



## Legislation Text

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**File #:** ID 20-0790, **Version:** 1

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### **...Title**

Public Hearing for Ordinance for Rezoning Located at 1414, 1509, 1511 and 1515 West Cone Boulevard and 2111, 2113, 2115 and 2117 Cleburne Street, generally described as south of West Cone Boulevard and west of Cleburne Street - Michael S. Fox, on behalf of Koury Corporation

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Planning

Council District: Proximate to District 3

Public Hearing: Yes

Advertising Date/By: November 5 and 12, 2020

Contact 1 and Phone: Sue Schwartz 373-2149

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### **PURPOSE:**

Michael S. Fox, on behalf of Koury Corporation,, is requesting rezoning from R-3 (Residential Single Family - 3) and R-5 (Residential Single Family - 5) to City CD-RM-26 (Conditional District Residential Multifamily - 26) for 1414, 1509, 1511 and 1515 West Cone Boulevard and 2111, 2113, 2115 and 2117 Cleburne Street, generally described as south of West Cone Boulevard and west of Cleburne Street

As the decision of the Zoning Commission on this request was appealed, the City Council will conduct a public hearing to consider and take action on this request at its **November 17, 2020** meeting.

### **BACKGROUND:**

Following a public hearing on October 19, 2020, the Zoning Commission voted 6-3 to approve this request. There were six speakers in favor and seven in opposition. (See minutes of the August 18, 2020 Zoning Commission meeting). This request is associated with a voluntary annexation petition to access City services to construct new residential dwellings.

This rezoning request includes the following conditions:

1. EXCLUDED USES. Applicant will excluded the following uses on the Property:
  - a. Forestry and crops;
  - b. Manufactured Homes (Class AA);
  - c. Manufactured Home Parks;
  - d. Fraternities and Sororities;
  - e. Private Dormitories;
  - f. Rooming & Boarding Houses;
  - g. All Cemeteries;

- h. Day Care Homes;
- i. Elementary/Secondary Schools, neighborhood scale;
- j. Elementary/Secondary Schools, community scale;
- k. All government uses;
- l. Shelters, Temporary & Emergency;
- m. Tourist Homes (Bed & Breakfast);
- n. Junked Motor Vehicles; [accessory use]
- o. Yard Sales (up to 2 per year); [accessory use]
- p. Land Clearing & Inert Debris Landfills, Minor [temporary use]
- q. Family care homes.
- r. Chartered homes.
- s. Assisted Living Facilities.
- t. All neighborhood-scale cultural and community uses.
- u. All community-scale cultural and community uses.
- v. Day Care Centers.
- w. Group Care Facilities.
- x. Clubs and Lodges.
- y. Golf Course, Driving Ranges, Country Clubs.
- z. Swim and Tennis Clubs.
- aa. Single-Room Occupancy Residences.
- bb. Park and Ride Facilities.
- cc. Accessory Dwelling Units. [accessory use]

## 2. TRAFFIC/ACCESS

- a. Access to the Property shall be limited to the following:
  - i. There shall be a maximum of two (2) access points on Cone Boulevard; and
  - ii. Vehicular access to Cleburne Street shall be limited to a gated emergency access only entrance.
    - 1. Gates shall be constructed to be compatible in material and design with the required fencing along the Cleburne Street property line referenced in Condition 6.

3. DENSITY. The maximum number of multi-family units allowed shall be four hundred eighty (480).

4. BUILDING HEIGHT AND SETBACKS. Applicant will maintain the following building heights and setbacks from the adjacent property lines (see attached Exhibit "A" for designation of Sections listed below):

- a. Immediately abutting Cleburne and adjacent properties on Cleburne Street:
  - i. 35 foot setback for buildings with a maximum height of up to 60 feet.
  - ii. 70 foot setback for buildings with a maximum height of up to 70 feet.
  - iii. 250 foot setback for buildings with a maximum height of up to 80 feet.
- b. Immediately abutting adjacent properties on and Berkshire Lane, Medford Lane, Colonial Avenue, Lafayette Avenue, and Lafayette Court:
  - i. 70 foot setback for buildings with a maximum height of up to 70 feet.
  - ii. 250 foot setback for buildings with a maximum height of up to 80 feet.
- c. No accessory structure may be located closer than 40 feet to any property line abutting

single-family residential homes.

5. **BUFFERS** Applicant will install and maintain the following vegetative buffers along perimeter of the property:

- a. Along Cleburne Street: Enhanced 25 foot width TYPE B BUFFER YARD planting rates with an increase from 5 understory trees to 10 understory evergreens planted 10 feet on center to create a continuous screen.
- b. Along the property line of adjacent properties on Berkshire Lane, Lafayette Court, 2110 Medford Lane and Colonial Avenue from 1506 Colonial Avenue through and including 1514 Colonial Avenue: 25 foot average width TYPE C BUFFER YARD planting rates
- c. Along the property line of adjacent properties from 2111 Medford Lane to 1208 Colonial Avenue: 100 foot wide buffer with all existing trees to remain.
- d. Along the property line of adjacent properties on Colonial Avenue from 1210 Colonial Avenue through and including 1504 Colonial Avenue: 50 foot average width TYPE C BUFFER YARD planting rates.

6. **FENCING.** Applicant will install and maintain the following fencing around the property:

- a. A fence shall be installed along all property lines with a minimum height of 6 feet, where allowed by current ordinances.
- b. The fence shall be constructed of a dark colored ornamental metal (wrought iron, etc.), stone, brick, or masonry-like materials with finished side facing abutting properties.
- c. The fence shall not be constructed of wood, chain-link, plastic/vinyl, or any other materials prohibited by the Land Development Ordinance.

7. **CONSTRUCTION.** Applicant will adhere to the following conditions as related to construction and development of the property:

- a. Any buildings associated with the construction of the property, including construction trailers, equipment shelters, portable restrooms, dedicated subcontractor parking, construction entrances, etc., shall not be located within 75 feet of any property line abutting single-family residential homes.

8. **LIGHTING. (NEW)**

- a. All exterior pole-mounted lighting fixtures shall not exceed 20 feet in height.
- b. Lamps shall be aimed so no direct light shall be visible from adjacent properties.

9. **TRASH DISPOSAL. (NEW)**

- a. Dumpster location(s) shall be no closer than 75 feet to any property line abutting single-family residential homes.
- b. Trash from the Property to be collected and stored in 1 or more Stationary Compaction Units (SCUs), which shall be unloaded off-site.

10. **SIGNAGE. (NEW)**

- a. Any signage requiring a sign permit shall be limited to Cone Boulevard (except for required signage for Cleburne emergency access entrance, which is limited to 4 square feet).

**BUDGET IMPACT:**

This item will have no budget impact.

**RECOMMENDATION / ACTION REQUESTED:**

The Zoning Commission recommended approval of this request 6-3

Planning recommends approval of the CD-RM-26 zoning request based on:

- Request is consistent with the Filling in Our Framework Big Idea to arrange our land uses to create a more vibrant and livable Greensboro.
  
- Request is consistent with Strategy 2 of the Creating Great Places Big Idea to meet housing needs and desires with a sufficient and diverse supply of housing products, prices and locations.