



Z-11-04-006

**Planning & Community Development  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: July 11, 2011**

**GENERAL INFORMATION**

**APPLICANT** Mike Fox for Ronald Bryon Nelson

**HEARING TYPE** Rezoning

**REQUEST** **R-3** (Residential-Single Family) to **CD-C-N** (Conditional District-Commercial-Neighborhood)

**CONDITIONS**

1. Construct a six foot privacy fence on the southern boundary of the property.
2. Building height shall not exceed 25 feet.
3. Building exterior will be at least 60% brick, brick veneer or stone.

**LOCATION** **2745 and 2737 Horse Pen Creek Road**, generally described as west of Horse Pen Creek Road and north of Waynoka Drive

**PARCEL ID NUMBER(S)** **7846045481 and 7846047281**

**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). **127** notices were mailed to those property owners in the mailing area.

**TRACT SIZE** ~3.43 Acres

**TOPOGRAPHY** Slopes to the east

**VEGETATION** Residential landscaping

**SITE DATA**

**Existing Use** 2 single-family dwelling units

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	R-3 (Residential-Single Family)	Single-family dwellings
E	R-3 (Residential-Single Family)	Single-family dwellings
W	R-3 (Residential-Single Family)	Single-family dwellings
S	CD-RM-5 (Conditional District-Multi Family)	Multi-family dwellings

**Zoning History**

Case #	Date	Request Summary
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This property has been zoned R-3 (Residential-Single Family) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned RS-12 (Residential-Single Family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-3)</b>	Requested <b>(CD-C-N)</b>
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate low density single-family detached residential development. The overall gross density in R-3 will typically be 3 units per acre or less.	Primarily intended to accommodate a mix of low intensity office, retail and personal service and upper story residential uses within residential areas. The district is established to provide convenient locations for businesses on small to mid-sized sites which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists.

*\*These regulations may not reflect all requirements for all situations; see the City of Greensboro Development Ordinance for all applicable regulations for site requirements for this zoning district.*

**SPECIAL INFORMATION**

**Overlay District Ordinance/Historic Preservation – N/A**

**Environmental/Soils**

Water Supply Watershed      Site drains to Greensboro Watersupply Watershed. Subbasin is Horse Pen Creek

Floodplains                      <1400ft

Streams                          Possible stream onsite. If High Density Development is proposed and stream is perennial a 100ft stream buffer will apply. If site is Low Density and stream is perennial a 50ft stream buffer will apply. If stream is intermittent a 50ft stream buffer will apply.

Other:                              If High Density is proposed, site must meet current watersupply watershed requirements. If Low Density development is proposed, a scoresheet is required for water quality.

**Utilities**

Potable Water                  N/A

Waste Water                    N/A

### **Airport Noise Cone**

The subject property is not located in the Airport Noise Cone.

### **Landscaping Requirements**

#### **Applicability**

Multi-family, nonresidential and mixed-use development in RM-40, MU-M, MU-H, CN and CB districts are subject to the urban landscaping requirements of this section.

#### **Pedestrian Landscaping**

Pedestrian landscaping is required along all street frontages. Pedestrian landscaping requirements can be met by one or a combination of the following 4 options:

- A. providing a street planting yard measured from the edge of the right-of-way or back of sidewalk (whichever is farther from the centerline) that includes 2 canopy trees per 100 linear feet or 6 understory trees per 100 linear feet when located within 15 feet of overhead utilities;
- B. providing a minimum 10-foot wide sidewalk with canopy trees planted in tree wells (with grates) at 30-foot intervals;
- C. providing a minimum 10-foot wide sidewalk that is at least 50% covered with weather-protection materials (such as canopies and awnings); or
- D. providing a plaza between the building and the right-of-way a minimum of 10 feet in width along 50% of the building wall that consists of pavers or hardscape material different from the sidewalk and permanently fixed planters with vegetation.

#### **Vehicular Use Area Screening**

- A. The perimeter of all vehicular use areas must be screened from any abutting residentially zoned property. Such screening must consist of one or a combination of the following 2 options:
  1. A 4-foot-high masonry wall; or
  2. A planting yard with a minimum width of 5 feet, a 100% sight-obscuring fence with a height of at least 6 feet and at least one evergreen understory tree per 30 linear feet of planting yard (planted on the outside of the fence).
- B. The perimeter of all vehicular use areas containing 10 or more parking spaces or 400 square feet or more paved area must be screened from all abutting rights-of-way. Such screening must consist of one or a combination of the following 2 options:
  1. A minimum 5-foot wide planting yard and enough evergreen shrubs to form a continuous visual screen at least 2.5 feet in height and a maximum of 3.5 feet in height; or
  2. A minimum 5-foot wide planting yard with a combination of vegetation and open decorative fencing at least 2.5 feet in height and a maximum of 3.5 feet in height.

#### **Surface Parking Lot Landscaping**

Requiring landscaping within parking areas is intended to shade and improve the attractiveness of large areas of pavement.

**A. Required Landscaping**

Parking lot planting yards are required in parking lots containing 10 or more spaces. Parking lot planting yards must include at least one canopy tree for every 10 parking spaces.

1. Required canopy tree areas must be located within the parking lot. They may be located in landscape islands, landscape divider medians between rows of parking, in driveway medians, or at the end of parking bays.
2. The landowner may provide required landscape islands or planting areas using one or more of the planter sizes below. Each parking space must be entirely within the designated distance of a parking lot planting areas, as specified below:

<b>Size of Parking Lot Planting Area (sq. ft.)</b>	<b>Number of Trees In Planting Area</b>	<b>Max. Distance from Parking Space (feet)</b>
200-499	1	100
500-899	3	130
Over 899	5	150

3. Grouping canopy trees within the same landscape island or planting area is strongly encouraged, even if this would decrease the number of islands within the parking lot. The Planning Director is authorized to grant a Type 1 Modification to the standards of Table 10-4 in accordance with Sec. 30-4-11.
4. Trees used to satisfy the planting requirements for parking lot areas may not be counted toward the planting requirements for other required plantings on the site.

**Tree Preservation Requirements  
Acreage**

3.43 ac.      5% of lot size

**Requirements**

**Transportation**

Street Classification:      Horse Pen Creek Road – Minor Thoroughfare.

Site Access:                      All access(s) must be designed and constructed to the City of Greensboro standards.

Traffic Counts:                  Horse Pen Creek Road ADT = 19,260 (2007).

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. There is no sidewalk along the frontage of this property. However, sidewalk is being constructed as a part of the Horse Pen Creek Road 2008 bond roadway widening project. This project is currently under design in Engineering and is scheduled to begin construction in 2015.

Transit in Vicinity: No transit in the area.  
 Traffic Impact Study: No.  
 (TIS)  
 Street Connectivity: N/A.  
 Other: N/A.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-C-N** (Conditional District-Commercial-Neighborhood) 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 Commercial and Low Residential**. Based on adopted City Council policy, the requested **CD-C-N** (Conditional District-Commercial-Neighborhood) zoning district is generally consistent with these GFLUM designations.

### **Connections 2025 Written Policies**

*Growth at the Fringe Goal:* Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

*POLICY 4G.1:* Promote compact development.

*Economic Development Goal:* 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 6A.4:* Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible commercial encroachments into residential neighborhoods

### **Connections 2025 Map Policies**

*Low Residential (3-5 d.u./acre):* This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged

*Mixed Use Commercial:* This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. Where applied to older highway corridors characterized by "strip" commercial uses, the intent is to encourage infill and redevelopment for a more diverse and

attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner. New "strip" commercial development is discouraged.

## **CONFORMITY WITH OTHER PLANS**

**City Plans – N/A**

**Other Plans – N/A**

## **Staff/Agency Comments**

### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning and development with representatives of the adjacent Saddlecreek Neighborhood.

### **Planning**

The subject site consists of 2 single-family dwelling units. The applicant intends to redevelop the site for neighborhood serving commercial and office uses.

This request conforms to the intent and purpose of the zoning ordinance because the requested zoning district is primarily intended to accommodate a mix of low intensity office, retail, and personal service and upper story residential uses within residential areas. The district is established to provide convenient locations for businesses on small to midsized sites which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is also not intended to accommodate retail uses which primarily attract passing motorists.

Beside the conditions attached to the request, the C-N (Commercial-Neighborhood) zoning district requires, among other things, that the maximum building gross floor area be 8,000 square feet, without any single establishment exceeding 4,000 square feet, pedestrian access must be located on the front of a structure, sidewalks must have a minimum width of 6 feet and, where feasible, bicycle parking facilities should be located near entrances. Dual entrances to establishments are also encouraged, allowing pedestrian access to the front of an establishment and access to a parking area through another entrance. Off street parking must be located to the side or rear of the building.

Staff believes that this request with the conditions, coupled with the proposed street widening and improvement project for this section of Horse Pen Creek Road, which will include both sidewalks and bicycle lanes) will be compatible with the surrounding neighborhood and it will provide "neighborhood serving" office and commercial uses to surrounding residences without disrupting the residential character of the area. The request will also promote a healthy, diversified economy with a strong tax base and opportunities for employment and entrepreneurship while at the same time promoting sound investment in Greensboro's urban areas.

Staff believes that this request, as revised, is consistent with the intent and purpose of the zoning code and the Comprehensive Plan (Connections 2025). Staff is also of the opinion that the request is compatible with the existing development and trend in the surrounding area especially with the added conditions.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested **CD-C-N** (Conditional District-Commercial-Neighborhood) zoning district.