



Z-19-03-007

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

Zoning Commission Hearing Date: March 18, 2019

GENERAL INFORMATION

APPLICANT	Jimmy Stamey, on behalf of Kinder Morgan Plantation Pipe Line Co.
HEARING TYPE	Special Use Permit
REQUEST	Request to allow a facility for the storage of Chemicals, Petroleum, Hazardous Materials and Related Products in the HI (Heavy Industrial) zoning district.
CONDITIONS	N/A
LOCATION	6811-A West Market Street, and 6330 and 6340 R1 Burnt Poplar Road
PARCEL ID NUMBER(S)	Multiple
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). 26 notices were mailed to those property owners in the mailing area.
TRACT SIZE	44.46 Acres
TOPOGRAPHY	Primarily flat
VEGETATION	Industrial

SITE DATA

Existing Use

Facility for the manufacturing and storage of chemicals and petroleum products.

Adjacent Zoning

N	HI (Heavy Industrial)
E	HI (Heavy Industrial)

Adjacent Land Uses

Office and Industrial Operations
Storage facility for chemicals and petroleum products

W	HI (Heavy Industrial)	Industrial Manufacturing
S	HI (Heavy Industrial)	Industrial Manufacturing

Zoning History

Case #	Date	Request Summary
N/A	N/A	The subject property is currently zoned HI (Heavy Industrial) 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 HI (Heavy Industrial).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (HI)	Requested (A special Use Permit is requested to allow a facility to store chemicals, petroleum products, explosives and allied products in addition to all uses permitted in the HI zoning district)
Max. Density:	N/A	N/A
Typical Uses	Primarily intended to accommodate a wide range of uses including office, retail, service, institutional and high density residential developments in pedestrian-oriented mixed-use setting (often, multiple uses may be located in the same building).	A special Use Permit is requested to allow a facility to store chemicals, petroleum products, explosives and allied products in addition to all uses permitted in the HI 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

The subject site is partially located (northwest corner) within the AO, Airport Overlay District / 60 decibel noise level noise cone of the Piedmont Triad International Airport. However, because the tract is split by the boundary of the AO District, development on the entire tract is considered exempt from the provisions of this overlay district, provided that exemption would not adjust the boundary line for the overlay by more than 600 feet.

Environmental/Soils

Water Supply Watershed Site drains to Upper Randleman Lake WS-IV, East Fork Deep River sub-basin Watershed

Floodplains N/A

Streams N/A

Other: If new BUA is proposed, site must meet current watersupply watershed requirements, water quality and water quantity control must be addressed. Maximum High Density Development is 70% BUA. If site is developed as a Low Density Development 24% or less, a scoresheet must be completed for 120 points. Site is also within the 5 statue mile radius of the PTI Airport. No water quality device (BMP) is permitted within this area unless documentation is provided.

Utilities

Water available

Sewer available

Airport Overlay District & Noise Cone

The subject site is partially located (northwest corner) within the AO, Airport Overlay District / 60 decibel noise level noise cone of the Piedmont Triad International Airport. However, because the tract is split by the boundary of the AO District, development on the entire tract is considered exempt from the provisions of this overlay district, provided that exemption would not adjust the boundary line for the overlay by more than 600 feet.

Landscaping & Tree Conservation Requirements

There are no Landscaping and Tree Conservation requirements associated with a Special Use Permit alone.

Transportation

Street Classification: West Market Street – Major Thoroughfare.
Burnt Poplar Road – Minor Thoroughfare.

Site Access: All access(s) 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 a portion of 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/POLICY ANALYSIS

Land Use Compatibility

The requested **Special Use Permit to allow storage of chemicals, petroleum products, explosives and allied products in addition to all uses permitted in the HI (Heavy Industrial) zoning 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 **Industrial / Corporate Park**. The requested **Special Use Permit to allow storage of chemicals, petroleum products, explosives and allied products in addition to all uses permitted in the HI (Heavy Industrial) zoning district** is generally consistent with the **Industrial / Corporate Park** GFLUM designation. The Growth Strategy Map designates this location as being partially within (approximately the northern third) the West Market Street Reinvestment Corridor.

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

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.

Reinvestment Corridor: Reinvestment Areas and Corridors represent priority opportunities for combined public and private sector reinvestment and the application of policies described in Section 4.5.1 (Reinvestment/Infill). More specifically, Reinvestment Corridors are older commercial corridors that would benefit from significant public and private investment to enhance their economic viability and strengthen adjacent neighborhoods.

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 requested **Special Use Permit to allow storage of chemicals, petroleum products, explosives and allied products in addition to all uses permitted in the HI (Heavy Industrial) zoning district** with owners of surrounding 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 44.46 acres and is currently developed as a facility to store and distribute chemicals and petroleum products. The operation is currently non-conforming because it was established prior to the adoption of the Land Development Ordinance (LDO) in 2010, which requires a Special Use Permit for said operations. The facility is interested in adding/relocating a storage tank that is in conflict for the provisions for the existing nonconforming use and thus triggers the need for a Special Use Permit. Properties to the north, east, south and west contain various industrial operations and storage facilities for petroleum and chemical products (zoned HI).

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.

Facilities used for manufacturing and storage of Chemicals, petroleum products; explosives and allied products are also regulated in Section 30-8-10.5 of the Land Development Ordinance. Applicable regulations include:

- 1. Setbacks
 - a. All operations must be set back at least 50 feet from any property line.

b. Tanks, loading areas, or other facilities for the manufacturing, handling, or storage of flammable or explosive materials must be separated from any residential district by at least 500 feet.

2. Security Fencing

Security fencing at least 8 feet in height must be provided around the perimeter of the operation (see 30-9-4).

The Greensboro Board of Adjustment granted a variance from the development standard regarding the distance of operations from property lines at their February 25, 2019 meeting.

The Comprehensive Plan's Generalized Future Land Use Map designates this area as 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.

Staff Recommendation

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