



Z-11-05-001

Planning & Community Development Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: May 9, 2011

GENERAL INFORMATION

APPLICANT	Adrianna Harvey for Roger and Jeanette Foley
HEARING TYPE	Rezoning
REQUEST	R-5 (Residential-Single Family) to RM-8 (Residential-Multi Family).
CONDITIONS	N/A
LOCATION	200 Macy Street , generally described as south of Macy Street, west of Roseland Street and east of Georgia Street
PARCEL ID NUMBER(S)	7846045481 and 7846047281
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). 156 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~0.17 Acres
TOPOGRAPHY	Slopes to the south
VEGETATION	Residential landscaping

SITE DATA

Existing Use	Child Day Care Center
Adjacent Zoning	Adjacent Land Uses
N R-5 (Residential-single Family)	Single-Family dwelling unit
E R-5 (Residential-single Family)	Single-Family dwelling unit
W RM-18 (Residential-Multi Family)	Multi-family dwelling units
S RM-18 (Residential-Multi Family)	Multi-family dwelling units

Zoning History

Case #	Date	Request Summary
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This property has been zoned R-5 (Residential-Single Family) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned RS-7 (Residential-Single Family).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (R-5)	Requested (RM-8)
Max. Density:	5 dwelling units per acre	8 dwelling units per acre
Typical Uses	Primarily intended to accommodate low-density single-family detached residential developments.	Primarily intended to accommodate duplexes, twin homes, townhouses, cluster housing, 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 – N/A

North Elm Street Visual Corridor Overlay Zone

Environmental/Soils

Water Supply Watershed N/A, site drains to North Buffalo Creek subbasin

Floodplains N/A

Streams N/A

Other: If >1acre is disturbed site must meet Phase 2 requirements

Utilities

Potable Water

Waste Water

Airport Noise Cone

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

Landscaping Requirements

On lots of record that existed prior to July 1, 1992 that are less than 55,000 square feet in area, no development is required to landscape more than 15% of the site.

Macy St.: Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

South Property Line: NA

West Property Line: NA

East Property Line: Type C Yard – average width 15'; 2 canopy trees per 100', 3 understory trees per 100', 17 shrubs per 100'

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.

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.

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

0.17 ac. 1% of lot size.

Transportation

Street Classification:	Macy Street – Local street.
Site Access:	Access is existing for the in home daycare.
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. There is not sidewalk along the Macy Street frontage nor are there any plans to build any.
Transit in Vicinity:	Yes, route 3, N. Elm Street.
Traffic Impact Study: (TIS)	No, not required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **RM-8** (Residential-Multi Family) 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 Density Residential (3-5 dwelling units per acre)**. Per adopted Council policy, lots less than one acre in size are considered consistent with all GFLUM designations.

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.2: Promote mixed-income neighborhoods.

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.

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.

POLICY 7A.2: Encourage “home-grown” and community-based businesses and entrepreneurs with special emphasis on increasing the number of minority-owned businesses in traditionally underserved parts of the community.

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 Old Irving Park Neighborhood, within which it is located.

Planning

The subject site currently consists of a child day care center. Child day care centers are not permitted in the R-5 zoning district but staff determined that a previous child day care center located at the subject site prior to the current use was a legally non-conforming use. However, the non-conforming status for a child day care center use at this site has been lost due to the fact that the previous day care center ceased operation for a continuous period of more than one year before the establishment of this current one. Per Section 30-2-3.6 (A) of the Land Development Ordinance, a nonconforming use that ceases operations for any reason for a continuous period of **more than one year** may not be reestablished. Any subsequent use of such land must be a use permitted in the district.

The applicant intends to continue to use this site as a child day care center which requires a change to a zoning district that allows a child day care center as a permitted use. The requested RM-8 zoning district does allow a child day care center as a permitted use.

Bordering the subject site to the west and south are multi-family dwelling units and to the north and east are single-family dwelling units. This rezoning request is not contradictory to the intent and purpose of the zoning code. The small size of this site limits development to the existing single family detached structure on site, which also limits the number of children and potential impacts on surrounding properties. The existence of higher density multifamily zoning immediately adjacent to this site also speaks to general compatibility of this request.

Approving this request will help provide a use often found 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 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.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested **RM-8** (Residential-Multi Family) zoning district.