

**PARTIAL MINUTES OF THE
ZONING COMMISSION
FEBRUARY 20, 2017**

Z-17-02-003 507 North Church Street (west of North Church Street and south of Leftwich Street) – A rezoning request from CD-0 (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 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. – For the property located at 507 North Church Street, generally described as west of North Church Street and south of Leftwich Street. (0.68 Acres) – Amanda Hodiernie on behalf of Genuity Partners, LLC. **(APPROVED)**

Ms. Smith described the subject property, as well as surrounding properties, and noted issues in the staff report.

Amanda Hodiernie, Attorney, 804 Green Valley Road, was present on behalf of the current property owners, Genuity Partners, LLC, as well as the potential buyers who have the property under contract, Cheryl Briley, Kaitlyn Holland, and Clay Holland. Ms. Hodiernie distributed booklets of information to Commission members.

The subject property is on the fringe of Fisher Park and is adjunct to retail service uses, office zoning and high density residential. It is on North Church Street, a main artery into downtown Greensboro, and surrounding uses are largely multifamily and nonresidential with a hair salon across the street as well as several apartments to the rear. This property has not been used as a single-family residence since 1958 and currently serves as the offices of Genuity Partners. The property no longer serves the needs of Genuity Partners and has been on the market for six years. The potential buyers would like to use the property as a boutique event venue. Referring to a series of maps, Ms. Hodiernie explained that the Greenway will weave this property into the fabric of downtown. She felt that CB zoning in the right form makes sense at this location and she noted that ancillary uses tend to be on the downtown fringe in existing structures that are being adaptively reused because they no longer function well as they were originally intended. This property does not work as residential or as pure office. Central Business, conditioned correctly, will provide an opportunity to blends uses, enhance the cultural and civic center of Greensboro and add to the urban character as called for the CB district. Ms. Hodiernie reviewed the two conditions, including a lengthy list of prohibited uses that would have otherwise been permitted in the CB district. She explained that the CB district encourages a mixing of uses in close proximity, infill, and reuse to create a thriving core of businesses that play on each other whereas the Commercial-Medium district looks to separate and screen uses from each other.

They are not requesting the CB district simply because parking is not required in that district. Due to the historical classification of this property, it already has a parking exemption. The property does have 25 on-site parking spaces that would function to accommodate handicap access needs and vendor traffic. Parking for guests would be required to acquire an outside shuttle vendor from an approved list. On-site parking security will be provided for every event to ensure no one is parking along Leftwich Street.

It was noted that staff is opposed to this request. Ms. Hodiernie pointed out that rezoning to the CM district, which would have been an option staff would have been supportive of, would have required going to the Board of Adjustment for two variances for this property as it currently exists. She felt it was likely the variances would not be granted because one of the tests for granting a variance is that the variance not be of the applicant's own making.

Ms. Hodiernie said that this is a unique historical property due to its location. Central Business zoning with the right conditions gives this challenging property a chance to be high functioning and add value to the community. She described her client's event planning and design trend business and the opportunity for them that the property provides.

A letter was sent out by Ms. Holland to surrounding property owners on February 1, 2017. They also attended the Fisher Park Neighborhood Association meeting on January 23, 2017 and had a productive dialogue with members. The Association's concern was parking and members seemed to feel that if parking was addressed, they would be supportive. In addition, a positive recommendation of approval was received from the Greensboro Historical Preservation Commission along with a letter of support from adjoining property owner, Chaney Properties.

Responding to questions, Ms. Hodiernie said that the hours of operation for training and workshop aspects of the business would be during daytime hours. Any event such as a wedding would be offered on weekends and in the evenings.

In Opposition:

Anne Stringfield, 1005 North Eugene Street, requested that the Commission not support additional incursion of Central Business district north of Murrow Boulevard and Fisher Avenue. When the City Historic Preservation Commission and the Fisher Park Neighborhood Board were asked to support this concept, they did not have before them the list of additional Central Business district uses that would be allowed if this rezoning were to occur. The proposed parking solutions and the proposal that the buildings will be retained may have no legal standing and the Fisher Park Neighborhood Association Board did not communicate with the neighborhood about this rezoning request to get feedback at that time. She felt that CB zoning is too drastic and too permanent a change for that single intent. Responding to questions, she indicated that the Fisher Park Neighborhood Board did meet with the applicant but they did not have the list of additional Central Business district uses beyond those that are being exempted when they made their decision.

Ashley Meredith, 206 Leftwich Street, agreed with comments made by Ms. Stringfield. The Board received a list of uses that were not permitted but they did not receive a list of uses that would be allowed in the future. Referring to the list of approved uses, she expressed concern with the possibility of a cemetery; clubs, lodges, hotels, motels; mobile food vendors; taxidermists; taxi dispatch terminals; and funeral homes in the area. In addition, she pointed out that Leftwich Street is a very tight street and there can only be parking on one side of the road. There are a lot of residences that do not even have driveways so they have to use the street for parking. The parking situation is similar to this throughout most of the neighborhood and therefore, parking is a major concern.

Hillary Meredith, 412 West Bessemer Avenue, is co-owner of 206 Leftwich Street. Although the historic district requires that there is no parking requirement, changing to the CB district would additional strain. The proposed buyer has a remedy for the parking situation; however, if the zoning changes, there is no guarantee that a future owner will have a solution.

Megan Callahan, 705 Magnolia Street, noted the number of houses in the neighborhood that do not have a driveway and who rely on on-street parking at all times. Parking is limited in the neighborhood and there would be no control over family members who come to late night or evening events. In addition, a presentation was made to the Board but no one has come into the neighborhood to ask for feedback. She expressed concern that the event venue might not be safe for the neighborhood. Her neighbors on Magnolia Street are very opposed to the request.

Responding to questions, Mr. Kirkman explained that if there are residential uses within 600 feet of a conditional zoning request, the applicant is required to tell the City what efforts were taken to communicate with the residents; however, they are not required to communicate with those residents. The City is required to inform Commission members on what efforts were made to communicate with area residents within the 600 foot radius. Staff confirmed that a letter was mailed to residents living within 600 feet of the request.

Rebuttal in Support:

Ms. Hodiernne pointed out that the City has checks and balances to keep incursion at bay. In this case, they had to go through the Historic Preservation Commission because this is a historic overlay district. The Zoning Commission will determine if this request is reasonable in terms of land use and if enough has been done to mitigate the possible negative impacts of the request. She felt that the conditions have legal standing and serve to mitigate any negative impacts.

Responding to a question from Mr. Lester, Ms. Hodiernne confirmed that the way the CD-O property is currently zoned includes uses such as a daycare center, educational facilities, retreat center, tourist homes, professional and personal services, and medical and dental offices. Mr. Lester noted that CB zoning is directly adjacent separated by an elevated overpass and one parcel owned by the City. Some of the uses allowed in the CD-CB district include multifamily dwellings and it is already zoned so that the parcel could have at least two residences. The applicant has excluded certain uses and the Commission is being asked to accept these exclusions as indicated on the formal list of prohibited uses. Mr. Lester pointed out that the uses included in the CD-O district are subject to the same traffic and parking concerns that arise under the CD-CB designation.

Rebuttal in Opposition:

Anne Stringfield, 1005 North Eugene Street, said that historic district buildings in the state of North Carolina can be demolished in 365 days after the application. This state law will over rule the local condition that the building will not be demolished. She also pointed out that the noise ordinance allows very loud noises until late at night and she asked that the request be denied.

It was noted that if the building were to be demolished at some point, the zoning designation would remain with the property.

Counsel Jones commented that typically this type of condition is worded as “the existing structure will not be enlarged or altered in some way” and there is some concern about what would happen to this property should something catastrophic occur. The applicant is agreeing that should something happen to the building, there will be no other constructed use on the property. If these buildings are not retained, nothing else can be built on the property.

Megan Callahan, 705 Magnolia Street, stated her opinion that this request is problematic in terms of the next business that will occupy the property. Parking is a massive problem in the area and she was concerned about possible uses in this prominent historic neighborhood. The Fisher Park Neighborhood Association Board has taken no stance on this matter and she urged members to deny this request.

There being no other speakers, Chair Bachmann closed the public hearing.

Staff Recommendation:

Mr. Kirkman said that this site is designated as Mixed Use Central Business on the Generalized Future Land Use map. This designation applies only in and around Downtown Greensboro and emphasizes the urban character 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. Staff's evaluation has identified conflicts with some of the policies and goals of the Comprehensive Plan. Specifically, the request is in conflict with the Downtown goal to 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. The site also lacks urban amenities (clear pedestrian connections to the downtown core, direct access to public parking facilities, and the like) that support the higher levels of scale and intensity

generally associated with downtown and is more oriented to the Fisher Park historic neighborhood. Staff is recommending denial of the request based on these considerations.

Comments:

Mr. Lester acknowledged concerns about parking and staff's note that this is on the border of a transition area. The adjacent overpass creates a barrier and a challenge for the best and highest use of this property. This property is currently zoned CD-O and fairly intense uses are allowed in this designation. These uses could create a challenge to parking. He did not feel that the additional uses allowed by CD-CB would create a material change in those challenges that are there. This is a property that is on the border and could go either way in terms of zoning. Given the fact there is an opportunity for a business owner to capitalize on what may be the highest and best use for this property, he plans to support this request as it has been presented.

Mr. Gilmer pointed out that the Comprehensive Plan is set up to change with the times and zoning in that area could go either way. He agreed with comments made by Mr. Lester and plans to support the request and let market forces take their place. He felt that the concept of an event venue would be a good fit in the neighborhood.

Ms. Mazzurco commented that the Comprehensive Plan is important; however, it is a little outdated and this must be considered while making a decision on this matter. She agreed that the same challenges will exist in CD-CB zoning as they are currently in CD-O zoning. She would like to see some life being brought into that corner and will be supporting the request.

Mr. Duggins said that although he had some concerns about some of the allowed uses, the most important condition was that the historical structure will be retained. Something different cannot be built on the property in the future. He agreed that the proposed zoning will not be more intense than the current zoning. He plans to support the request.

Mr. Marshall agreed with Mr. Lester that the zoning could go either way; however, he was not inclined to support the request. Referring to the map and the areas of zoning designation, he felt that the intent is for the property to remain CD-O.

Mr. Pinto will be supporting the request to rezone this property. He was in agreement with comments made by Mr. Lester.

Chair Bachmann commented that the subject building is beautiful and it is located on the border of the CB district. This is a challenging decision based on the location of the property. It would be tragic for this building to be potentially vacant and not used at all when there is an individual who is willing to invest in it and maintain its historic value. The event venue is a good use for the building. It appears that much thought went into the parking issue and steps have been taken to be proactive to address those concerns if this were to be rezoned. She will also be supporting this request.

In the matter of **Z-17-02-003**, Mr. Lester moved that the Greensboro Zoning Commission believes that its action to approve the zoning amendment for property located at 507 North Church Street from CD-O (Conditional District-Office) to CD-CB (Conditional District-Central Business) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because it is consistent with the Downtown goal to promote reinvestment, preservation, diversification and selective intensification of activity in Downtown Greensboro; the request is consistent with the Economic Development goal to promote a healthy and diversified economy; and the request does implement measures to protect neighborhoods from potential negative impacts. The motion was seconded by Ms. Mazzurco. The Commission voted 6-2 in favor of the motion. (Ayes: Bachmann, Gilmer, Lester, Pinto, Duggins, Mazzurco. Nays: Marshall, Blackstock.)