any time and subject to the requirements of Condition No. 9 below
 - q. All Retail Sales excluding bulk merchandise, drug stores, Convenience stores with and without fuel pumps, flea markets, pawn shops, sexually oriented businesses, building supply

- sales, manufactured and modular home sales and repair oriented principal uses
- r. Artisans and Crafts
- s. Utility line and related appurtenances
- 2. If the subject property is used for Neighborhood Scale Religious Assembly, the parking provisions of the LDO shall apply.
- 3. The permitted uses noted as 1h through 1m above must adhere to the following hours of operation-closed to the public between the hours of 9:00 pm and 8:00 am.
- 4. Exterior signage for any use on the subject property shall be oriented toward N. Church Street (not Leftwich Street) and any freestanding signage shall be limited to a maximum of six (6) feet in height. Current signage as of March 31, 2017 shall remain without expansion.
- 5. The existing historic structures as of March 31, 2017 shall not be demolished and shall not be expanded in any manner that creates any additional enclosed, heated space(s).
- 6. No parking areas shall be permitted between the existing structures and N. Church Street.
- 7. New freestanding structures shall be limited to landscape features only.
- 8. The property shall not be subdivided.
- 9. If the subject property is used as a Special Events Facility or a Club or Lodge, as defined in the LDO, the following shall apply:
 - a. There shall be a valid Offsite Parking Agreement, as described in LDO Article 30-11-13.9D for the provision of not less than sixty (60) spaces recorded in the Office of the Register of Deeds of Guilford County.
 - b. Events must be completed (not including clean up) by 11:00 pm on Friday and Saturdays and 10:00 pm on Sunday through Thursday.
 - c. Any outdoor activities shall cease by 9:00 pm.

LOCATION 507 North Church Street

PARCEL ID NUMBER(S) 7864784844

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). **65** notices were mailed to those property owners in the mailing area.

TRACT SIZE 0.68 Acres
TOPOGRAPHY Undulating
VEGETATION Office/Residential landscaping

SITE DATA

Existing Use Office

	Adjacent Zoning	Adjacent Land Uses
N	R-7 (Residential Single-Family)	Single-family dwelling
E	O (Office)	Personal and Professional Services
W	R-7 (Residential Single-family)	Duplex
S	RM-26 (Residential Multifamily)	Multifamily dwellings

Zoning History

Case #	Date	Request Summary
4037	01/23/2016	The subject property was rezoned from CD-O (Conditional District-Office) to CD-O (Conditional District-Office) with the following conditions: 1. The existing structures will remain. 2. Up to two (2) residential units shall be permitted. 3. The following uses allowed in the Office District shall be permitted: Professional and Personal Services Medical and Dental Offices, daycare center, educational facility, tourist house (bed and breakfast), and retreat center.

N/A 3/16/2017 The subject property was requested to be rezoned from CD-O (Conditional District Office) to CD-CB (Conditional District Central Business with the following conditions:

1. The existing historical structures as of January 6, 2017 shall be retained.
2. All uses permitted in the CB zoning district shall be permitted except Forestry and Crops; Fraternities and Sororities; Correctional Institutions; Bus and Rail Terminals; Shelters, Temporary and Emergency; Broadcast Facilities; Wireless Telecommunications Facilities; Funeral Homes and Crematoriums ;Auditoriums, Coliseums and Stadiums; Bars, Nightclubs and Brewpubs; Taxi Dispatch Terminals; Taxidermists; Veterinary Services; Pet Grooming and Kennels; ABC Stores; Convenience Stores with Fuel Pumps; Pawnshops; Sexually Oriented Businesses; Vehicle Sales and Service; Car Washes; Commercial Parking; Equipment Repairs and Rental; Medical and Dental Laboratories and Printing and Publishing

This request was approved by the Zoning Commission on February 20, 2017 but the approval was subsequently appealed to the City Council. The request was then withdrawn prior to the City Council hearing.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-O)	Requested (PUD)
Max. Density:	N/A	N/A

Typical Uses Conditioned to allow two single-family dwellings and Professional and Personal Services, Medical and Dental Offices, daycare center, educational facility, tourist house (bed and breakfast), and retreat center.

Conditioned to allow Professional and Personal Services-Offices, Medical and Dental Offices, Daycare Center, Educational Facility, Tourist House/Bed and Breakfast, Retreat Center, Townhouses, Twinhomes, Multifamily dwellings, Upper story residential, assisted living facility, Library, Museum and Art gallery, All government uses except correctional institutions and any use with a drive-thru, Neighborhood scale religious assembly, Group Care facility serving no more than 10 residents at a time, Physical Fitness Centers (excluding any outdoor activities or areas), Office uses, Mobile food vendors, Special events Facility (subject to the requirements of Condition No. 9 below), Clubs and Lodges; provided that no more than one club or lodge use shall exist on the property at any time and subject to the requirements of Condition No. 9 below, All Retail Sales excluding bulk merchandise, drug stores, Convenience stores with and without fuel pumps, flea markets, pawn shops, sexually oriented businesses, building supply sales, manufactured and modular home sales and repair oriented principal uses, Artisans and Crafts and Utility line and related appurtenances

**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

The subject site is located within the Fisher Park Historic District Overlay Zone. Consult the *City of Greensboro Historic District Program Manual and Design Guidelines* for detailed applicable requirements and design guidance.

The subject site is also located within the Fisher Park National Register Historic District and the locally designated Fisher Park Historic District overlay zone. The Dixon-Leftwich-Murphy House (northeast) is individually listed in the National Register of Historic Places, and is a Guilford County Historic Landmark. The McAllister House (southwest) is a contributing structure in the Fisher Park National Register Historic District. At a meeting of the Historic Preservation Commission on April 26, 2017, the Historic Preservation Commission unanimously recommended the approval for the proposed rezoning.

The subject site is also located within the Central Business Overlay Zone, which prohibits establishment of new outdoor advertising signs therein.

Environmental/Soils

Water Supply Site is located in North Buffalo Creek Sub-basin, non-water supply Watershed watershed

Floodplains >2000FT

Streams N/A

Other: If >1acre is disturbed and the BUA amount is increased, site must meet Phase 2 requirements – water quality and water quantity control must be addressed. If neither of these actions occur, then site must address water quantity control.

Utilities (Availability)

Potable Water Available

Waste Water Available

Airport Overlay District & Noise Cone

N/A

Landscaping & Tree Conservation Requirements

Landscaping and Tree Conservation will not be applicable unless there is expansion of the use on the property, such as additional parking lot area or outbuildings. When expansion of use occurs, landscaping will be required between the area of the expansion and adjacent property lines as set out in the Unified Development Plan for the property.

Tree Conservation: 1% of disturbed area in critical root zone to be dedicated for Tree Conservation.

Transportation

Street Classification: North Church Street – Minor Thoroughfare.
Leftwich Street – Local Street.

Site Access: All access(s) must be designed and constructed to the City off 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 17 (Lawndale Avenue) is within 600 ft of subject site, along Smith Street.

Traffic Impact Study: No TIS required per TIS Ordinance.
(TIS)

Street Connectivity: N/A.

Other: N/A.

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **PUD (Planned Unit Development)** zoning, as conditioned, 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 – Central Business District**. The proposed **PUD (Planned Unit Development)** zoning district, as conditioned, is consistent with this generalized future land use designation.

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.

Land Use Goal 4.2 - Downtown: Promote reinvestment, preservation, diversification, and selective intensification of activity in Downtown Greensboro, to reinforce its importance as the economic, cultural and civic center of the City while protecting its heritage and historic resources and enhancing its urban character.

Policy 4E: Promote diversification and intensification of Downtown Greensboro.

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.

Housing and Neighborhoods, Goal 6: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

Policy 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

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 Central Business District: This designation applies only in and around Downtown Greensboro. It emphasizes the urban character and the mix and intensity of activities uniquely suited to the central city. This designation is intended to permit a true mix of all uses, except heavy industrial, at the highest levels of scale and density within the City and with unique development standards tailored to the urban character of Downtown. It is particularly important to move the Downtown towards becoming a center of activity not only in the day, but also at night and during weekends, by promoting a mix of commercial, entertainment, residential, and other uses (see policies and narrative in Section 4.5.2). To help achieve this goal, creative forms of housing, such as lofts within restored historic structures and residential units in the often unoccupied second stories above ground-level retail, should be encouraged.

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 the proposed rezoning and change of use with representatives of the Fisher Park Neighborhood, within which the subject site is located, and with representatives of the adjacent Greensboro Downtown Residents Association.

Based on the proximity of the subject site to the Central Business District, the planned Downtown Greenway, and planned bicycle lanes on North Church Street, long term safety and accessibility for users and employees at the subject site would be greatly enhanced by provision of secure, convenient bicycle parking facilities.

The subject site is located within the area(s) eligible for the following economic development incentive or assistance program(s):

- New Markets Tax Credits (federal), and
- Economic Development Impact Zone 1 (local).

Staff Analysis

The 0.68-acre subject property is currently office space. North and west of the request are primarily single-family dwellings (zoned R-7). East of the request, across North Church Street, are personal and professional services (zoned O). Immediately south of the request are multifamily dwellings (zoned RM-26) with an elevated section of Fisher Avenue/Murrow Boulevard located just beyond the multifamily dwellings.

The Comprehensive Plan’s Generalized Future Land Use Map designates this area as Mixed Use Central Business District. This designation applies only in and around Downtown Greensboro and emphasizes the urban character and mix and intensity of activities uniquely suited to the central city. This designation is intended to permit a true mix of all uses, except heavy industrial, at the highest levels of scale and density within the City and with unique development standards tailored to the urban character of Downtown.

The current rezoning request to Planned Unit Development (PUD) allows for a variety of commercial, residential, institutional and office uses. Proposed conditions greatly restrict the scale of development on this site to the existing structures, limit the location and scale of parking and signage, limit hours of operation for certain commercial uses and includes additional provisions to limit potential negative impacts from clubs and lodges and special events facility uses. These conditions are more substantial than those offered with the previously withdrawn rezoning request and limit potential negative impacts on surrounding properties while ensuring the continued use and maintenance of the existing historic buildings with minimal potential alterations to the overall subject site. The request also allows for greater compatibility with the Fisher Park historic neighborhood.

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 request is consistent with the intent and purpose of the zoning code, the Comprehensive Plan (Connections 2025) and is generally compatible with the existing development and trend in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the requested **PUD** (Planned Unit Development) zoning district.