



Z-14-06-003

REMANDED FROM SUPERIOR COURT

Planning Department

Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: November 10, 2014

GENERAL INFORMATION

APPLICANT	Greensboro-MLK FDS
HEARING TYPE	Quasi-Judicial
REQUEST	Special Use Permit to construct a non-residential building over 3,000 square feet but less than 10,000 square feet in a TN District.
CONDITIONS	1. All building facades visible from Martin Luther King Jr. Drive and Douglas Street shall be constructed of masonry materials (brick or architectural block), synthetic stucco, or a combination of these materials.
LOCATION	601 and 605 Martin Luther King Jr. Drive , generally described as south of Douglas Street and east of Martin Luther King Jr. Drive.
PARCEL ID NUMBER(S)	7864729405 & 7864820347
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). 102 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~1.50 Acres
TOPOGRAPHY	Flat
VEGETATION	Residential

SITE DATA

Existing Use	Vacant
Adjacent Zoning	Adjacent Land Uses
N TN(Traditional Neighborhood)	Multifamily dwellings
E T-N (Traditional Neighborhood)/R-5 (Residential Single Family)	Single-family dwellings
W R-5 (Single Family Residential)	Single-family dwellings
S C-L (Commercial-Low) R-5 (Residential Single-Family)	Restaurant with a drive-through facility Single family dwellings

Zoning History

Case #	Date	Request Summary
N/A	N/A	The property has been zoned TN (Traditional Neighborhood) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO) it was zoned TN1 (Traditional Neighborhood).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (TN)	Requested (SUP for a non-residential building over 3,000 square feet but less than 10,000 square feet in a TN District)
Max. Density:	N/A	N/A
Typical Uses	Primarily intended to establish and strengthen compact neighborhoods with a district sense of place and character that are limited in size and oriented toward pedestrian activity.	A Special Use permit is requested for a non-residential building over 3,000 square feet but less than 10,000 square feet in a TN District

**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 South Greensboro National Register Historic District. Accordingly a Section 106 Environmental Review was conducted, in cooperation with the State Historic Preservation Office. This review evaluated designs for the site and planned structure in reference to the historic character of the surrounding neighborhood.

Environmental/Soils

Water Supply Watershed Site drains to South Buffalo Creek, non watersupply watershed

Floodplains >2000ft

Streams N/A

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

Utilities

Potable Water Water is available

Waste Water Sewer is available

Airport Noise Cone

The subject property is not located in the Airport Noise Cone.

Landscaping Requirements

Buffer yards – 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.

Adjoining Single Family - Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100'

Martin Luther King Dr. & Douglas St. - Street Yard – minimum width 6'; 2 canopy trees per 100'

Street Yard Standards - Neighborhood General

Minimum Yard Width 6 ft

Average Yard Width 6 ft

Canopy Trees Rate 2/100 ft

Trees installed in wells shall utilize ADA compliant tree grates.

Street trees are required to be planted along both sides of all streets within the district as development occurs, including single family developments. Provisions should also be made to encourage private property owners not undertaking new development to follow a similar street tree planting program. Trees should be placed so they compliment the face of buildings. Spacing should be selected to avoid their placement in front of building entrances, storefronts, or signage.

Priority should be placed on pedestrian crossings and between buildings. Where overhead utility lines or lack of yard width prevent the planting of canopy trees, understory trees may be substituted at the rate of 3/100 ft.

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.

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 ac.

Not applicable

Transportation

Street Classification: Martin Luther King Jr. Drive – Minor Thoroughfare.
Douglas Street – Local 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 exist along the frontage of this property.
Transit in Vicinity:	Yes, GTA Route 4 (Benbow / Willow Road) is adjacent to subject site, along Martin Luther King Jr. Drive.
Traffic Impact Study: (TIS)	No. Projected trips for standalone discount store fall below TIS requirement thresholds.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **SUP (Special Use Permit)** would allow establishment of an additional land use (non-residential building over 3,000 square feet, but less than 10,000 square feet) within an existing **TN (Traditional Neighborhood)** zoning district, that is compatible with said zoning district and with the general character of the area.

Connections 2025 Comprehensive Plan Policies

The Generalized Future Land Use Map (GFLUM) designates this location as **Mixed Use Residential**. The requested **SUP (Special Use Permit)** for the establishment of a land use (non-residential building over 3,000 square feet, but less than 10,000 square feet) within an existing **TN (Traditional Neighborhood)** zoning district is generally consistent with this GFLUM designation. The Growth Strategy Map designates the subject site as being within the South Elm-Eugene Street / Martin Luther King, Jr. Drive Reinvestment Area.

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.

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 5D - Preserve and promote Greensboro's historic resources and heritage.

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

Mixed Use Residential: This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

Reinvestment Area: Reinvestment Areas and Corridors represent priority opportunities for combined public and private sector reinvestment and the application of policies described in Section 4.5.1 (Reinvestment/Infill). More specifically, Reinvestment Areas are neighborhoods and districts within Greensboro's urban areas that would most benefit from actions to promote compatible infill development and other forms of investment and reinvestment.

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.

Goal C: Improve the safety of transportation systems and facilities, especially for vulnerable transportation users (children, seniors, handicapped adults, pedestrians, bicyclists).

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.

Principle 6 – Value Communities and Neighborhoods:

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

Goal C: Promote healthy lifestyles and complete, livable 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:

Goals:

Goal 3 – Create acceptable, integrated commercial and residential patterns

Goal 5 – Develop guidelines for developers, residents, and builders to implement the vision of the neighborhood

Urban Design & Development Principles:

Principle 1 – The essential neighborhood character should be defined by the diversity of historic architectural styles, the scale of houses, and the character of the street.

Principle 2 – Streets should have continuous building frontage with parking located at the rear of the lot or behind buildings. Front yards should be a hallmark of Ole Asheboro houses.

Principle 3 – Martin Luther King, Jr. Drive should have buildings of multiple scales. The character of the street should transition from historically appropriate, large, single-family houses in the south to more attached, mixed-use buildings towards the north and Downtown.

Principle 6 – Recreational and pedestrian connections should unify the neighborhood's parks as well as connect them to city-wide and regional open space amenities and institutions.

Principle 7 – Basic streetscape infrastructure of sidewalks and pedestrian-scaled lighting should be installed where possible in Ole Asheboro.

Other Plans

n/a

STAFF/AGENCY COMMENTS

Community Outreach

Although it is not required, the applicant is strongly encouraged to discuss the requested Special Use Permit and proposed change of use (non-residential building over 3,000 square feet, but less than 10,000 square feet) with owners of surrounding properties and with representatives of the Ole Asheboro Neighborhood, within which the subject site is located.

Based on the proximity of the subject site to the route of the planned Downtown Greenway, long term vitality of this proposed change of use would be greatly enhanced by provision of secure, accessible bicycle parking facilities.

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),
- Historically Under-utilized Business Zone tax credits (federal),
- Urban Progress Zone tax credits (state), and
- Urban Development Investment Incentives (local).

Planning

This analysis is based on factual information provided to staff as indicated in this report. The recommendation of staff below is only to be considered to the degree that this information is determined to be consistent with the competent evidence presented at the Special Use Permit hearing before the Zoning Commission. It is not intended to replace the objective fact finding role of the Commission at this hearing.

The subject properties contain 1.50 acres and are both currently vacant. The applicant is interested in constructing a non-residential building over 3,000 square feet but less than 10,000 square feet which requires a Special Use Permit under the current provisions of the Land Development Ordinance (LDO) for Traditional Neighborhood zoned property. The surrounding properties are primarily developed with a mix of single family and multifamily development, with some commercial development southwest of the subject property.

Section 30-7-7.3 (A) of the Land Development Ordinance, states non-residential buildings not to exceed 10,000 square feet may be approved with a Special Use Permit provided the intent of the district is met.

To be approved, this request must conform to the intent and purpose of the Zoning Ordinance and the Comprehensive Plan. The bullets outlined below provide information that may be considered in conjunction with testimony provided at the hearing.

1. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - General Principle 3 of the Martin Luther King Jr Drive North TND Plan states Martin Luther King, Jr. Drive should have buildings of multiple scales. The character of the street should transition from historically appropriate, large, single-family houses in the south to more attached, mixed-use buildings.
 - The MLK N./Ole Asheboro Plan identifies retail gaps in most categories of retail stores, especially general merchandise, grocery stores, motor vehicle and parts dealers, and foodservice and drinking.
 - The request is associated with several goals identified in the Connections 2025 Comprehensive Plan, including:
 - 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; and
 - Goal C:** Improve the safety of transportation systems and facilities,

especially for vulnerable transportation users (children, seniors, handicapped adults, pedestrians, bicyclists)

Goal D: Ensure present and future Greensboro citizens a choice of decent, affordable housing in stable, livable neighborhoods that offer the necessary array of services and facilities

Goal E: Ensure measures to protect neighborhoods from potential negative impacts of development including protection against incompatible commercial encroachments into residential neighborhoods.

2. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community; and
 - A March 29, 2012 Market and Feasibility Report, prepared by Teska & VSKA, identifies an opportunity gap for general merchandise within the Ole Asheboro Community. It further identifies the subject site, A-4, as a viable retail development site with excellent visibility to Martin Luther King Jr. Drive.
 - The March 29, 2012 Market and Feasibility Report, prepared by Teska & VSKA, also recognizes that the subject site could support up to a 20,000 sq. ft. retail anchor with sufficient parking to support the retail use.
 - The site plan and utility plan for the proposed retail tenant have been reviewed and approved by the North Carolina State Historic Preservation Office as documented in a letter received by City staff dated September 11, 2014.
3. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.
 - Goal 3 of the Martin Luther King Jr. Drive North TND Plan seeks to create acceptable, integrated commercial and residential patterns and supports the restoration of commercial services into the community.
 - The subject site is currently classified as Neighborhood General (NG) in the Martin Luther King Jr. Drive North TND Plan. Department, Variety or General Merchandise Stores are a permitted use for properties designated NG in this TND Plan.
 - The Connections 2025 Comprehensive Plan classifies the subject site as Mixed Use Residential. This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested **SUP (Special Use Permit)**.