



Z-13-01-005
Planning & Community Development
Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: January 14, 2013

GENERAL INFORMATION

APPLICANT	Chancer McLaughlin for Redevelopment Commission of Greensboro.
HEARING TYPE	Rezoning
REQUEST	R-5 (Residential-Single Family) to CD-C-M (Conditional District-Commercial-Medium).
CONDITIONS	<ol style="list-style-type: none">1. Uses: All uses allowed in the C-M (Commercial-Medium) zoning district except sexually oriented businesses, bars, night clubs and brew pubs, convenience stores with fuel pumps and any use a with drive-thru service; ABC stores (liquor), vehicle sales and service, self-storage facilities, and pawn shops.2. No outdoor advertising signs (Billboards) are permitted.
LOCATION	2104, 2106 and 2108 Phillips Avenue and a portion of 1518 Barto Place , generally described as south of Phillips Avenue and east of Barto Place.
PARCEL ID NUMBER(S)	7875852068, 7875853018, 7875854007 and 7875842941 (portion of)
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). 85 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~1.47 Acres
TOPOGRAPHY	Generally flat
VEGETATION	Grass

SITE DATA

Existing Use		Undeveloped
	Adjacent Zoning	Adjacent Land Uses
N	R-5 (Residential-Single Family)	Single-family dwelling and drainage way/open space.
E	R-5 (Residential-Single Family)	Drainage way/open space and convenience store with fuel pumps.
W	C-L (Commercial-Low) and R-5 (Residential-Single Family)	Strip shopping center and single-family dwelling
S	R-5 (Residential-Single Family)	Single-family dwellings

Zoning History

Case #	Date	Request Summary
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This property has been zoned **R-5** (Residential-Single Family) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned **RS-9** (Residential-Single Family).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (R-5)	Requested (CD-C-M)
Max. Density:	5.0 units per acre or less.	N/A
Typical Uses	Primarily intended to accommodate low-density single-family detached residential developments.	Primarily intended to accommodate a wide range of retail, service and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

**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 - Site drains to North Buffalo Creek Watershed

- Floodplains Onsite –Any disturbance within the FEMA Special Flood Hazard Area (Floodplain) must have a Floodplain Development Permit. Any buildings, structures, electrical, mechanical, HVAC, etc equipment must be elevated to 1ft above the Base Flood Elevation (BFE). An Elevation Certificate is required for any of the following above.
- Streams Onsite – 50ft undisturbed Jordan buffer is required. We recommend that no disturbance is to take place within the 50ft buffer.
- Other: If >1acre is to be disturbed and is High Density Development, site must meet Phase 2 requirements. Water quality & water quantity must be addressed. Built Upon Area (BUA) must be treated by a State approved Water Quality BMP. Water quantity control must be addressed for the entire site.

Utilities (Availability and Capacity)

- Potable Water Water is available and capacity is in line with request
- Waste Water Sewer is available and capacity is in line with request

Airport Overlay District

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

Landscaping Requirements

Philips Ave. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

East Property Line – NA

West property Line – NA

South Property Line - Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100'

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:

Table 10-4: Location of Parking Lot Planting Areas		
Size of Parking Lot Planting Area (sq. ft.)	Number of Trees In Planting Area	Max. Distance from Parking Space (feet)
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

1.47 ac 5% of lot size

Transportation

- Street Classification: Phillips Avenue – Minor Thoroughfare.
 Barto Place – Local Street.

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

- Traffic Counts: Phillips Avenue ADT = 6,145 (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 exist along the frontage of this property.

- Transit in Vicinity: Yes, GTA Route 14 (Bessemer Avenue/ Phillips Avenue), along Phillips Avenue is adjacent to the subject site.

- 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-C-M** (Conditional District Commercial-Medium) 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 (GFLUM) designates this location as **Low Residential (3-5 d.u./acre)**. The requested **CD-C-M (Conditional District-Commercial-Medium)** zoning district is generally inconsistent with this GFLUM designation, however the applicant has concurrently submitted a request to amend the GFLUM designation on the subject site to **Mixed Use Commercial** which, if approved, would resolve 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 4C - Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

Economic Development, Goal 7: 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 7C - Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

Transportation, Goal 8: Develop and maintain a safe, efficient, and environmentally sound transportation system that provides convenient choices for accessing destinations throughout Greensboro and the Triad, including a range of well-integrated transit, pedestrian, and bicycle linkages.

Policy 8A - Maintain a roadway network that safely and efficiently accommodates vehicular traffic while supporting other community objectives defined in the Comprehensive Plan.

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.

Comprehensive Plan Amendment History

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

Applicant Stated Reasons for Request

"The change is needed to facilitate a commercial establishment needed & supported by the community. It is justified by its close proximity to adjacent commercially zoned areas."

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

"The proposed development is a Dollar General which would provide much needed economic opportunities to the residents of this area. The proposal anticipates the creation of several jobs on multiple shifts."

COMPREHENSIVE POLICY PLAN ANALYSIS

Need for Proposed Change

The applicant proposes to develop the subject site for a retail commercial use. The subject site is currently designated as **Low Residential**, which is generally intended for residential development. Changing the subject site’s future land use designation to **Mixed Use Commercial** (intended for a mix of commercial and other uses) would alleviate 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

At their November 14th meeting, the Planning Board was asked to make comments on a requested change to the Generalized Future Land Use Map necessitated by this rezoning request. The requested change is from Low Residential, which covers densities from 3 to 5 dwelling units per acre, to Mixed-Use Commercial, which is designed to promote a mix of uses of which various commercial uses remain predominant but where residential and service uses are complimentary. The Planning Board stated that this change is consistent with what is along Phillips Avenue and that this is a positive change particularly in light of recent attention given to the need for quality commercial development in east Greensboro.

CONFORMITY WITH OTHER PLANS

City Plans

Consolidated Plan 2010-2014: Plan for a Resilient Community

Principle 1) Provide More Transportation Choices:

Goal B) Improve access to destinations, especially via alternate modes (public transit, walking, and bicycling); including the critical first and last miles of journeys.

Principle 3) Enhance Economic Competitiveness:

Goal F) Provide opportunities for job training, mentoring, education and job creation.

Principle 4) Support Existing Communities:

Goal F) Promote neighborhood and economic development by fulfilling target area commitments and creating a process for identifying new opportunities for neighborhood revitalization and planning.

Principle 6) Value Communities and Neighborhoods:

Goal E) Work at the neighborhood level to reconnect neighborhoods to jobs and services, promote "Desirable Infill Development" and redevelop major corridors to strengthen adjacent neighborhoods.

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

Goal A) Promote more efficient land development patterns.

Community Development

The subject site is partially located within the boundaries of the Phillips-Lombardy Redevelopment Area. During its meeting on August 10, 2012, the Redevelopment Commission of Greensboro expressed its full support for the proposed rezoning, GFLUM amendment and development of the subject site for commercial use. The Commission noted the strong interest among residents of the surrounding area for increased economic development and retail activity. The Commission also expressed interest in options for prohibiting establishment of specific, potentially undesirable forms of retail activity on the site, in order to limit negative impacts of the proposed development on existing nearby residential development and to ensure that the site contributes to long-term quality of life for nearby residents.

The subject site is located within the area(s) eligible for the following economic development incentive or assistance program(s):

- New Markets Tax Credits (federal),
- Energy Efficiency and Conservation Block Grants (federal),
- Recovery Zone Bonds under the American Recovery and Reinvestment Act (federal),
- Historically Under-utilized Business Zone tax credits (federal).

STAFF ANALYSIS AND RECOMMENDATION

Staff Analysis

The subject site is generally located south of Phillips Avenue and east of Barto Place next to an existing strip shopping center. The subject site is currently undeveloped.

The immediate vicinity is generally developed with varying densities and intensities of residential, commercial and institutional uses. Specifically, to the north are single-family dwellings, to the west is a strip shopping center, to the east is an open space/drainage way and a convenience store with fuel pumps and to the northeast are multi-family dwellings.

The applicant intends to develop this site as an infill project for a possible retail establishment.

This request, as conditioned, does implement measures to protect adjacent residential uses from potential negative impacts of development that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

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 and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

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

Staff Recommendation

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