



**Z-12-07-002**  
**Planning & Community Development**  
**Zoning Staff Report and Plan Amendment Evaluation**

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

**GENERAL INFORMATION**

|                            |  |
|----------------------------|--|
| <b>APPLICANT</b>           | Stewart Wimberley Enterprises, LLC for Ricky B. Estridge and Herman M. Estridge  |
| <b>HEARING TYPE</b>        | Rezoning   |
| <b>REQUEST</b>             | <b>R-3</b> (Residential-Single Family) to<br><b>CD-RM-18</b> (Conditional District-Residential Multi Family)   |
| <b>CONDITIONS</b>          | <ol style="list-style-type: none"><li>1. Uses: Limited to a maximum of 60 multi-family dwelling units.</li><li>2. Building height shall be limited to a maximum of three (3) stories in height as viewed from North Church Street.</li><li>3. Exterior building materials shall not be less than 75% brick.</li></ol>  |
| <b>LOCATION</b>            | <b>4604</b> and <b>4608 North Church Street</b> , generally described as east of North Church Street and south of Wimbledon Lane.  |
| <b>PARCEL ID NUMBER(S)</b> | <b>7867627135</b> and <b>7867617972</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>102</b> notices were mailed to those property owners in the mailing area. |
| <b>TRACT SIZE</b>          | ~3.39 Acres  |
| <b>TOPOGRAPHY</b>          | Generally flat   |
| <b>VEGETATION</b>          | Heavily wooded   |

**SITE DATA**

|                     |   |  |
|---------------------|---|--|
| <b>Existing Use</b> |   | 2 single-family dwellings                                  |
|                     | <b>Adjacent Zoning</b>  | <b>Adjacent Land Uses</b>                                  |
| N                   | R-7 (Residential-Single Family)   | Single-family dwellings                                    |
| E                   | R-3 (Residential Single Family)   | Undeveloped  |
| W                   | CD-R-5 (Conditional District-Residential Single Family), CD-RM-8 (Conditional District-Residential Multi Family) and CD-O (Conditional District-Office) | Single-family dwellings, multi-family dwellings and office |
| S                   | R-3 (Residential Single Family)   | Single-family dwelling                                     |

**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<br><b>(R-3)</b>  | Requested<br><b>(CD-RM-18)</b>   |
| Max. Density:                | 3.0 dwelling units per acre or less   | 18.0 dwelling units per acre or less.  |
| 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 site is partially located within the Scenic Corridor Overlay District I (SCOD-I) of the Greensboro Urban Loop. Refer to the *Scenic Corridor Overlay Districts Design Manual* for details of the use and design standards applicable within this overlay district.

**Environmental/Soils**

Water Supply - Watershed     Site drains to Greensboro Watersupply Watershed Critical Area, Tier 4 Watershed

Floodplains                     N/A

Streams                         N/A

Other:                            WCA Tier 4 requires 15% Undisturbed Area & recorded as Undisturbed Easements. If High Density development is proposed, “with sewer” the maximum BUA allowed is 40%, “without sewer” there is no High Density option. If Low Density development is proposed, “with sewer” maximum BUA is 24% and “without sewer” is 12% BUA

**Utilities (Availability and Capacity)**

Potable Water                 Water is available and capacity appears to be adequate for this zoning request.

Waste Water                 Sewer is available and capacity appears to be adequate for this zoning request. Sewer will need to be extended to serve the property.

**Airport Overlay District**

The subject property is not located within the Airport Overlay District.

**Landscaping Requirements**

Church St. - Street Yard – minimum width 10’; 2 canopy trees per 100’, 17 shrubs per 100’

North and South property lines - Type C Yard – average width 15’; 2 canopy trees per 100’, 3 understory trees per 100’, 17 shrubs per 100’

East 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**

3.39 ac.

5% of lot size

**Transportation**

- Street Classification: Church Street – Major Thoroughfare.
- Site Access: All access(es) must be designed and constructed to the City of Greensboro standards.
- Traffic Counts: N Church Street ADT = 11,000 (NCDOT, 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. 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: N/A.

## **IMPACT/POLICY ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-RM-18** (Conditional District-Residential Multi Family) zoning would allow land uses that are not compatible with the general character of the area.

### **Connections 2025 Comprehensive Plan Policies**

The Generalized Future Land Use Map designates this location as predominantly **Low Residential (3-5 d.u./acre)**, with a narrow strip of **Mixed-Use Commercial** along the western property boundary of the subject site. The requested **CD-RM-18** (Conditional District-Residential Multi Family) zoning district is generally inconsistent with this GFLUM designation, however, the applicant has submitted a request to amend the Future Land Use designation for the subject site to **High Residential (over 12 d.u./acre)** which, if approved, would eliminate this inconsistency.

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

**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 (3-5 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.

**High Residential (over 12 d.u./acre):** This category provides for high-density apartment dwellings, condominiums, life care, and similar housing types. Creating opportunities for this type of housing will become increasingly important to respond to demographic shifts

and demand for affordable housing, and it is ideally suited near major activity and employment centers and in areas suitable for future transit service. Within this district, office buildings may also be accommodated.

**Comprehensive Plan Amendment History**

| Case # | Date | Request Summary |
|--------|------|-----------------|
| n/a    | n/a  | n/a             |

**Applicant Stated Reasons for Request**

“The multi-family residential zoning would not be compatible with the Low Residential and Mixed Use Commercial [future land use category] that the property has currently.”

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

“The property currently has two houses that are seriously deteriorated and have not had occupants for several years. Therefore, it has been many years since the property has actually functioned as a single family residence. The older house which has not had occupants in over 15 years is infested with rodents, reptiles and birds. The second house has not had a tenant in over 4 years. It has asbestos siding. The applicant feels that multifamily dwellings are in line with the general make-up of the community & would provide a substantial improvement to the overall composition of the neighborhood.”

**COMPREHENSIVE POLICY PLAN ANALYSIS**

**Need for Proposed Change**

Without the proposed change to the Generalized Future Land Use Map, the requested zoning district would allow uses generally inconsistent with the site’s current GFLUM designation of **Low Residential (3-5 d.u./acre)**. The proposed development of the site, as described by the applicant includes uses that would be generally inconsistent with the site’s current GFLUM designation. If approved, the proposed amendment of the GFLUM designation to **High Residential (over 12 d.u./acre)**, would resolve this inconsistency.

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

n/a.

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

n/a.

**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 was unable to meet and therefore does not have comments to contribute to this item.

## **CONFORMITY WITH OTHER PLANS**

### **City Plans**

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

##### **Principle 1)** Provide More Transportation Choices:

**Goal A)** Promote transportation and development patterns and types that contribute to decreased household transportation costs.

##### **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 A)** Promote coordinated transportation and land use decisions for broader livability throughout Greensboro.

##### **Principle 7)** Recognize The Environment as a Critical Element of Community Sustainability:

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

**Goal D)** Address the issue of environmental justice in the location of new facilities, new residential development, etc.

### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning and development with adjacent property owners.

## **STAFF ANALYSIS AND RECOMMENDATION**

### **Staff Analysis**

The subject site which currently consists of 2 single-family dwellings is generally located east of North Church Street and south of Wimbledon Lane. The immediate vicinity is generally developed with varying densities and intensities of residential, office and institutional uses. Specifically, to the north are single-family dwellings with R-7 (Residential-Single Family) zoning, to the west are single-family dwellings, multi-family dwellings and a professional office with CD-R-5 (Conditional District-Residential Single Family), CD-RM-8 (Conditional District-Residential Multi Family) and CD-O (Conditional District-Office) zoning respectively. To the south is a single-family dwelling and to the east is an undeveloped parcel. There is also a moderate size school and also a place of religious assembly in the general area.

Per conditions attached to this rezoning request, the applicant is proposing to redevelop the entire site as an infill project with a maximum of 60 multi-family dwelling units at a maximum height of 3 stories as viewed from North Church Street.

Staff has significant concerns about the compatibility of the proposed request with the surrounding area, especially the density and height of the proposed project in relation to the prevailing density and character of existing development in the general area. While the Comprehensive Plan calls for the need to promote new forms of compact development and the promotion of mixed-income neighborhoods, it also speaks to the need to 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.

Decreasing the allowable density to around 12 dwelling units per acre (top of the Moderate Residential range) with a maximum height of 2 stories would potentially help the project be a better fit for this site and make it more compatible with the general area. The proposed multi-family buildings should also be as far away as possible from the northern property line with substantial landscape buffers to protect the single-family dwellings to the north of the subject site.

This request, as proposed and conditioned, is inconsistent with the intent and purpose of the Zoning Code and the Comprehensive Plan (Connections 2025). It is also not compatible with the existing development in the surrounding area and it can bring significant negative impacts to the surrounding neighborhood.

**Staff Recommendation**

Staff recommends **denial** of the requested **CD-RM-18** (Conditional District-Residential Multi Family) zoning district.