



Z-11-04-005

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

**Zoning Commission Hearing Date: April 11, 2011**

**GENERAL INFORMATION**

**APPLICANT** Shepherd's Way Day School for Loretta H. Brown

**HEARING TYPE** Rezoning

**REQUEST** R-3 (Residential-Single Family) to  
CD-C-N (Conditional District-Commercial-Neighborhood)

**CONDITIONS** 1. Uses: Limited to a child day care center and offices for personal and professional services

**LOCATION** **4110, 4112, 4108 Lawndale Drive and 4201 Lake Jeanette Road**, generally described as east of Lawndale Drive, west of Lake Jeanette Road and the terminus of Country Park Road

**PARCEL ID NUMBER(S)** **7856454975, 7856464008 and 7856465059**

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

**TRACT SIZE** ~1.63 Acres

**TOPOGRAPHY** Slopes to the west

**VEGETATION** Residential landscaping and woods

**SITE DATA**

**Existing Use** Single-family dwelling and a vacant lot

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	R-3 (Residential-Single Family)	Single-family dwellings
E	R-3 (Residential-Single Family)	Single-family dwellings
W	R-3 (Residential-Single Family)	Single-family dwellings
S	R-3 (Residential-Single Family)	Undeveloped parcel

**Zoning History**

Case #	Date	Request Summary
05/14/2007		<p>In May of 2007, there was a request to rezone this property from RS-15 (Residential-Single Family) to CD-GB (Conditional District – General Business) with the following conditions:</p> <ol style="list-style-type: none"> <li>1) All permitted uses in the General Business zoning district except Land Clearing and Inert Debris Landfills, Nursing or Convalescent Homes, Psychiatric Hospitals, Automobile Repair Services (Major and Minor), Automobile Towing and Storage Services, Car Washes, Equipment Repairs, Funeral Homes or Crematoriums, Convenience Stores with Fuel Pumps, Fuel Sales, Motor Vehicle Sales (new and used), Motorcycle Sales, Gasoline Service Stations, and any use requiring drive-thru service.</li> <li>2) The front façade of any building shall be constructed of primarily brick, stone, stucco, textured masonry and/or glass.</li> <li>3) The property will be designed and developed in a unified manner and will incorporate similar and complementary architectural features such as masonry materials and roof materials, planting materials, signage, lighting and paving surfaces.</li> <li>4) The maximum height of any building shall be two above ground stories.</li> <li>5) Interior pedestrian circulation between principal buildings, and between principal buildings and public streets, shall be provided through the use of clearly defined walkways. For the purposes of compliance with this condition, walkways may be defined by painted cross-hatched areas.</li> </ol> <p>This request was recommended for a denial by the Zoning Commission and subsequently withdrawn by the applicant.</p>
08/13/2007		<p>Again in August of 2007, the Planning Department received a request to rezone this property from RS-15 (Residential-Single Family) to CD-GO-M (Conditional District-General Office-Moderate Intensity) with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Uses: All uses permitted in the GO-M zoning district except those uses requiring drive-thru service.</li> <li>2. The front façade of any building shall be constructed of primarily brick, stone, stucco, textured masonry and/or glass.</li> <li>3. The property will be designed and developed in a unified manner and will incorporate similar and complementary architectural features such as masonry materials and roof materials, planting materials, signage, lighting and paving surfaces.</li> </ol>

4. The maximum height of any building shall be one above ground story.
5. Interior pedestrian circulation between principal buildings, and between principal buildings and public streets, shall be provided through the use of clearly defined walkways. For the purposes of compliance with this condition, walkways may be defined by painted cross-hatched areas.

The following five conditions were added to the request at the Zoning Commission meeting;

6. On site lighting will be designed and constructed and installed to control glare and to minimize obtrusive light while maintaining safety.
7. A fence of wood and/or brick construction shall be constructed on the northern boundary of the property and shall be a minimum of five (5) feet high.
8. The planting yard rate along the project's boundary with Lake Jeanette Road shall be double what is otherwise required by the City's Development Ordinance, effective on the date of the ordinance rezoning this property to CD-GO-M.
9. As part of the planting yard along Lake Jeanette Road a berm with a maximum height of five (5) feet and an average height of three (3) feet shall be installed.
10. The site shall utilize a common signage plan.

The Zoning Commission vote favorably to recommended approval of this request. The request was however subsequently withdrawn by the applicant.

This property has been zoned R-3 (Residential-Single Family) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned RS-15 (Residential-Single Family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-3)</b>	Requested <b>(CD-C-N)</b>
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate low density single-family detached residential development.	Primarily intended to accommodate a mix of low intensity office, retail and personal service and upper story residential uses within residential areas. The district is established to provide convenient locations for businesses on small to mid-sized sites which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists.

*\*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 Watershed Site is in Greensboro Watersupply Watershed & drains to Lake Jeanette Watershed

Floodplains N/A

Streams N/A

Other: If High Density is proposed, site must meet current watersupply watershed requirements. If Low Density development is proposed, a scoresheet is required for water quality.

**Utilities**

Potable Water N/A

Waste Water N/A

**Airport Noise Cone**

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

**Landscaping Requirements**

**Applicability**

Multi-family, nonresidential and mixed-use development in RM-40, MU-M, MU-H, CN and CB districts are subject to the urban landscaping requirements of this section.

**Pedestrian Landscaping**

Pedestrian landscaping is required along all street frontages. Pedestrian landscaping

requirements can be met by one or a combination of the following 4 options:

- A. providing a street planting yard measured from the edge of the right-of-way or back of sidewalk (whichever is farther from the centerline) that includes 2 canopy trees per 100 linear feet or 6 understory trees per 100 linear feet when located within 15 feet of overhead utilities;
- B. providing a minimum 10-foot wide sidewalk with canopy trees planted in tree wells (with grates) at 30-foot intervals;
- C. providing a minimum 10-foot wide sidewalk that is at least 50% covered with weather-protection materials (such as canopies and awnings); or
- D. providing a plaza between the building and the right-of-way a minimum of 10 feet in width along 50% of the building wall that consists of pavers or hardscape material different from the sidewalk and permanently fixed planters with vegetation.

### **Vehicular Use Area Screening**

- A. The perimeter of all vehicular use areas must be screened from any abutting residentially zoned property. Such screening must consist of one or a combination of the following 2 options:
  1. A 4-foot-high masonry wall; or
  2. A planting yard with a minimum width of 5 feet, a 100% sight-obscuring fence with a height of at least 6 feet and at least one evergreen understory tree per 30 linear feet of planting yard (planted on the outside of the fence).
- B. The perimeter of all vehicular use areas containing 10 or more parking spaces or 400 square feet or more paved area must be screened from all abutting rights-of-way. Such screening must consist of one or a combination of the following 2 options:
  1. A minimum 5-foot wide planting yard and enough evergreen shrubs to form a continuous visual screen at least 2.5 feet in height and a maximum of 3.5 feet in height; or
  2. A minimum 5-foot wide planting yard with a combination of vegetation and open decorative fencing at least 2.5 feet in height and a maximum of 3.5 feet in height.

### **Surface Parking Lot Landscaping**

Requiring landscaping within parking areas is intended to shade and improve the attractiveness of large areas of pavement.

#### **A. Required Landscaping**

Parking lot planting yards are required in parking lots containing 10 or more spaces. Parking lot planting yards must include at least one canopy tree for every 10 parking spaces.

1. 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, in driveway medians, or at the end of parking bays.
2. The landowner may provide required landscape islands or planting areas using one or more of the planter sizes below. Each parking space must be entirely within the designated distance of a parking lot planting areas, 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
500-899	3	130
Over 899	5	150

3. 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. The Planning Director is authorized to grant a Type 1 Modification to the standards of Table 10-4 in accordance with Sec. 30-4-11.
4. 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**

1.63 ac.      5% of lot size

**Transportation**

Street Classification:      Lawndale Drive – Major Thoroughfare, Lake Jeanette Road – Minor Thoroughfare.

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

Traffic Counts:                      Lawndale Drive ADT = 17,031(2007), Lake Jeanette Road ADT = 6,190 (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. There is not sidewalk along the Lawndale Drive frontage nor are there any plans to build any. Sidewalk along the Lake Jeanette Road Frontage is currently under construction as a part of the roadway improvement project.

Transit in Vicinity:                      Yes, route 8A, Lawndale Connector.

Traffic Impact Study:                      No, not required per TIS Ordinance.  
(TIS)

Street Connectivity:                      N/A.

Other:                                      N/A.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-C-N** (Conditional District-Commercial-Neighborhood) 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 designates this location as **Low Residential**. Based on adopted City Council policy, the requested **CD-C-N** (Conditional District-Commercial-Neighborhood) zoning district is generally consistent with this GFLUM designation.

### **Connections 2025 Written Policies**

Reinvestment/Infill Goal: 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.

POLICY 4C.1: Establish standards for and promote new forms of compact development.

Housing and Neighborhoods Goal: 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 6A.4: Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible commercial encroachments into residential neighborhoods

### **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 – N/A**

**Other Plans – N/A**

### **Staff/Agency Comments**

#### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning and development with representatives of the adjacent Country Park Acres neighborhood.

## Planning

The subject 1.63-acre property, located east of Lawndale Drive, west of Lake Jeanette Road and the terminus of Country Park Road currently consists of a single-family dwelling and a vacant lot. The general area is characterized by single-family dwellings. The subject site is adjoined to the north, south, east and west by R-3 (Residential-Single Family) zoning district. The applicant intends to redevelop this site for a child day care center and/or offices for personal and professional services.

This request conforms to the intent and purpose of the zoning ordinance in that the requested zoning district, C-N (Commercial-Neighborhood) is primarily intended to accommodate a mix of low intensity office, retail, and personal service and upper story residential uses within residential areas. This district is established to provide convenient locations for businesses on small to midsized sites which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is also not intended to accommodate retail uses which primarily attract passing motorists.

Beside the conditions attached to the request, the C-N (Commercial-Neighborhood) zoning district requires among other things that the maximum building gross floor area be 8,000 square feet, without any single establishment exceeding 4,000 square feet, pedestrian access must be located on the front of a structure, sidewalks must have a minimum width of 6 feet and, where feasible, bicycle parking facilities should be located near entrances. Dual entrances to establishments are also encouraged, allowing pedestrian access to the front of an establishment and access to a parking area through another entrance. Off street parking must be located to the side or rear of the building.

Approving this request will allow uses that can provide neighborhood oriented services in or near residential areas without impacting the overall mix of uses found in this vicinity nor will it negatively impact the adjacent residential uses. It will also promote a healthy, diversified economy with a strong tax base and opportunities for employment and entrepreneurship while at the same time promoting sound investment in Greensboro's urban areas.

Staff further notes that this request is different from the previous two requests made in May and August of 2007 which were all subsequently withdrawn by the applicant. The major difference being that the current request is for a C-N (Commercial-Neighborhood) zoning district with uses limited to a child day care center and/or professional offices, whereas the previous ones were for GB (General Business) zoning district and CD-GO-M (Conditional District-General Office-Moderate Intensity) zoning district respectively, both with a wider range of uses. Staff also feels the current request will be less likely to encourage additional commercial zoning along Lawndale Drive and Lake Jeanette Road as the C-N zoning district is neighborhood oriented by definition and not intended to attract passing motorists. To further assist with neighborhood compatibility, staff would encourage the applicant to consider the addition of appropriate design conditions (examples could be height restrictions or requiring the use of building materials similar to adjacent residential development) to the request to ensure the proposed project will blend harmoniously with the existing neighborhood.

Staff believes that this request is consistent with the intent and purpose of the zoning code and the Comprehensive Plan (Connections 2025). Staff is also of the opinion that the request is compatible with the existing development and trend in the surrounding area with the currently proposed conditions.



**STAFF RECOMMENDATION**

Staff recommends **approval** of the requested **CD-C-N** (Conditional District-Commercial-Neighborhood) zoning district.