



Z-13-05-005
Planning & Community Development
Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: May 13, 2013

GENERAL INFORMATION

APPLICANT Melvin L. Alston for Shehzad Quamar

HEARING TYPE Rezoning

REQUEST **RS-5** (Residential Single-family) to **CD-C-L** (Conditional District-Commercial Low)

CONDITIONS

1. Uses: All uses in the C-L zoning district **except** any use with a drive-through service.
2. A privacy fence will be installed along the rear eastern portions of the lot's property lines adjacent to residential zoning.

LOCATION 1201 Martin Luther King Jr., Drive, east side of Martin Luther King, Jr. Drive, north of Dorothy Brown Street and south of Ross Avenue

PARCEL ID NUMBER(S) **7864801394**

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

TRACT SIZE ~0.66 Acres

TOPOGRAPHY Generally flat

VEGETATION Residential landscaping

SITE DATA

Existing Use Undeveloped

	Adjacent Zoning	Adjacent Land Uses
N	R-5 (Residential Single-family)	Single-family
E	R-5 (Residential Single-family)	Undeveloped
W	R-5 (Residential Single-family)	Single-family
S	C-L (Commercial-Low)	Convenience store

Zoning History

Case # Date

Request Summary

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-7 (Residential single-family).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (R-5)	Requested (CD-C-L)
Max. Density:	5.0 units per acre or less	N/A
Typical Uses	Primarily intended to accommodate low-density single-family detached residential developments at a density of 5.0 units per acre or less.	Primarily intended to accommodate low intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods and is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

**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 - N/A, site drains to South Buffalo Creek Watershed

Floodplains N/A

Streams N/A

Other: >1acre is disturbed site must meet Phase 2 requirements, water quality & water quantity must be addressed. If development comes in after August 2014 and >0.5 acre is to be disturbed, site will be required to reduce the Nitrogen and Phosphorus levels.

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

On lots of record that existed prior to July 1, 1992 that are less than 55,000 square feet in area, no development is required to landscape more than 15% of the site. The requirements stated below will have to be modified per the condition stated above.

Martin Luther King Jr. Dr. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

South Property Line – NA

All Property Lines Adjoining Single Family - 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**

.66 ac 1% of lot size

Transportation

Street Classification: Martin Luther King, Jr. Drive – Major Thoroughfare.
 Dorothy Brown Street – Local Street.
 Ross Avenue – Collector Street.

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

Traffic Counts: Martin Luther King, Jr. Drive ADT – 9,500 (NCDOT, 2011)

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 13 (Martin Luther King, Jr. Drive) is adjacent to subject site, along Martin Luther King, Jr. Drive.
Traffic Impact Study: (TIS)	No TIS required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **CD-C-L (Conditional District-Commercial Low)** zoning district 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-L (Conditional District – Commercial Low)** zoning district is generally inconsistent with this GFLUM designation, however, per City Council adopted policy, a GFLUM amendment is not required for zoning requests that are less than one acre.

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 4A - Remove present impediments to infill and investment in urban areas.

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

Community Character, Goal 5.2 - Man-Made Environment: Preserve and enhance the character and visual quality of Greensboro's built environment, including historic resources, private developments, and public landscapes.

Policy 5F - Implement and improve design standards governing the appearance of development from public roadways.

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.

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.

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 C) Promote Healthy Lifestyles and Complete, Livable 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.

Ole Asheboro Redevelopment Plan

The subject site is located within the Ole Asheboro Redevelopment Area. The proposed requested rezoning and proposed development/change of use on the site appear to be consistent with the goals and objectives of the Ole Asheboro Redevelopment Plan.

Community Development

Applicant is strongly encouraged to discuss this proposed rezoning and change of use with owners of adjacent properties, and with representatives of the Ole Asheboro neighborhood, within which the subject site is located, and the adjacent Asheboro Square and Arlington Park neighborhoods.

The subject site is located within area(s) eligible for the following economic development incentive program(s): New Markets Tax Credits (federal), Energy-Efficiency & Conservation Block Grant funds (federal), and Urban Progress Zone tax credits (state). The subject site is also located within the South Elm-Eugene Street / Martin Luther King, Jr. Drive Reinvestment Area designated by the Connections 2025 Comprehensive Plan, and accordingly may be eligible for local economic development assistance pursuant to the City of Greensboro Urban Development Investment Guidelines.

STAFF ANALYSIS AND RECOMMENDATION**Staff Analysis**

The 0.66-acre subject property is currently vacant. The properties to the west, north and east of the subject site are zoned R-5 (single family dwellings and undeveloped) and the property to the south of the subject property is zoned C-L (convenience store with fuel pumps). The larger area is predominantly single family residential uses with a handful of multifamily properties zoned RM-18.

The applicant has requested to rezone to CD-C-L (Conditional District-Commercial Low) to allow a variety of lower intensity retail, restaurant, office and personal and professional service uses on a currently undeveloped parcel next to an existing retail business.

This proposed request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods. Though this property is designated Low Residential on the Generalized Future Land Use Map, adopted Council policy encourages small neighborhood serving uses to support surrounding residential development. Additionally the Ole Asheboro Redevelopment Plan encourages reuse of undeveloped parcels and as conditioned the request 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 also help encourage "home-grown" and community-based businesses and entrepreneurs and promote a healthy, diversified economy with a strong tax base and opportunities for employment and entrepreneurship and for-profit and non-profit economic development for all segments of the community.

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-L** (Conditional District-Commercial Low) zoning district.