



# Z-10-03-001

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

Zoning Commission Hearing Date: March 8, 2010

### GENERAL INFORMATION

<b>APPLICANT</b>	Keramatollah Lashani
<b>HEARING TYPE</b>	Rezoning
<b>REQUEST</b>	<b>RS-12</b> (Residential-Single Family) to <b>CD-LB</b> (Conditional District-Limited Business)
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. Uses: All uses permitted in the Limited Business zoning district <b>except</b> gasoline service station and any use with a drive-thru.</li><li>2. Medical, dental and related offices will be limited to a maximum of 30,000 square feet.</li><li>3. All other offices will be limited to a maximum of 50,000 square feet.</li></ol>
<b>LOCATION</b>	<b>2330 Fleming Road</b> , generally described as the northeast corner of the intersection Fleming Road and Old Acre Court.
<b>PARCEL ID NUMBER (S)</b>	<b>00-11-0694-0-0924-00-018</b>
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City 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). <b>60</b> notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~0.82 acres
<b>TOPOGRAPHY</b>	Slopes to the east
<b>VEGETATION</b>	Residential landscaping

### SITE DATA

**Existing Use** Single-family dwelling unit

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	RS-12 (Residential-Single Family)	Single-Family dwelling units
E	RS-12 (Residential-Single Family)	Single-Family dwelling units
W	RS-12 (Residential-Single Family)	Single-Family dwelling units
S	RS-12 (Residential-Single Family)	Single-Family dwelling units

**Zoning History**

<b>Case #</b>	<b>Date</b>	<b>Request Summary</b>
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This property was annexed into the City as part of the 2008 City-initiated annexation and assigned City RS-12 zoning designation.

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing (RS-12)	Requested (CD-LB)
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate moderate density single-family detached dwellings in developments where public water and sewer service is required.	Primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses, which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas, which are otherwise developed with residences.

\*These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.

**SPECIAL INFORMATION**

**Overlay District Ordinance/Historic Preservation – N/A**

**Environmental/Soils**

Water Supply Watershed	Site drains to Greensboro Water supply/Watershed, Brush Creek
Floodplains	N/A
Streams	N/A
Other:	If high density is proposed (over 24%BUA), a water quality device will be required.

**Utilities**

Potable Water  
Waste Water

**Airport Noise Cone**

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

**Landscaping Requirements**

Location	Required Planting Yard Type and Rate
North	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
South	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
East	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
West	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'

**Tree Preservation Requirements**

Acreage	Requirements
0.82 Ac.	1% of lot area and be located within the required planting yard

**Transportation**

Street Classification:	Fleming Road – Minor Thoroughfare.
Site Access:	All access must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Fleming Road ADT = 14,113 (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 no existing sidewalk along the frontage of this development nor are there any plans for the City to build sidewalk in this area.
Transit in Vicinity:	No transit in the area.
Traffic Impact Study: (TIS)	No, not required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **CD-LB** (Conditional District-Limited Business) zoning would allow land uses that are incompatible 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 du/acre)**. The requested **CD-LB** (Conditional District-Limited Business) zoning district is consistent with this GFLUM designation per adopted Council policy.

**Connections 2025 Written Policies**

*Growth at the Fringe Goal:* Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

*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

*Economic Development Goal:* 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.

**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**

Water Resources - N/A

**Housing and Community Development**

This proposal appears to be inconsistent with the character of the established residential area within which it is located. Applicant is strongly encouraged to discuss this proposal with representatives of the Cardinal Neighborhood (or subset thereof), within which it is located.

**Planning**

The subject site currently consists of a single-family dwelling unit in a very stable single-family residential neighborhood. The applicant is proposing to rezone the property to CD-LB in order to redevelop the site as a shopping plaza.

Staff believes that this request is inconsistent with the intent and purpose of the Comprehensive Plan. Staff is also of the opinion that the request is incompatible with existing development and trends in the surrounding area; especially as this area of the City is well developed with single-family residences. While the Comprehensive Plan calls for compact development and the provision of necessary services and facilities in close proximity to neighborhoods, it also speaks to the need to protect neighborhoods from poorly located incompatible land uses.

The proposed CD-LB zoning would allow uses that are not in harmony with the existing adjacent residential neighborhood; of which this lot is a part of. Staff is of the opinion that disrupting the residential character of the neighborhood with the intrusion of poorly located higher intensity uses is against the intent and purpose of the zoning code. This may set a precedent for additional conversions of low density single-family residences to higher intensity commercial uses.

Staff is also concerned about the potential precedent for encouraging "leap frog" development that effectively breaks up established single family patterns. Approval of this proposal would create an island of higher intensity commercial use in an area that is presently characterized as low density single family. Staff has always discouraged rezoning requests which do not fit the general character of the surrounding neighborhood; unless significant conditions have been submitted and trends in the area indicate transitional patterns. Such requests, especially when located in the middle of the block, tend to be disruptive to and inconsistent with the character of a neighborhood.

Based on all of the above, staff does not recommend establishing a commercial zoning district at this location at this time. This neighborhood is in stable condition and concerns of a potential precedent that may be set for additional conversions of low density single-family residences to higher intensity commercial uses are a major area of concern for this site.

**STAFF RECOMMENDATION**

Staff recommends **denial** of the requested **CD-LB** (Conditional District-Limited Business) zoning district.