



**Z-14-08-008**

**Planning Department  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: August 11, 2014**

**GENERAL INFORMATION**

**APPLICANT** Henry Isaacson, Attorney at Law on behalf of City of Greensboro

**HEARING TYPE** Rezoning Request

**REQUEST** R-5 (Residential Single-Family) to CD-RM-12 (Conditional District-Residential Multi-Family)

**CONDITIONS**

1. Uses shall be limited to the following:
  - a. A maximum of one story assisted living facility with a maximum of 50,000 square feet with a maximum of twenty (20) units.
  - b. A maximum of eight (8) new age-restricted, multifamily residential dwellings with a maximum height of one story.
  - c. In the event the one-story assisted living facility is not constructed, then an additional six (6) age-restricted, multifamily units may be built.
2. No age-restricted, multifamily dwelling may be located any closer than seventy-five (75) feet to the southern property line.
3. In conjunction with the initial phase of any new construction, a seven (7) foot tall fence will be constructed along the southern boundary of the property, where permitted. The fence will be continuous (no breaks) and will be comprised of faux iron with brick pilasters. Where adjoining property owners have an existing fence they wish to remain, the new fence will either incorporate this fence or the new fence will be constructed behind the existing fence with no gaps for cross access.
4. Any work associated with the new construction shall only occur between the hours of 8:00 am and 6:00 pm, and will not occur any time on weekends or holidays, except in the case of emergencies or as required by governmental authority.
5. All storm water management devices, as required by the site plan approval process to properly convey surface runoff, shall be located solely on the subject property or on the property owned by KRC Greensboro Limited Partnership located at 3504 Flint Street (Parcel Number 0067369) and in no instance on any adjoining single family residential property.
6. There shall be a thirty (30) foot wide vegetative buffer

along the entire southern boundary of the property, consisting of undisturbed vegetation supplemented with additional plantings in order to achieve a consistent visual screen equivalent to a Type B planting yard. This vegetative screening area shall be inspected and approved by the City Forester prior to any disturbance or grading activities.

**LOCATION** **A portion of 3113 Henry Street**, generally described as west of Henry Street and east of Flint Street

**PARCEL ID NUMBER(S)** **7866647011**

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

**TRACT SIZE** ~7.004 Acres

**TOPOGRAPHY** Undulating

**VEGETATION** None

**SITE DATA**

<b>Existing Use</b>	Public Park
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N R-5 (Residential Single-Family)	Single Family Dwellings
E R-5 (Residential Single-Family)	Single Family Dwellings
W RM-12 (Residential Multi-Family)	Senior Living Facility
S RM-12 (Residential Multi-Family)	Single Family Dwellings

**Zoning History**

Case #	Date	Request Summary
N/A	N/A	The property addressed 3504 Flint Street has been zoned R-5 since the July 2010 adoption of the Land Development Ordinance (LDO). Prior to the LDO, the property was zoned RS-9.

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-5)</b>	Requested <b>(CD-RM-12)</b>
Max. Density:	5.0 units per gross acre	12.0 units per gross acre
Typical Uses	Primarily intended to accommodate low-density single-family detached residential developments.	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 located within the North Elm Street Visual Corridor Overlay Zone, which prohibits establishment of new outdoor advertising signs.

**Environmental/Soils**

Water Supply Watershed      Site drains to North Buffalo Creek

Floodplains                      >2000ft

Streams                            N/A

Other:                                If >1acre is disturbed, site must meet Phase 2 requirements. Water Quality & Water Quantity must be addressed.

**Utilities**

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 Noise Cone**

n/a

**Landscaping Requirements**

**There shall be a thirty foot wide vegetative buffer along the entire southern boundary of the property, consisting of undisturbed vegetation supplemented with additional plantings in order to achieve a consistent visual screen equivalent to a Type B planting yard. This vegetative screening area shall be inspected and approved by the City Forester prior to any disturbance or grading activities.**

<b>Table 10–3: Planting Yard Dimensions and Landscaping</b>						
<b>Planting Yard Type</b>	<b>Average Width (feet)</b>	<b>Minimum Width (feet)</b>	<b>Maximum Width (feet)</b>	<b>Canopy Trees (per 100 linear feet)</b>	<b>Understory Trees (per 100 linear feet)</b>	<b>Shrubs (per 100 linear feet)</b>
A	45	35	70	4	10	33
B	25	20	45	3	5	25

**Parking Lot 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
<b>(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</b>		

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.

**Street Planting Yards**

A. Street planting yards must be installed abutting public street rights-of-way.

- B. The required street planting yard must have a minimum width of 10 feet (as measured from the outside edge of the right-of-way or the back of the sidewalk, whichever is further from the street centerline) and include at least 2 canopy trees and 17 shrubs per 100 linear feet of required street planting yard, not including allowed driveways

**Tree Preservation Requirements**

<b>Acreage</b>	<b>Requirements</b>
7 ac.	10% of lot size

**Transportation**

Street Classification:	Henry Street – Local Street. Flint Street – Collector Street
Site Access:	All access must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	None available.
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:	Yes, GTA Route 3 (North Elm Street) is within 0.29 mi of subject site, along Berryman Street.
Traffic Impact Study: (TIS)	No TIS required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **CD-RM-12 (Conditional District, Residential, Multi-Family 12 du/ac)** 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 **Moderate Residential (5-12 d.u./acre)** and **Low Residential (3-5 d.u./acre)**. The requested **CD-RM-12 (Conditional District, Residential, Multi-Family)** zoning district is generally inconsistent with the **Low Residential (3-5 d.u./acre)** GFLUM designation on a portion of the site. However, per City Council adopted policy, a GFLUM amendment is not required for rezoning requests of

less than 10 acres with more two or more GFLUM classifications and at least 60% of the site falls within a compatible future land use classification.

### **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.

**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.

**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**

**Moderate Residential (3-5 d.u./acre):** Moderate Residential (5-12 d.u./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.

**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 is encouraged.

## **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.

**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 2) Promote Equitable, Affordable Housing:**

**Goal B)** Increase housing affordability through a combination of housing assistance and reduction in overall housing related costs through efficiency factors such as: proximity to jobs, transportation, or services; energy efficiency and resource conservation standards; or reduction in housing access barriers.

##### **Principle 3) Enhance Economic Competitiveness:**

**Goal E)** Focus on energy efficiency as an economic generator for small business development.

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

##### **Principle 6) Value Communities and Neighborhoods:**

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

**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.

### ***Sustainability Action Plan***

#### **Element 1) Transportation and Land Use:**

**Policy 1)** Encourage increased density, a mix of land uses and more integrated links between transportation and land use through changes to Greensboro's Comprehensive Plan, Development Ordinance and other related plans.

#### **Element 2) Green Jobs and Buildings:**

**Policy 3)** Develop a coordinated City program to provide technical support, energy audits and education and outreach to increase energy efficiency and conservation in commercial and residential buildings.

**Policy 4)** Use a combination of code changes, incentives, partnerships and education to promote green building in Greensboro.

**Policy 6)** Promote more efficient use of water through education, partnerships and pilot projects.

#### **Element 3) Waste Reduction and Recycling:**

**Policy 7)** Employ a combination of expanded recycling infrastructure, regulations and incentives to increase Greensboro's solid waste diversion and recycling rates.

**Element 6) Education and Outreach:**

**Policy 11)** Provide technical support, awards and recognition to individuals and organizations furthering Greensboro's energy and sustainability efforts.

**Other Plans**

N/A

**STAFF/AGENCY COMMENTS**

**Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning, and development with owners of surrounding properties, and with representatives of the New Irving Park Neighborhood, within which the subject site is located.

**Planning**

The entire 9.972-acre property is currently utilized as a public park facility. City Council voted at their July 15, 2014 meeting to sell 7.004 acres of this property (the subject of the rezoning) contingent upon successful rezoning to CD-RM-12, for the use of an assisted living facility and multifamily dwellings. The remaining 2.968 acres will remain a public park facility and is not subject to this rezoning request. The properties to the north and east of the subject site are zoned R-5 (single family dwellings). South of the request is zoned RM-12 (single family dwellings). West of the request, fronting Flint Street, is also zoned RM-12 (senior living facility).

The applicant has requested to rezone the site to CD-RM-12 (Conditional District-Residential Multi-Family) to allow for the construction of multifamily dwellings for the elderly and an assisted living facility, consistent with the existing senior living facility located to the west.

The property is currently designated as both Moderate Residential and Low Residential on the Generalized Future Land Use map (GFLUM). The Low Residential designation is intended to include single-family neighborhoods as well as other compatible housing types that can be accommodated within a three to five units per acre density range. The Moderate Residential designation is intended to accommodate housing types ranging from small-lot, single-family detached and attached single family dwellings such as townhomes to moderate density, low-rise apartment dwellings.

The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Housing and Neighborhoods goal to 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.

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-RM-12** (Conditional District-Residential Multi-Family) zoning district.