

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
AUGUST 19, 2024**

Z24-08-003: A rezoning request from R-7 (Residential Single-family – 7) to RM-18 (Residential Multi-family – 18) for the property identified as 632 North Elm Street, generally described as east of North Elm Street and south of South Park Drive (0.25 acres). (APPROVED)

Mr. Nelson reviewed the summary information for the subject property and surrounding properties.

Mr. Nelson stated the GSO2040 Comprehensive Plan designates this property as Urban Central and within an Urban Mixed Use Corridor on the Future Built Form Map and Residential on the Future Land Use Map. Staff determined the proposed rezoning request supports the Comprehensive Plan's Filling in Our Framework goal to provide missing middle housing and the Creating Great Places strategy to meet housing needs and desires with a sufficient and diverse supply of housing products, prices and locations. The proposed RM-18 zoning district would allow land uses that are compatible with the general character of the area. This request would also permit an existing nonconforming use to become conforming. Staff recommended approval of the request.

Vice-Chair called the applicant forward to the podium.

Laura Lovelady, 2208 West Cone Boulevard stated she was representing the owners of the property. She said that the property has been a quadplex for about thirty years. She mentioned the owners recently renovated the building and the request does not include alterations. She stated they were seeking the correct zoning to make the use conforming. Ms. Lovelady said that the request is consistent with the urban use mixed corridor.

Vice-Chair Magid asked if there was anyone else wished to speak in favor of the request.

Chair O'Connor asked the applicant about the neighborhood outreach and mentioned the QR Code distributed to the neighbors.

Ms. Lovelady stated they attended the Fisher Park Neighborhood meeting, and subsequently presented at the HPC (Historic Preservation Commission) meeting and received recommendation to move forward with the request. She said they left information throughout the neighborhood (144 houses) including the QR Code. The noted that the neighbors could scan the QR code which directed to a website giving additional information about the property.

Vice-Chair Magid asked for any questions or comments from the Commissioners. Hearing none, she asked for persons wishing to speak in opposition to come forward to the podium.

Cheryl Pratt, 910 Magnolia Street said she is a member of the short term rental coalition for the neighborhood. She mentioned she was part of the team that worked closely with the City on the short term rental (STR) ordinance. She described the current use of the subject property as the missing middle and noted that Fisher Park has 51% long term rental, and 49% owner occupied

properties. She noted that the basis for the rezone request is for the owner to be approved for four short term rental permits. She stated the current zoning was grandfathered and the use could continue for long or midterm rental. She did not support having four short term rentals at the subject property.

Keisha Hadden, 404 W Bessemer Avenue said she is the president of the Fisher Park Neighborhood Association. She stated the neighborhood voted against the request for the short term rental. She stated that the request for STR did not meet the city's requirement as per the 750 ft separation buffer. She mentioned there was an unauthorized party at the property. She noted that even though the Commission was not considering the STR, she pointed out that should the request be granted the property would be available for STR.

Ann Stringfield, 1005 North Eugene Street said that the current apartment use is already grandfathered and is good for long and midterm rental. She asked the Commission not to support the request and STR, and to support Fisher Park long and midterm rental. She said an adjacent property was approved for STR.

Cheryl Pratt said the request and allowing the STR would not benefit the surrounding community. She asked for the use to remain as is and used for long term rental.

Mr. Engle asked staff to clarify what the Commissioners should consider for the request.

Mr. Ducharme advised that the Commissioners should consider the uses permitted in the proposed zone. He said that STR is a separate use in the Ordinance and could be considered along with all the other permitted use.

Mr. Engle noted the request should be conditional zoning district.

Mr. Kirkman added that the uses allowed in the RM-18 are the available options for the request.

Mr. Engle asked staff to explain 750 feet separation rule as per the LDO.

Mr. Kirkman explained that upon adopting the STR Ordinance in May 2023, the 750 feet separation requirement was included for separation between single family residential lots. He said there is another standard for multi-family residential properties which limits the number of STR units in a multi-family building based on the total number of units. Mr. Kirkman noted these are two standards associated with separation rule in the STR Ordinance. He noted the multi-family standard is applicable to the request since it is a four unit development. He stated STR that operated at any point during 2023 would obtain non-conforming status. He said the owners showed they were operating during 2023 and to allow the STR the none conforming status should be granted the request. In summary Mr. Kirkman said nonconforming status could be granted to any STR operating during 2023.

Mr. Engle asked if another option would be the applicant applying to the Board of Adjustment (BOA) to allow the STR.

Mr. Kirkman advised that the BOA could grant permission to allow a nonconforming use to another nonconforming use on the property.

Cheryl Pratt said that the Ordinance stated that the STR should be in operation for twelve (12) consecutive months in 2023 to obtain nonconforming status.

Mr. Ducharme advised that the review and approval of STR is an administrative matter as caution to the deliberation.

Vice-Chair Magid noted that STR is not an item for the Commission.

Mr. Engle said he was aware of the process and again asked for clarification on what should be considered for the request. He said during his tenure on the Commission he was told they could not consider who lives at the property, if rented or owner occupied. So, he asked if he should just consider uses permitted in RM-18 or the current use of four residential units.

Mr. Ducharme clarified that the Commission could consider the STR as a potential use. However, he noted that the administrative aspect should not be considered by the Commission.

Chair O'Connor asked for clarification and noted that the Commission was considering a nonconforming use since quadraplex is not a permitted use in the R-7 zone, which was grandfathered. She noted if the requested RM18 zoning district was granted, other uses such as a church, daycare, multi-family and single-family would be allowed. She mentioned that there was too much focus on the nonconforming use. She said that as a zoning matter it would be more appropriate to focus on the uses allowed in the RM-18 zoning district.

Mr. Kirkman inquired if Chair O'Connor had any questions for staff.

Chair O'Connor said she would like clarification on the uses allowed in the RM-18 zoning district.

Mr. Kirkman noted that religious assembly and schools are allowed in all zoning districts and would be allowed in the current zoning (R-7) as well as in proposed RM18 zoning districts. He pointed out the daycare would not be allowed in the R-7 district but is allowed in RM-18. He said, notwithstanding uses different from residential use would be considered a change of use and would trigger review under the Building and Fire Code, site review relating to parking would be considered, and any exterior changes to the building would be considered under the Historic Preservation Commission. He noted that the applicant has four units which are not currently allowed under the R-7 zoning district and was in existence for many years and therefore is a nonconforming use. He stated that if the requested RM-18 zoning district would be approved the nonconforming use would be addressed. He said that the discussion about the STR is a separate matter of an application under the administrative policy. He addressed the public information concerns and clarified that the City's public information is consistent with the STR policy. He explained that the issue of the twelve consecutive months pertained to whether a nonconforming status could be lost due to the STR not operating for twelve consecutive months. Chair O'Connor indicated the explanation was helpful.

Ms. Tuner requested further clarification about the application of the STR policy within the context of the current zoning classification of R-7 compared to the proposed zoning classification of RS-18.

Mr. Ducharme advised that they are separate decisions and that the Commission determines land use and should discuss all the land uses that would be permitted in the zone. He stated that the ability to have STR at the subject property would be handled administratively through the Department.

Vice-Chair Magid restated the Commission does not consider STR. She said if the applicant would like to have STR, they would apply for a permit which would be reviewed outside of the Commission. She mentioned the request is to allow the four apartments in an appropriate zoning district. She said the applicant would like to make the use conforming. She noted that in the RM-18 zoning district on 0.25 acres four apartment units would be allowed.

Vice-Chair Magid inquired if another resident wishing to speak in opposition was available online.

Cheryl Pratt indicated that the speaker was unable to get in the meeting via Zoom.

Hearing no further opposition, Vice-Chair Magid asked if the applicant wished to address the residents' concerns.

Laura Lovelady said that the request is to correct the zoning thus allowing the quadplex. She said they have documentation showing the units operating as STR during 2023, and as well as midterm rental. She stated that they would like to be in the correct zoning district since they did extensive renovations to the property.

Vice-Chair Magid inquired if there was anyone wishing to speak further in opposition to the request. Having no further opposition she closed the public hearing.

Ms. Skenes then stated regarding agenda item Z-24-08-003, the Greensboro Planning and Zoning Commission believes that its action to recommend approval of the rezoning request for the property at 632 North Elm Street from R-7 (Residential Single-family – 7) to RM-18 (Residential Multi-family – 18) to be consistent with the adopted GSO2040 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: (1.) The request is consistent with the Comprehensive Plan's Future Built Form Map and Future Land Use Map; (2.) The proposed RM-18 zoning district permits uses that fit the context of surrounding area and limits negative impacts on the adjacent properties; (3.) The request is reasonable due to the size, physical conditions, and other attributes of the area, it will benefit the property owner and surrounding community, and approval is in the public interest. Mr. Gilmer, Sr seconded the motion.

Mr. Engle did not support the request and stated that the request should have been a conditional zoning district to eliminate some of the uses allowed in the RM-18 zoning district.

Vice-Chair Magid asked for any further questions or comments from the Commissioners.

The Commission voted 6-2, (Ayes: Vice-Chair Catherine Magid, Skenes, Downing, Gilmer Sr., Turner and Glass). Nays: (Chair Sandra O'Connor and Engle).

Vice-Chair Magid advised the vote constituted a final action, unless appealed in writing and the appeal fee paid within 10 days. Anyone may file such an appeal. All such appeals would be subject to a public hearing at the Tuesday, September 17, 2024 City Council Meeting. All adjoining property owners will be notified of any such appeal.