



# Z-19-05-003

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

Zoning Commission Hearing Date: May 20, 2019

### GENERAL INFORMATION

<b>APPLICANT</b>	Michael R. Fuko-Rizzo for E&V Properties, LLC.
<b>HEARING TYPE</b>	Special Use Permit
<b>REQUEST</b>	Request to allow a Tourist Home/Bed and Breakfast in the R-5 (Residential Single Family - 5) zoning district.
<b>CONDITIONS</b>	N/A
<b>LOCATION</b>	301 Fisher Park Circle
<b>PARCEL ID NUMBER(S)</b>	7865508538
<b>PUBLIC NOTIFICATION</b>	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). <b>156</b> notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	1.52 Acres
<b>TOPOGRAPHY</b>	Primarily flat
<b>VEGETATION</b>	Residential

### SITE DATA

**Existing Use** Single-family Dwelling

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	RM-8 (Residential Multi-family - 8)	Multi-family dwellings
E	R-5 (Residential Single-family - 5)	Public Park
W	R-5 (Residential Single-family - 5)	Single-family dwelling
S	R-5 (Residential Single-family - 5) and RM-8 (Residential Multi-family - 18)	Single-family dwelling Multi-family dwellings

**Zoning History**

Case #	Date	Request Summary
N/A	N/A	The subject property is currently zoned R-5 (Residential Single-family - 5) 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 RS-9 (Residential Single-family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-5)</b>	Requested <b>(A Special Use Permit is requested to allow a Tourist Home/Bed and Breakfast in the R-5 zoning district)</b>
Max. Density:	5 units per acre	N/A
Typical Uses	Primarily intended to accommodate single family residential dwellings with a maximum density of 5 dwelling unit per acres	A special Use Permit is requested to allow a Tourist Home/Bed and Breakfast in the R-5 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 located within the North Elm Street Visual Corridor Overlay Zone, which prohibits the establishment of new outdoor advertising signs therein.

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

The subject site is a National Register Historic Property, the Julian Price House, also known as Hillside, designated in 1980. From the National Register listing:

“Hillside, formerly the Julian Price residence, at 301 Fisher Park Circle in Greensboro, North Carolina is a brick and half-timbered Tudor style mansion. Designed by architect Charles C. Hartmann in 1928, and built in 1929, the house has the appearance of a mountain retreat, said to be the image Price wanted Hartmann to create. Hartmann’s ability as a designer is vividly illustrated in his success at making a thirty room, four story, 160 foot long house resemble a picturesque assemblage of forms that merge with nature. This effect is achieved by a judicious use of elements derived from the English Tudor and Gothic Revivals and the American cottage tradition.

“Placed on the highest point of Fisher Park Circle, the hour stood originally in a larger setting of informal paths, plantings, and trees, accented by a gazebo (demolished) and a rustic board and batten gardener’s cottage which remains. A raised terrace and rock wall conceal the entire basement level with its driveway, garage, and service entry diminishing the height of the house.

“To minimize its length the house breaks near its center at a three story polygonal stair tower, the left wing turning southeast, the entrance bays parallel to Fisher Park and the right wing turning north

(see enclosed plans), The front entrance is through a low, wide door; the rear entrance is under a porte-cochère. Both facades are further broken into small units by bays and porches, grouped windows and dormers which reflect the house's interior arrangement. The roofline reinforces this irregularity with hip, pyramidal, and gable shapes suggesting that the house developed over a long period of time, a feeling reinforced by Hartmann's use of materials. The walls are red-brown rough fired brick with heavy, unraked joints, relieved by herringbone, diaper or basket weave panels under windows, and on the two great sculpted chimneys. The picturesque details are combined with heavy, rough-hewn dark stained beams which frame bays, define eaves, and outline gables. The use of half-timbering with tan stucco beneath windows, on balconies, in gable and dormer ends further breaks up the scale of the house. The majority of windows are dark framed steel easements whose many lights recall the multi-paned windows associated with Tudor and Gothic revival domestic architecture.

"Again to minimize size, the interior of the house is clearly divided into public and private spaces: the first floor with a large double entry hall is accessible from front and rear. The library, living room, and dining room are arranged around the multisided entry and provide gracious spaces for entertaining. The second floor pivots around the tower--south wing for master bedroom suite, north wing for children's rooms arranged along a corridor with servants' quarters at the end. The third floor holds attic and more servants' rooms. The huge basement houses heating, vault and storage.

"The interior has been primarily altered by painting, some vaguely Georgian woodwork additions and the elimination of the second kitchen to provide a billiard room. The original decorations include the plaster work ceiling in the living room which consists of Tudor strapwork patterns centered with floral motifs, the raised paneling in the entry hall and dining room and the irregular, wide-boarded pegged and butterfly jointed oak floors. Wall niches, built-in cabinets, window seats, and low wide doors with elaborate hardware contribute to a sense of warmth, comfort, and gracious living traditionally associated with these architectural forms."

The subject site is also designated as a Guilford County Landmark Property.

The subject site is located within the Fisher Park National Register Historic District, which was designated in 1992. From the National Register listing:

"Fisher Park was the first Greensboro suburb planned and developed around a park and one of the earliest park suburbs in North Carolina. Its development--spurred by the railroad and trolley, industrial enterprise, and real estate speculation--charts the hopes of the expanding city in the 1890s and the attainment of those hopes in the teens and twenties. The suburb also established patterns of community planning that were to be followed elsewhere in Greensboro throughout the twentieth century. Home to some of the city's most successful businessmen in the early twentieth century, the district features many of Greensboro's finest Period Revival, Prairie, and Craftsman style residences; four of its dwellings are individually listed in the National Register for their architectural significance. Its many bungalows, some large, some modest in size, are among the best examples of the style in the city. Three striking religious structures and a number of its dwellings were designed by the most prominent architects working in Greensboro in the first four decades of the century, including Hobart Upjohn, Charles C. Hartmann, and Harry Barton. (Dominant resources in the district deriving their significance from their design, the religious buildings have been included within this nomination under criteria Consideration A.) Little altered over the past fifty years, although now near the city's center rather than at its edge, Fisher Park continues as the best representative of an early middle- and upper-income suburb in Greensboro.

"Fisher Park's growth began with the development plans of Capt. Basil J. Fisher around 1889 and continued until 1941. This period of significance brings it within both of the historic contexts developed in Greensboro's multiple properties documentation form: The Development of the Gate City, 1880-1889, and Modern suburbanization and Industrialization, 1900-1941. The subsections within these historic contexts which cover transportation, early industrialization, institutional growth and, especially, suburbanization, provide the most important contexts for the neighborhood. Always almost exclusively residential, the Fisher Park Historic District largely falls within Property Type 1,

which covers single-family residences, Property Type 3 on multiple-family residences, and Property Type 7, which discusses neighborhoods. Property Types 5 and 6, which cover commercial and educational resources, and parks, also provide a background for some of its resources.”

The subject site is also located within the Fisher Park Local Historic District, which was designated by the City of Greensboro in 1982. The Greensboro Historic Preservation Commission reviewed this request to allow a Tourist Home/Bed and Breakfast in the R-5 (Residential Single Family - 5) zoning district during its meeting on April 24. The HPC recommended unanimously in favor of the request, commenting that the proposed use is conducive to the preservation of the house.

**Environmental/Soils**

Water Supply Site drains to N. Buffalo Creek, Non-watersupply Watershed Watershed

Floodplains N/A

Streams N/A

Other: If >1 acre is disturbed and new BUA is proposed, site must meet current watersupply watershed requirements for Phase 2, water quality and water quantity control must be addressed.

**Utilities**

Water - available

Sewer - available

**Airport Overlay District & Noise Cone**

n/a

**Landscaping & Tree Conservation Requirements**

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

**Transportation**

Street Classification: Fisher Park Circle – Local Street.  
Victoria Street – Local Street.

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 the frontage of this property.
Transit in Vicinity:	No.
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 **Special Use Permit to allow a Tourist Home/Bed and Breakfast in R-5 (Residential - Single-Family - 5) zoning**, 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 Residential**. The requested **Special Use Permit to allow a Tourist Home/Bed and Breakfast in R-3 (Residential - Single-Family - 5) zoning** is generally consistent with the **Mixed Use Residential** GFLUM 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.

**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 Residential:** This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

## **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 a Tourist Home/Bed and Breakfast in R-5 (Residential - Single-Family - 5) zoning district** with owners of surrounding properties and with representatives of the Fisher Park neighborhood, within which the subject site is located.

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

- Opportunity Zone Tax Credits (federal).

### **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 1.52 acres and currently contains a single-family dwelling. Tourist Homes/Bed and Breakfasts are allowed in the existing R-5 zoning district but only with an approved Special Use Permit. Properties to the north contain multi-family dwellings, zoned RM-8. The property to the east contains Fisher Park, zoned R-5. South of the request contains single and multi-family dwellings, zoned R-5 and RM-18, respectively. West of the request contains single-family dwellings, zoned R-5.

Tourist Homes (Bed and Breakfasts) are subject to the following development standards in Section 30-8-10.4 Q. of the Land Development Ordinance:

1. A tourist home may not locate within 400 feet of a rooming house or another tourist home.
2. No more than 6 guest rooms are allowed.
3. The owner or operator of the tourist home must reside on site.
4. Tourist homes are allowed only in buildings originally constructed as dwellings.
5. Only one kitchen facility is allowed. Meals may be provided only for guests and employees of the tourist home. Rooms may not be equipped with cooking facilities.
6. Patrons may not stay in a specific tourist home more than 15 days within a 60-day period.
7. Signage for tourist homes is limited to one attached sign mounted flat to the front wall of the building that does not exceed 4 square feet in area and 6 feet in height above ground level. Only external illumination is allowed.

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.

The Comprehensive Plan's Generalized Future Land Use Map designates this area as Mixed Use Residential. This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced.

The Greensboro Historic Preservation Commission evaluated this request for compatibility with the existing Fisher Park Historic District at their April 24, 2019 meeting. The Commission recommended that the Special Use Permit to allow a Tourist Home/Bed and Breakfast be approved.

**Staff Recommendation**

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