



# Z-18-12-002

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

Zoning Commission Hearing Date: December 17, 2018

### GENERAL INFORMATION

**APPLICANT** Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC (Joel Hargis) on behalf of Altel Communications of North Carolina Limited Partnership d/b/a Verizon Wireless.

**HEARING TYPE** Special Use Permit Request

**REQUEST** **Request to allow a wireless telecommunications facility taller than 100 feet in an R-5 (Residential Single-Family) zoning district.**

**CONDITIONS** N/A

**LOCATION** **1201 Merritt Drive**

**PARCEL ID NUMBER(S)** **7843890708**

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

**TRACT SIZE** 7.37 Acres

**TOPOGRAPHY** Sloping to east and south

**VEGETATION** Around the perimeter of the lot.

### SITE DATA

**Existing Use** Church with Accessory Daycare and School

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	R-5 (Residential Single-Family)	Entrance Ramp for Patterson Street
E	R-5 (Residential Single-Family) and LI (Light Industrial)	Vacant Land
W	R-5 (Residential Single-Family)	Single-family dwellings
S	R-5 (Residential Single-Family)	Single-family Dwellings and School

**Zoning History**

Case #	Date	Request Summary
N/A	N/A	The subject property has been zoned R-5 (Residential Single-Family) since the adoption of the Land Development Ordinance (LDO) in July, 2010. Prior to the adoption of the LDO, the property was zoned RS-9 (Residential Single-Family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing (R-5)	Requested <b>(A Special Use Permit is requested to allow a Wireless Telecommunications Facility taller than 100 feet to locate in an R-5 (Residential Single-Family) zoning district.)</b>
Max. Density:	A maximum density of 5.0 units per acre or less.	A maximum of 5.0 units per acre or less.
Typical Uses	Typical uses in the R-5 district may include single-family uses.	A Special Use Permit is requested to allow a Wireless Telecommunications Facility taller than 100 feet to locate in an R-5 (Residential Single-Family) zoning district.

*These regulations may not reflect all requirements for all situations; see the City of Greensboro 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 Watershed Site drains to S. Buffalo Creek, non-watersupply watershed

Floodplains >2000LF

Streams N/A

Other: If >1acre is disturbed and the BUA is increased, site must meet current water supply watershed requirements. Water Quality and Water Quantity Control must be addressed.

**Utilities**

Potable Water Available

Waste Water Available

**Airport Noise Cone**

n/a

**Landscaping & Tree Preservation Requirements**

**Landscaping:**

15' wide Type C buffer yard around all sides of the tower and equipment enclosure.

**Tree Preservation:**

For 4.28 acre parcel, critical root zone equaling 5% of disturbed area to be dedicated for Tree Preservation.

**Transportation**

Street Classification: Merritt Drive – Minor Thoroughfare.  
Patterson Street – Major Thoroughfare.

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

Traffic Counts: Merritt Drive AADT = 18,000 (NCDOT, 2017).

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: No.

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

Street Connectivity: N/A.

Other: N/A.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The requested **SUP (Special Use Permit) to allow a wireless telecommunications tower exceeding 100 feet in height in an R-3 district** 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 **Low Residential (3-5 d.u./acre)** and **Industrial / Corporate Park**. The requested **SUP (Special Use Permit) to allow a wireless telecommunications tower exceeding 100 feet in height in an R-3 district** is generally consistent with the **Low Residential (3-5 d.u./acre)** and **Industrial /**

**Corporate Park** GFLUM designations.

### **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.

**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.

**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**

**Low Residential (3-5 d.u./acre):** This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

**Industrial / Corporate Park:** This designation applies to areas where present or anticipated uses include both light and heavy industrial uses, such as manufacturing, assembly, and

fabrication; wholesaling and distribution; and corporate office and technology parks, which may be introduced to replace older heavy industrial uses. Although new residential development is discouraged in areas designated for this land use category, pre-existing residential uses may be present in or adjacent to these areas. As established industrial areas redevelop, such residential, institutional, or similar uses should be protected from adverse impacts (heavy truck traffic, significant outside storage, factors such as noise, dust, and glare, etc.) through performance-based standards, buffers, and proper separation from noxious uses.

## **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 special use permit with owners of adjacent properties and with representatives of the Hunter Hills East neighborhood, within which the subject site is located.

### **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 7.37 acres and is currently developed as a place of religious assembly with accessory daycare and educational uses. The applicant is interested in installing a wireless telecommunications facility that will exceed 100 feet in height which requires a Special Use Permit under the current provisions of the Land Development Ordinance (LDO) for R-5 (Residential Single-Family) zoned property. Properties to the North, South and West are zoned R-5 and contain single family dwellings and a roadway (Patterson Street). Property to the East is zoned LI and is undeveloped.

Section 30-8-1, Permitted Use Table, of the Land Development Ordinance requires wireless telecommunications facilities exceeding 100 feet in height in the R- zoning districts to obtain a Special Use Permit to ensure compatibility with adjoining properties. The maximum height allowed with a Special Use Permit is 150 feet.

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

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

- In all residential, O, PUD, TN, mixed use districts (including AO, UMU, NS and LIM), 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](#)).
- 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 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.
- New WTFs in residential, O, PUD, mixed use districts (including AO, UMU, NS and LIM), 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.

#### **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.

**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.

**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.

**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.

**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.

**Staff Recommendation**

Staff recommends **approval** of the requested **SUP (Special Use Permit)**.