



Z-11-10-002

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

**Zoning Commission Hearing Date: October 10, 2011**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Henry H. Isaacson for WLJ Investments, LLC.
<b>HEARING TYPE</b>	Rezoning
<b>REQUEST</b>	<b>R-3</b> (Residential-Single Family) to <b>CD-O</b> (Conditional District-Office)
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. Uses: All uses permitted in the Office zoning district, <b>except</b> forestry and crops, group living, hotels and motels, funeral homes and crematoriums, yard sales, convention and trade shows, retreat centers and religious assembly.</li><li>2. There shall be one principal building located on the subject property. The building height from grade at street level on Horse Pen Creek Road shall be limited to one story with the maximum building height limited to 2 stories.</li><li>3. Exterior building materials for the primary building shall be a minimum of 75% brick.</li><li>4. In addition to the required Street Yard, the developer will preserve the existing vegetation or provide a Type B buffer that is comprised of all evergreen species; whichever provides the densest, year round, buffer screening as determined by the City.</li></ol>
<b>LOCATION</b>	<b>3223 Horse Pen Creek Road</b> , generally described as north of Horse Pen Creek Road and west of Hanberry Drive
<b>PARCEL ID NUMBER(S)</b>	<b>7847045145</b>
<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>95</b> notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~1.51 Acres
<b>TOPOGRAPHY</b>	Slopes to the north
<b>VEGETATION</b>	Residential landscaping

**SITE DATA**

<b>Existing Use</b>		Single-family dwelling unit
	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	CD-RM-5 (Conditional District-Residential Multi Family)	Multi-Family dwellings
E	CD-RM-5 (Conditional District-Residential Multi Family)	Multi-Family dwellings
W	R-3 (Residential-Single Family)	Single-Family dwellings
S	PI (Public and Institutional)	Spears Family YMCA of Greensboro

**Zoning History**

Case #	Date	Request Summary
		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-40 (Residential-Single Family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-3)</b>	Requested <b>(CD-O)</b>
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate low density single-family detached residential development.	Primarily intended to accommodate moderate-to-high intensity office and institutional uses and supporting service and retail uses.

*\*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 WSIII, Watershed Critical Watershed Area Tier 4. Horsepen Creek tributary

Floodplains N/A

Streams N/A

Other: If High Density development is proposed, all BUA must be treated by water quality BMP. Max. BUA with sewer is 40%, without sewer no High Density option is available. If Low Density is proposed provide the scoresheet to support the Low Density option. Max. Low Density is 24% with sewer, without sewer Max. Low Density is 12%.

**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**

In addition to Zoning Condition # 4 above;

**Parking Lot Landscaping**

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

**Required Landscaping**

Parking lot planting yards must include at least one canopy tree for every 12 parking spaces.

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, or in driveway medians.

Islands or other planting areas for canopy trees must have a minimum area of 200 square feet with a minimum dimension of 7 feet, measured in any direction. Islands or planting areas of less than 200 square feet may not be counted toward satisfying parking lot landscaping requirements.

The landowner may provide required landscape islands or planting areas using one or more of the planting area sizes below. Each parking space must be entirely within the designated distance of a parking lot planting area as specified below:

<b>Table 10-4: Location of Parking Lot Planting Areas</b>		
<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 (1)
500-899	3	130
(1) Canopy trees installed as part of a required planting yard that abuts the parking lot may be used for up to 50% of the required distance		

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.

When a parking lot or other vehicular use area abuts a vacant site or a site with the same land use classification as the subject site, a planting yard with a minimum width of 5 feet must be provided between the parking lot/vehicular use area and the abutting (interior) property line. This required planting area must be landscaped with at least 2 understory trees and 18 evergreen shrubs per 100 linear feet.

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**

**Requirements**

1.51 ac.      5% of lot size

**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 = 11,638 (2009)
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 required per TIS Ordinance.
Street Connectivity	N/A.
Other	N/A.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **CD-O** (Conditional District-Office) 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 Low Residential. The requested **CD-O** (Conditional District-Office) zoning district is generally inconsistent with this GFLUM designation. To address this inconsistency, the applicant has submitted an application for an amendment to the GFLUM designation for this site, from Low Residential to Mixed Use Residential.

**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 4C** - Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

**Connections 2025 Map Policies**

**Low Residential (3 to 5 dwelling units per gross 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 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.

**Comprehensive Plan Amendment History**

Case #	Date	Request Summary
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None

**Applicant Stated Reasons for Request**

Due to changes in surrounding land uses and traffic patterns, Horsepen Creek Road has become a roadway with a diverse mixture of uses due to its strategic location in the northwest portion of the City. At one time, it was exclusively a single family home area; now there is an eclectic group of non-residential uses such as schools, physical fitness facilities, nurseries and multi-family developments.

**Explain in detail the conditions that you think may warrant a Plan Amendment – Per Applicant and Application**

Horsepen Creek Road is scheduled for widening in the near future to a four lane divided roadway. This roadway improvement will give rise to more non-residential development to serve the already existing multi-family homes in the area. The mixed use designation will more aptly reflect changes in recent development over the existing Low Residential designation.

**COMPREHENSIVE POLICY PLAN ANALYSIS****Need for Proposed Change**

Horsepen Creek Road has indeed experienced significant growth in both residential and non-residential land uses over the last several years. Increasingly service businesses to provide jobs and services to the surrounding residents are located along the corridor. With the planned widening to a four lane divided roadway, a single family residence such as the one at the subject property will not be as viable a land use.

**Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service) – see Transportation comments.**

None

**Implications, if any, the Amendment may have for Other Parts of the Plan**

None.

**Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3)**

None

**PLANNING BOARD COMMENTS**

The Planning Board heard the proposal for this Comprehensive Plan Amendment at their September meeting. The Board agreed unanimously that the proposed land use amendment is appropriate for this location at this time.

**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 accompanying development with representatives of the adjacent Laurel Run Neighborhood. Long term quality of life for adjacent existing single family and multi-family residential development will be greatly enhanced by incorporation of appropriate constructed and/or vegetated buffering along the western, northern, and eastern boundaries of the subject site.

**Planning**

The subject parcel, which currently consists of a single-family dwelling, is adjoined to the north and east by multi-family dwellings, the west by single-family dwellings and to the south by an institutional use (YMCA).

The immediate area is developed with varying intensities and densities of residential and institutional uses. Notable amongst them is the Spears Family YMCA, Noble Academy and several multi-family developments.

This rezoning request is consistent with the intent and purpose of the zoning code in that approving this request will help complement the surrounding area's viability by providing non-residential uses that can support nearby residential areas. This request will have limited impact on the overall mix of uses found in this vicinity and it shall not negatively impact the adjacent residential uses based on provided conditions. It will rather 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.

While the Comprehensive Plan policies discuss the need to encourage and 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, it also speaks to the need to protect neighborhoods from potential negative impacts of such developments. To this end the applicant, by way of conditions, has committed among other things to limit development of the site to one principal building, with height from grade at street level on Horse Pen Creek Road limited to one story with the maximum building height limited to 2 stories. Also, in addition to the required street yard, the applicant will preserve the existing vegetation or provide a Type B buffer that is comprised of all evergreen species; whichever provides the densest, year round, buffer screening as determined by the City.

Approving this request will help encourage “home-grown” and community-based businesses and entrepreneurs. It 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 is consistent with the intent and purpose of the zoning code and the proposed use will be compatible with the development and trend in the surrounding neighborhood.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested **CD-O** (Conditional District-Office) zoning district.