

DRAFT STAFF REPORT

DOCKET #: UDO-110

STAFF: Glenn Simmons

REQUEST

This UDO text amendment is a proposal by Stimmel Associates, PA to modify Chapter B, Article II of the *Unified Development Ordinances* to allow up to five percent of the gross floor area of Limited Office (LO) properties to be developed with certain retail commercial and service uses.

BACKGROUND

The Limited Office (LO) zoning classification currently allows for various office, institutional, multifamily and single family residential uses. Although the district does allow for Banking and Financial Services, it does not allow for small-scale retail commercial or retail service oriented uses. Currently the UDO requires that such uses be located in retail commercial zoning districts such as Limited Business (LB) or Highway Business (HB). While such distinctions are generally needed to separate the more intensive impacts of commercial development from the lesser intensive office uses, some allowances for retail uses as a complement to conventional office developments may be appropriate and desirable in accordance with *Legacy* recommendations to promote mixed-use and pedestrian-oriented developments.

ANALYSIS

While office zoning customarily supports medical, professional, and other miscellaneous office uses, the UDO currently permits other types of development such as child day care centers, multifamily residential, funeral homes, and certain other institutional and governmental uses in the LO zoning district. These uses are generally considered to be of comparable intensity to office development and are in many ways considered to be complementary. Particularly with respect to *Legacy* recommendations to promote more mixed-use developments, a greater mixture of uses may lessen the dependence on the automobile and promote a more pedestrian-oriented office environment.

With respect to more intensive retail commercial uses, the current UDO text amendment to allow some very limited amount of certain low intensity and complementary commercial retail and service uses may have merit in an office setting. For example, a small coffee shop, bookstore, hair salon, drugstore, or food service operation may serve the daily needs of nearby office workers. In office environments, the convenience of certain retail and service shops nearby may minimize the need for workers to leave the premises via automobile to avail themselves of needed goods and services. However, for this to work appropriately, specific measures must be taken to safeguard office developments and the surrounding area from potentially negative impacts of more intensive commercial uses.

To address these concerns planning staff recommends the following provisions, in addition to the basic 5% cap on retail/service square footage:

1. Uses shall be limited to: Food of Drug Store; General Merchandise Store; Services, Business A; Services Personal; Restaurant (without drive-through service); and Retail Store, Specialty and Miscellaneous.
2. All non-office development shall be in the same building as the office development and occupy no more than 25% of the total square footage of any single office structure.
3. Under no circumstances shall non-office development exceed 2,000 sf of gross floor area in a single building.
4. No non-office development shall be occupied until a minimum of 75% of office space has been built and occupied for office purposes.
5. There shall be no free-standing signage for non-office uses.
6. Building signage shall be limited to a maximum of six (6) s.f. of copy area and shall not be internally illuminated.

Given these provisions and limitations, planning staff is of the opinion that traffic and other potentially negative aspects of retail commercial/service uses can be eliminated or substantially minimized. Alternatively, staff believes that such provisions may actually lessen traffic impacts associated with office development and promote more pedestrian-friendly office environments. Staff is supportive of the proposed UDO text amendment.

RECOMMENDATION

APPROVAL.

PUBLIC HEARING - January 8, 2004

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning text amendment to February 12, 2004.

SECOND: Paul Mullican

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - February 12, 2004

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved continuance of the zoning text amendment to March 11, 2004.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

UDO-110
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ALLOW UP TO 5% OF LIMITED OFFICE (LO) ZONED DEVELOPMENT TO BE
USED FOR VARIOUS RETAIL AND SERVICE PURPOSES

Be it ordained by the _____, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article II, Section 2-1.1(B) LO Limited Office District is amended by adding a new subsection 5 as follows:

- (5) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:
- Food or Drug Store
 - General Merchandise Store
 - Services, Business A
 - Services, Personal
 - Restaurant (without drive-through service
 - Retail Store, Specialty and Miscellaneous
- (a) The uses listed above shall further restricted to the following conditions:
- (i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.
 - (ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.
 - (iii) No non-office development shall be occupied until all office square footage in the building has been built and initially occupied.
 - (iv) A maximum of 2,000 sf of non-office uses shall be allowed in any single office structure.
 - (v) No free-standing signage for non-office uses is permitted.
 - (vi) Building signage shall be limited to a maximum of six (6) s.f. of copy area and shall not be internally illuminated.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be added are indicated with an underscore.