

**City of Greensboro Planning Department
Zoning Staff Report and
Plan Amendment Evaluation
November 13, 2006 Public Hearing**

The information provided in this staff report has been included for the purpose of reviewing proposed zoning changes. Since the zoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review Committee process to address subdivision and development regulations.

Item: M
Location: 1939 & 1941 New Garden Road (west side of New Garden Road between Brassfield Road and Duck Club Road)

Applicant: 1941 New Garden, LLC
Owner: 1941 New Garden, LLC

GFLUM

From: Moderate Residential
To: Mixed Use Commercial

Zoning

From: RS-12
To: CD-GB

- Conditions:**
- 1) Uses: All uses permitted in the Limited Business zoning district except Land Clearing and Inert Debris Landfills, Junked Motor Vehicles, Convenience Store (with and without fuel pumps) and any use requiring drive-thru service.
 - 2) The front façade of any building shall be of primarily brick, stone, stucco, textured masonry and/or glass.
 - 3) All buildings will be developed with similar architectural style, including building façade articulations.
 - 4) Freestanding signage shall be limited to one monument sign along New Garden Road with a maximum height of ten feet.
 - 5) Maximum height of any building shall be limited to two stories.
 - 6) Exterior lighting shall be designed in a manner to eliminate direct illumination onto adjoining residential properties.

SITE INFORMATION	
Maximum Developable Units	N/A
Net Density	N/A
Existing Land Use	Two single family dwellings & undeveloped land
Acreage	2.411
Physical Characteristics	<i>Topography:</i> Eastern slope <i>Vegetation:</i> Wooded <i>Other:</i> N/A
Overlay Districts	N/A
Historic District/Resources	N/A
Generalized Future Land Use	Moderate Residential
Other	N/A

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Fellowship Day School	RS-12
<i>South</i>	Undeveloped	RS-12
<i>East</i>	Future Commercial Development	CD-PDM
<i>West</i>	Brassfield Park Apartments	RM-12

ZONING HISTORY		
Case #	Year	Request Summary
2495	1996	This property has been zoned RS-12 since it was annexed with an effective date of original zoning being July 11, 1996.

DIFFERENCES BETWEEN RS-12 (EXISTING) AND CD-GB (PROPOSED) ZONING DISTRICTS
RS-12: Primarily intended to accommodate moderate density single family detached dwellings in developments where public water and sewer service is required. The overall gross density will typically be 3.0 units per acre or less.
CD-GB: Primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks. See Conditions for use limitations and other restrictions.

TRANSPORTATION	
Street Classification	New Garden Road – Major Thoroughfare.
Site Access	Any proposed access point must be designed and built to the City of Greensboro standards.
Traffic Counts	New Garden Road ADT = 16,500.
Trip Generation	N/A.
Sidewalks	Sidewalks are a requirement of the Development Ordinance. 6' sidewalk with a 4' 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.
Transit	No.
Traffic Impact Study	Not required per TIS Ordinance.
Street Connectivity	N/A.
Other	N/A.

ENVIRONMENTAL REVIEW	
Water Supply Watershed	Yes, site drains to Greensboro Watershed WS III
Floodplains	N/A
Streams	N/A
Other	Maximum BUA allowed is 70% of site acreage (High Density option). For High density option, all existing and proposed BUA must drain and be treated by a State approved BMP (pond or similar).

LANDSCAPING REQUIREMENTS	
Location	Required Planting Yard Type and Rate
<i>North</i>	Type D Yard - 5' avg. width; 2 understory/100', 18 shrubs/100'
<i>South</i>	Street Yard - 8' avg. width; 2 canopy/100', 17shrubs/100'
<i>East</i>	Type D Yard - 5' avg. width; 2 understory/100', 18 shrubs/100'
<i>West</i>	Type B Yard - 30' avg. width; 3 canopy/100'; 5 understory/100', 25 shrubs/100'

CONNECTIONS 2025 COMPREHENSIVE PLAN POLICIES

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 5F.2: Improve design standards for new development to enhance community appearance and sense of place (visual impacts on adjacent 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 7C.1: Ensure that adequate land is zoned and has infrastructure available for the various stages of business development.

Connections 2025 Map Policies:

The area requested for rezoning lies within the following map classifications:

Activity Center: Activity Centers are existing or anticipated future concentrations of uses that function as destinations or hubs of activity for the surrounding area. Typically located in areas of mixed use shown on the Generalized Future Land Use Map, such centers are intended to include features such as a mix of higher intensity uses (housing, retail, office, etc.), compact development patterns, and pedestrian and transit linkages. A one-half mile radius (considered the limit of a comfortable walk) is shown around each activity center except for the Downtown, which functions as an activity center for the entire City. It should be noted that the locations shown on the Generalized Future Land Use Map are conceptual and do not preclude the development of Activity Centers in other locations where they would support the goals and policies of the Comprehensive Plan.

Existing:

Moderate Residential (6-12 d.u./acre): This category accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings.

Proposed:

Mixed Use Commercial: This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. Where applied to older highway corridors characterized by “strip” commercial uses, the intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses. Such areas also may represent opportunities for the introduction of substantial higher density and/or mixed-income housing, with negligible impacts on, or resistance from, nearby single-family neighborhoods. Ensuring that buildings are of the appropriate scale and intensity is critical, as is ensuring that sites are designed in a coordinated, as opposed to a lot-by-lot, manner. New “strip” commercial development is discouraged.

COMPREHENSIVE PLAN AMENDMENT HISTORY		
Case #	Date	Request Summary
		There have not been any map amendments in the immediate vicinity of this case.

APPLICANT STATED REASONS FOR REQUEST

Explain in detail why the change is needed and a justification for such a change:

The applicant is interested in developing a mixed use project (office and limited business uses) to serve the surrounding area. This proposal is not consistent with the existing Moderate Residential designation.

Explain in detail the conditions that you think may warrant a Plan Amendment (i.e. unforeseen circumstances or the emergence of new information, unanticipated changes in development pattern, rezonings, transportation improvements, economic opportunities, changes in socioeconomic conditions, etc.):

Recent development trends in the area have converted several sites to office and retail uses from other land uses. The applicant considers this site to be the last suitable parcel for a small office/retail development to serve this area and the proposal is similar to other nearby developments.

COMPREHENSIVE PLAN ANALYSIS

Need for the Proposed Change:

The applicant wishes to develop a small office/retail complex to serve the surrounding areas off Battleground Avenue and New Garden Road. The current Moderate Residential designation would not support such a development proposal. Several relatively large concentrations of Mixed Use Commercial areas are located to the north and northeast of the site, focused around the intersection of Battleground Avenue and New Garden Road, and continuing both directions on Battleground Avenue.

The site for this proposal is located within a Moderate Residential designated area, between a church to the immediate north of the site and an apartment complex to the immediate west and south. Low Residential areas are located further south, beyond the apartment complex, and across the street.

The proposed change focuses on the question of the appropriate combinations of land use for this area and how many non-residential uses are appropriate. The apartment complex and existing residential neighborhoods to the south of the site, when combined with limited development opportunities across New Garden Road due to existing residential development and environmental constraints, effectively curtails additional non-residential development beyond the proposed site.

A small office/commercial development that is well connected to the adjacent apartment complex and church complex could be appropriate in this area. These connections (particularly pedestrian connections) are needed if the site is truly to be considered "mixed use". The site's proximity to the designated Activity Center focused around the Battleground Avenue/New Garden Road intersection also encourages a true mixture of residential and non-residential uses in this area. As an infill project that seeks to connect existing residential uses to future non-residential uses, it is also important for the new development to be compatible with the adjacent residential areas.

Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service, traffic counts, planned road improvements, transit, accidents statistics, and environmental constraints such as; location within a Water Supply Watershed, floodplain, streams):

As an infill development project, the proposed site is anticipated to have limited impacts on city infrastructure. However, this development, which could draw people beyond the nearby residences along New Garden Road and Battleground Avenue, will generate additional traffic for this area. Connectivity with the adjacent apartment complex will require the expansion of existing public pedestrian facilities.

Implications, if any, the Amendment may have for Other Parts of the Plan:

Impacts from this change should be minimal relative to the Comprehensive Plan, although promotion of connectivity between small office/commercial projects and adjacent residential uses further enhances the concept of mixed use development.

Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3):

None identified

COMPREHENSIVE PLAN MONITORING COMMENTS

The Monitoring Committee met on November 6, 2006, and made the following comments concerning this request:

- Don't break up the block that is designated for higher density residential uses with non-residential uses
- Lots of retail already in the area (with some existing vacancies) so additional retail is not needed
- Could work with area with mixture of uses on site (office and retail) and good connections to adjacent church to north and apartments to south
- Standards to ensure buildings are compatible with adjacent uses are important
- Offices with some smaller retail component could work
- Could be tough site for townhome development
- Retail and office across New Garden Road support similar development for this site
- No general consensus on proposal, but either office or higher density residential seems acceptable, particularly if well connected to and compatible with surrounding uses, while retail should be very limited or not included at all

CONFORMITY WITH OTHER PLANS

The following aspects of relevant plans may be applicable in this case:

City Plans: N/A

Other Plans: N/A

STAFF COMMENTS

Planning: The commercial portion of the CD-Planned Unit Development – Mixed District (#3419), approved by City Council on January 24, 2006, is opposite a portion of the subject property. That section of the PUD consists of 6 acres and permits all uses allowed in the GB District with the exception of a list of certain excluded uses. It is limited to a maximum of 50,000 square feet of gross floor area and is limited to monument signs with a maximum height of 6 feet.

For illustrative purposes, the applicant has submitted a sketch drawing of the property that shows a proposed two-story building with 12,000 square feet for each floor (12,000 square feet of retail and 12,000 square feet of office). The building is oriented toward New Garden Road with a double row of parking between it and the road. Two access drives are shown. To the rear of the subject property and adjacent to the Brassfield Park Apartments, two one-story office buildings are shown which contain 3,600 square feet each. A bio-cell is indicated for the northeastern portion of the property.

Staff has suggested several additional conditions for consideration by the applicant. Interior pedestrian circulation between the principal building(s) and the public street is encouraged by the use of clearly defined walkways. Locating the building closer to New Garden Road with a single bay of parking between the building and street has been strongly encouraged. In order to ensure that the site will not be occupied by a single large retail user, a maximum gross floor area for any single building should be established. Finally, in order to ensure that there will be a mix of retail and office uses, a maximum percentage of gross floor area devoted to retail has been suggested.

The applicant has agreed with several of the staff's suggestions and plans to add conditions at the public hearing.

This property lies on the boundary of an Activity Center which promotes higher density and intensity of uses. This project offers a good transitional land use from the intensive commercial to the north and the higher density residential to the south. This would also be the westernmost extent of nonresidential zoning along this side of New Garden Road.

GDOT: New Garden Road is an important Bicycle/Pedestrian connector.

Water Resources: No additional comments.

Housing and Community Development: No additional comments.

STAFF RECOMMENDATION

Based on all the information contained in this report, the Planning Department recommends approval of the Comprehensive Plan amendment to the Mixed Use Commercial land use classification and approval of the rezoning to Conditional District – General Business primarily due to:

- Extension of Mixed Use Commercial to this property is reasonable given the surrounding land use pattern.
- This property is within an Activity Center which promotes higher intensity of uses.
- The proposal offers a good transitional land use on this side of New Garden Road.
- Conditions of the rezoning help insure compatibility with the adjacent and nearby land uses.