



Z-12-04-003

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

**Zoning Commission Hearing Date: April 9, 2012**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Henry Isaacson for Douglas and Crystal Jones et al.
<b>HEARING TYPE</b>	Rezoning
<b>REQUEST</b>	<b>R-3</b> (Residential-Single Family) to <b>CD-RM-12</b> (Conditional District-Residential Multi Family).
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. Uses: Limited to a maximum of 50 residential dwelling units designed for sale.</li><li>2. No building shall exceed two stories in height as viewed from Walking Horse Lane or Horse Pen Creek Road.</li><li>3. The proximity of Piedmont Triad International Airport, at which there are daytime and nighttime flights of aircraft, shall be disclosed to all purchasers of homes within the development as follows: as a part of the developer's recorded declaration of covenants and restrictions, within any purchase contract between developer and initial purchaser, and on any recorded plat of the subject property. Upon request, copies of these documents shall be made available and delivered to the City of Greensboro Planning and Community Development Department.</li></ol>
<b>GFLUM</b>	<b>Low Residential to Moderate Residential</b>
<b>LOCATION</b>	<b>3008 Horse Pen Creek Road and 4351 Walking Horse Lane</b> , generally described as east of Horse Pen Creek Road and south of Walking Horse Lane.
<b>PARCEL ID NUMBER(S)</b>	<b>7837826080 and 7837826187</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>19</b> notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~5.60 Acres
<b>TOPOGRAPHY</b>	Generally flat
<b>VEGETATION</b>	Residential landscaping

**SITE DATA**

<b>Existing Use</b>		2 Single-family dwellings
	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	R-3(Residential-Single Family)	Single-Family dwellings
E	PUD (Planned Unit Development)	Multi-family dwellings
W	R-3 (Residential-Single Family)	Greensboro Country Club
S	PUD (Planned Unit Development)	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-RM-12)</b>
Max. Density:	3 dwelling units per acre	12 dwelling units per acre
Typical Uses	Primarily intended to accommodate low density single-family detached residential development.	Primarily intended to accommodate multi-family and similar residential 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**

The subject property is partially located in the **Airport Noise Cone** (60 DNL Noise Contour).

**Environmental/Soils - Site drains to South Buffalo Creek**

Water Supply Watershed	Site is located in Greensboro Watersupply Watershed and drains to Horsepen Creek
Floodplains	<2000ft
Streams	N/A
Other:	Site must meet current watershed requirements. Maximum High Density development is 70% BUA, Low Density development is 24% and provide Scoresheet.

**Utilities**

Potable Water Available based on completed field investigation.

Waste Water

**Airport Noise Cone**

The subject property is partially located in the Airport Noise Cone (60 DNL Noise Contour).

**Landscaping Requirements**

Horse Pen Creek Rd. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

Walking Horse Ln. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

East Property Line – NA

South Property Line – NA

**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**

5.6 ac. 10% of lot size

**Transportation**

Street Classification: Horse Pen Creek Road – Minor Thoroughfare; Walking Horse Lane – Local street

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

Traffic Counts: Horse Pen Creek Road ADT = 10,284 (GDOT, 2008)

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. Sidewalk does not exist along the frontage of this property.

Transit in Vicinity: No.

Traffic Impact Study: No TIS required per TIS Ordinance.  
(TIS)

Street Connectivity: N/A.

Other: This property is located within the limits of GDOT's Horse Pen Creek Road widening project that is projected to begin construction in 2015.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **CD-RM-12** (Conditional District-Residential Multi Family) 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-RM-12** (Conditional District-Residential Multi Family) zoning district is inconsistent with this GFLUM designation. However, the applicant has concurrently submitted a request to amend the GFLUM (CP-12-03) which, if approved, would eliminate this inconsistency.

**Connections 2025 Written Policies**

**Land Use, Goal 4.3 – Growth at the Fringe:** 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:** Improve the quality and patterns of development through incentives and regulatory guidelines.

**Housing and Neighborhoods, Goal 6:** Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

**Policy 6C:** Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

**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.

**Moderate Residential (over 5 to 12 dwelling units per gross acre) –** This category accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings.

**Comprehensive Plan Amendment History**

Case #	Date	Request Summary
N/A	N/A	N/A

**Applicant Stated Reasons for Request**

“Both tracts front on Horse Pen Creek Road which is now a minor thoroughfare. There have been a number of rezonings in the general vicinity of these properties and they are presently located near those recent rezoning – to PUD (apartments), RM-8 (townhomes), BP (vacant) and PI (Prolific Park).” [sic]

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

“Horse Pen Creek Road is a busy thoroughfare and is planned for widening in the near future. No new single-family homes have been built on or near Horse Pen Creek Road in many years – most new residential developments are either townhomes or apartments. A moderate density residential designation would appear to be a better fit for the subject properties at this time.”

**COMPREHENSIVE POLICY PLAN ANALYSIS**

**Need for Proposed Change**

Without the proposed GFLUM amendment to **Moderate Residential (over 5 to 12 dwelling units per gross acre)**, the requested rezoning to the **CD-RM-12** (Conditional District-Residential Multi Family) zone would be inconsistent with the current GFLUM designation of **Low Residential (3 to 5 dwelling units per gross acre)**.

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

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

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

N/A

**PLANNING BOARD COMMENTS**

The Planning Board reviewed this proposal at their March 21<sup>st</sup> meeting. The Board stated that they did not see a problem with this amendment, as the Moderate Residential provided a transition from the more intense uses along Horse Pen Creek Road to the surrounding Low Residential uses. The Board also cited the impending widening of Horse Pen Creek Road to five-lanes as likely contributing to ongoing increases in intensity along the road frontage, and that the area continues to be in transition.

**CONFORMITY WITH OTHER PLANS**

**City Plans**

**Consolidated Plan 2010-2014: Plan for a Resilient Community**

**Principle 2 – Promote Equitable, Affordable Housing:**

**Goal A:** Increase opportunities for choices in housing location, unit type and level of accessibility.

**Principle 6 – Value Communities and Neighborhoods:**

**Goal C:** Promote Healthy Lifestyles and Complete, Livable Neighborhoods.

**Principle 7 – Recognize the Environment as a Critical Element of Community**

**Sustainability:**

**Goal A:** Promote more efficient land development patterns.

**Other Plans– N/A**

## **Staff/Agency Comments**

### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning and development, and accompanying requested GFLUM amendment with adjacent property owners.

### **Planning**

The proposed CD-RM-12 (Conditional District-Residential Multi Family) zoning district would allow land uses that are compatible with the existing development along this section of Horse Pen Creek Road. The subject site currently contains 2 Single-family dwellings and the applicant proposes to redevelop the entire site as an infill project for a maximum of 50 residential dwelling units with no building exceeding two stories in height as viewed from Walking Horse Lane or Horse Pen Creek Road.

The general area is developed with varying densities and intensities of residential, commercial, office and recreational uses and approving this request will help promote a diverse mix of uses, housing types, and densities in the general neighborhood without impacting the overall mix of uses found in this vicinity. It will also help meet the needs of present and future Greensboro citizens for a choice of decent and affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

This request includes measures to protect the immediate neighborhood from the potential negative impacts of development by way of committing the proposal/project to a maximum of 50 dwelling units with no building exceeding two stories in height as viewed from Walking Horse Lane or Horse Pen Creek Road.

Staff believes that this request 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 generally compatible with the existing development and trend in the surrounding area.

Staff finds this rezoning request consistent with the applicable provisions of the Comprehensive Policy Plan, the Zoning Ordinance and the development pattern of the surrounding area.

## **STAFF RECOMMENDATION**

Staff recommends **approval** of the requested **CD-RM-12** (Conditional District-Residential Multi Family) zoning district.