



# Z-13-04-001

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

Zoning Commission Hearing Date: August 12, 2013

### GENERAL INFORMATION

**APPLICANT** WAW Properties, Inc.

**HEARING TYPE** Rezoning

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

**CONDITIONS** 1. Uses: All uses allowed in the C-L **except** convenience stores with fuel pumps, banks, savings and loans, and credit union with drive-through facilities, elementary/secondary schools and garden/nursery outdoor.

**LOCATION** 1704 Madison Avenue, south side of West Friendly Avenue, west of Smyres Place and north of Madison Avenue.

**PARCEL ID NUMBER(S)** **7854879361**

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

**TRACT SIZE** ~0.16 Acres

**TOPOGRAPHY** Generally flat

**VEGETATION** Residential landscaping

### SITE DATA

Existing Use Parking area

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	CD-C-L(Conditional District-Commercial-Low)	Beauty Salon and restaurant
E	C-L (Commercial-Low)	Vacant building (formerly Ham's Restaurant)
W	R-5 (Residential Single-family)	Single-family
S	R-5 (Residential Single-family)	Single-family

**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-9 (Residential single-family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District	Existing <b>(R-5)</b>	Requested <b>(CD-C-L)</b>
Designation:		
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**

The subject site is located within the boundaries of West Friendly Avenue Visual Corridor Overlay Zone, which prohibits establishment of new outdoor advertising signs therein.

**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.

**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 – Applicable at time of Development**

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.

W. Friendly Ave. and Madison Ave. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

West Property Line - Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 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 – Applicable at time of Development Acreage Requirements**

.16 ac      1% of lot size

**Transportation**

Street Classification:    Friendly Avenue – Major Thoroughfare.  
    Madison Avenue – Collector Street.  
    Smyres Place – Collector Street.

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

Traffic Counts:            Friendly Avenue ADT – 20,900 (GDOT, 2007)

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 7 (Friendly Avenue) and GTA Route 8 (Battleground Avenue) are adjacent to subject site, along Friendly Avenue.

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-L (Conditional District-Commercial Low)** 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-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, or that do not involve a significant physical change resulting in new or expanded structures.

### **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.

### **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 Sunset Hills neighborhood, within which the subject site is located.

## **STAFF ANALYSIS AND RECOMMENDATION**

### **Staff Analysis**

The 0.16-acre subject property is currently vacant. The property was used previously as a parking lot for the former adjacent Ham's restaurant. The subject site has frontage along West Friendly Avenue and Madison Avenue. The property located to the north is zoned CD-C-L, the property adjoined to the east is zoned C-L, and the properties located immediately south and west are zoned R-5. The immediate area is developed with varying densities and intensities of commercial, office, residential and professional service uses. Specifically, to the north is C-L, Commercial Low, containing a beauty shop and restaurant, to the east is a vacant restaurant, and to the south and west are single family homes.

The applicant's interest to rezone the property to CD-C-L (Conditional District-Commercial Low) is to allow parking for the adjacent building which is planned for a restaurant use. Under the previous Unified Development Ordinance (UDO) parking areas for adjacent commercial uses were allowed on residentially zoned property within a certain distance of the associated commercial use. However, under the current Land Development Ordinance (LDO) this provision no longer exists. This zoning request will also allow all other uses in the C-L zoning district **except**, convenience stores with fuel pumps, banks, savings and loans, and credit union with drive-through facilities, elementary/secondary schools and garden/nursery outdoor.

The applicant intends to develop and re-establish this site for parking spaces which will support the adjacent building for a new restaurant use for that location.

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. Applicant should consider additional measures to further limit impacts on adjacent residential properties.

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 and for-profit and non-profit economic development for all segments of the community. This request supports existing communities by fulfilling target area commitments and creating a process for identifying new opportunities for neighborhood revitalization and planning and promotes desirable infill development.

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.