



Z-17-01-001

**City of Greensboro Planning Department  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: January 18, 2017**

**GENERAL INFORMATION**

<b>APPLICANT</b>	William Seymour for Ron Kohler (EK Holding Co LLC)
<b>HEARING TYPE</b>	Rezoning Request
<b>REQUEST</b>	Rezone from R-3 (Residential Single-Family) and CD-RM-8 (Conditional District Residential Multifamily) to CD-RM-8 (Conditional District Residential Multifamily).
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. Uses shall be limited to a child daycare center.</li><li>2. For property addressed at the 3231 Horse Pen Creek Road location, students/attendees shall be limited to a maximum of 80 and for property addressed at the 3235 Horse Pen Creek Road location; students/attendees shall be limited to a maximum of 120.</li><li>3. For property addressed at 3231 Horse Pen Creek Road, only one building shall be located on the property, one story in height and limited to a maximum of 5,500 square feet. For property addressed at 3235 Horse Pen Creek Road, the maximum square footage shall not exceed 7,500 square feet.</li><li>4. Days and hours of operation shall be limited from 7:00 AM to 6:00 PM, Monday through Friday.</li><li>5. All exterior lighting shall not exceed 25 feet in height.</li><li>6. Along the western and northern boundary of the property addressed 3231 Horse Pen Creek Road and the northern boundary of the property addressed 3235 Horse Pen Creek Road - Existing vegetation growing within required buffer planting yards shall be preserved and supplemented with evergreen understory trees (minimum 8 ft. in height when planted) and evergreen shrubs (capable of growing to a minimum height of 4 feet) to provide a continuous visual screen  Along the eastern boundary of the property addressed 3235 Horse Pen Creek Road - A 15' wide Type C buffer yard shall be provided with a planting rate of 2 canopy trees, 3 understory trees, and 17 shrubs per 100 linear feet. All understory trees (minimum 8 ft. height when planted) and shrubs (capable of</li></ol>

growing to a minimum height of 4 feet) shall be of evergreen material

**LOCATION**

3231 and 3235 Horse Pen Creek Road

**PARCEL ID NUMBER(S)**

**Multiple**

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

**TRACT SIZE**

2.14 Acres

**TOPOGRAPHY**

Fairly flat

**VEGETATION**

Residential and commercial

**SITE DATA**

**Existing Use**

Daycare Center and single family dwelling

**Adjacent Zoning**

**Adjacent Land Uses**

N	CD-RM-5
E	CD-R-3
W	CD-RM-5
S	R-3

Townhomes
Single family dwellings
Townhomes
Single family dwelling

**Zoning History**

Case #	Date	Request Summary
3811	7/29/11	<p>The subject property at 3231 Horse Pen Creek Road was rezoned from R-3 (Residential Single Family) to CD-RM-8 (Conditional District Residential Multifamily) with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Uses: Uses shall be limited to a child daycare center.</li> <li>2. Students/attendees shall be limited to a maximum of 80.</li> <li>3. There shall be a maximum of one building located on the property, one story in height and limited to a maximum of 5,000 square feet of interior space.</li> <li>4. Hours of operation of the daycare facility shall be limited to 7:00 AM to 6:00 PM, Monday –Friday.</li> <li>5. All exterior lighting shall be cut-off fixtures, not more than 25 feet in height and shall be directed away from adjoining properties.</li> <li>6. In addition to a Street Yard, along the northern and western property lines, the developer shall preserve the existing natural vegetation growing within the required planting yard or shall plant a planting yard consisting of evergreen understory trees and shrubs to provide a continuous visual screen between the adjacent properties and the subject property. All understory trees shall be a minimum of 8 ft. in height when planted and all shrubs shall be capable of growing to a minimum of 4 ft.</li> </ol>

The subject property addressed 3235 Horse Pen Creek Road is currently zoned R-3 (Residential Single-Family) and prior to the adoption of the LDO in July 2010, was zoned RS-12 (Residential Single-Family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing (R-3)	Existing (CD-RM-8)	Requested (CD-RM-8)
Max. Density:	3.0 units per acre or less.	8.0 units per acre or less	8.0 units per acre or less
Typical Uses	Primarily intended to accommodate low density single-family detached residential development.	Limited to child daycare center	Limited to child daycare center

*\*These regulations may not reflect all requirements for all situations; see the City of Greensboro Land Development Ordinance for all applicable regulations for site requirements for this zoning district.*

**SPECIAL INFORMATION****Overlay District Ordinance/Historic Preservation**

The subject site is partially (southeastern portion) located within the AO, Airport Overlay District / 60 decibel noise level noise cone of the Piedmont Triad International Airport. However, because the tract is split by the boundary of the AO District, development on the entire tract is considered exempt from the provisions of this overlay district, provided that exemption would not adjust the boundary line for the overlay by more than 600 feet.

**Environmental/Soils**

Water Supply Site drains to Greensboro Watersupply Watershed, WSIII, Ready Fork Watershed

Floodplains >2000FT

Streams N/A

Other: Site must meet current watersupply watershed requirements, water quality and water quantity must be addressed. Max. High Density development for watershed is 50%. Site is also located within the 5 mile statue radius of the PTI Airport. BMP's that do not hold a normal pool elevation are encouraged.

**Utilities**

Potable Water Available

Waste Water Available

**Airport Overlay District & Noise Cone**

The subject site is located within the AO, Airport Overlay District of the Piedmont Triad International Airport. The Airport Overlay District is intended to be limited to industrial uses and other uses that support airport operations, and to limit residential uses to very low densities near the Piedmont Triad International Airport in order to minimize the negative effects of aircraft noise on homes and prohibits the erection of structures which would, by virtue of their height, interfere with operations at the airport. All development within an Airport Overlay District must comply with the following:

1. All permit applications, site plans and other plans proposing buildings, signs and other structures with a height of 50 feet or more must be accompanied by written documentation from the Piedmont Triad International Airport Authority indicating that the proposal complies with all applicable airport regulations. No permit or other plan approval may be granted without such written documentation.
2. Residential uses are prohibited with the exception of single-family detached dwellings on lots that are at least 40,000 square feet in area.

**Landscaping & Tree Conservation Requirements**

**Landscaping:**

**Street Yards:** Street planting yards must be installed abutting public street rights-of-way. 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.

**Buffer Yards:** Buffer yards on rear and side property lines for both properties shall be installed per item number 6 of the Zoning Conditions.

**Parking Lots:** Trees for required parking spaces: 1 canopy tree per 12 spaces, in islands or medians within the parking lot.

**Tree Conservation:**

For each parcel, 1% of parcel size in critical root zone to be dedicated for Tree Conservation.

**Transportation**

- Street Classification: Horse Pen Creek Road – Minor Thoroughfare.
- Site Access: All access(s) must be designed and constructed to the City of Greensboro standards.
- Traffic Counts: Horse Pen Creek Road ADT = 15,193 (GDOT, 2014)
- 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: No.
- Traffic Impact Study: No TIS required per TIS Ordinance.  
(TIS)
- Street Connectivity: N/A.
- Other: Subject site is within the limits of the Horse Pen Creek Road Widening Project that is scheduled to begin construction spring of 2017.

## **IMPACT/POLICY ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-RM-8 (Conditional District – Residential, Multi-family – 8 du/ac)** zoning, as conditioned, 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 designates this location as **Low Residential (3-5 d.u./acre)**. The requested **CD-RM-8 (Conditional District – Residential, Multi-family – 8 du/ac)** zoning district, as conditioned, is generally inconsistent with the **Low Residential (3-5 d.u./acre)** 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 4A:** Remove present impediments to infill and investment in urban areas.

**Policy 4B:** Target capital investments to leverage private 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.

**Policy 4D:** Identify potential opportunities and selectively target, plan and promote development/reuse initiatives.

**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 5E:** Improve the aesthetic quality of publicly owned and maintained 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 7A:** Target city investment and regulatory policies for economic development.

**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 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.

**Comprehensive Plan Amendment History**

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

**Applicant Stated Reasons for Request**

"A rezoning application is being filed to change rezoning from R-3 to CD-RM-8 to allow for the development of a daycare center. The daycare center will be an expansion of the adjacent daycare center and is needed to meet demand in the area. The non-residential use of a daycare center on this lot size (1.24 acres) is not compatible with the Low Residential category. 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. The proposed category, Mixed Use Commercial, applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. This district is also applied in areas suited to a diverse mix of housing types and densities."

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

"This area has experienced substantial growth and the Horse Pen Creek Road widening project plan is being implemented to address current and future development. The development along Horse Pen Creek Road has included multi-family, medical offices, recreational facilities, daycare centers, self storage facilities, and several educational facilities. This amendment is needed to allow for the proposed daycare center to be developed. The current daycare center on the adjacent property is experiencing waiting lists and wants to provide an additional facility to meet growing demand in the area."

## **COMPREHENSIVE PLAN POLICY ANALYSIS**

### **Need for Proposed Change**

The requested **CD-RM-8 (Conditional District – Residential, Multi-family – 8 du/ac)** zoning, as conditioned, would allow uses that are incompatible with the subject site's current designations in the GFLUM as **Low Residential (3-5 d.u./acre)**. If approved, the requested GFLUM amendment (CP 16-13) to **Mixed Use Residential** would resolve 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**

The Planning Board reviewed GFLUM amendment request CP 16-13 during its meeting on December 21, 2016. The Planning Board commented that the proposed change seems to be in character with the area and supports the intended use.

## **CONFORMITY WITH OTHER PLANS**

### **City Plans**

#### ***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 ANALYSIS AND RECOMMENDATION****Community Outreach**

Applicant is strongly encouraged to discuss this proposed rezoning and development with owners of surrounding properties and with representatives of the adjacent Laurel Run Neighborhood located to the north, east, and west of the subject site.

Based on the proximity of the subject site to planned bike lanes on Horse Pen Creek Road, long term safety and accessibility for users and employees at the subject site would be greatly enhanced by provision of secure, convenient bicycle parking.

**Staff Analysis**

This 2.14 acre subject site is a combination of an existing childcare facility and a single family dwelling and zoned a combination of residential multifamily (CD-RM-8) that includes childcare uses and single family residential (R-3). North and west of the site are townhomes (zoned CD-RM-5). East of the site are single family dwellings (zoned CD-R-3) and south of the site are single family dwellings (zoned R-3).

The Comprehensive Plan's future land use map designates this area as Low Residential. The Low Residential classification includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within a density range of 3 to 5 dwelling units per gross acre or less. As part of this request the applicant has requested a change to the Mixed Use Residential designation. The Mixed Use Residential designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced.

This requested CD-RM-8 zoning expands upon the previously approved CD-RM-8 on a portion of the site for childcare uses and is generally consistent with the development patterns in this area along Horse Pen Creek Road. The proposed conditions with this request also ensure compatibility with adjacent residential development through limitations on the scale of uses and inclusion of enhanced vegetative buffers. The proposed request supports the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy, diversified economy.

This request is consistent with the intent and purpose of the zoning code, the Comprehensive Plan (Connections 2025) and is generally compatible with the existing development and trend in the surrounding area.

**Staff Recommendation**

Staff recommends **approval** of the requested **CD-RM-8** (Conditional District-Office) zoning district.